

Decision Document

Spiny Lobster Regulatory Amendment 4

South Atlantic Spiny Lobster Committee
March 2017



February 15, 2017

Background

The overfishing level (OFL), annual catch limit (ACL) and annual catch target (ACT) for spiny lobster were established through Spiny Lobster Amendment 10 and became effective in January 2012. The ACL is set equal to the acceptable biological catch (ABC) based on the Gulf ABC Control Rule, which sets the OFL as the mean of fishing years 2000/01 through 2009/10 plus two standard deviations, and the ABC at the mean of the same time period plus 1.5 standard deviations. These years were selected because they represented a period of at least ten years that reflected conditions of the fishery at that time, and were also relatively stable.

Established in Amendment 10 and effective January 2012:

Overfishing Level (OFL)	7.9 million pounds (mp)
Acceptable Biological Catch (ABC) = Annual Catch Limit (ACL)	7.32 mp
Annual Catch Target (ACT)	6.59 mp

Spiny lobster landings have exceeded the ACT in the past three fishing seasons. Landings exceeded the OFL and ACL in the 2013/14 fishing year, and exceeded the ACL in the 2015/16 fishing year (**Table 1**). The accountability measure for spiny lobster is to convene a review panel if landings exceed the ACT. The panel will review landings and make recommendations to the Councils if corrective action is necessary. The Spiny Lobster Review Panel convened in February 2015 due to landings exceeding the ACT in the 2013/14 fishing season, but did not recommend modifying the OFL, ABC/ACL, or ACT. The Review Panel convened again in January 2016 following the overage in the 2014/15 fishing season, and approved a motion (with opposition) to recommend using the time period of 1991/92 through 2015/16 to set the ABC/ACL. [See Attachment 1 for all recommendations from the Review Panel meetings.].

The 2016 Spiny Lobster Review Panel and the Gulf and South Atlantic Scientific and Statistical Committees (SSCs) have recommended to the Councils to use the time period of 1991/92 through 2015/16 to set the OFL and ABC. The spiny lobster fishery is heavily regulated, including a cap on the number of traps, and a control on output (ACL) is likely not the most effective way to manage the fishery, relative to the input controls in place. The recommended period of 1991/92 through 2015/16 incorporates landings data from periods of low, medium and high levels.

OFL, ABC, ACL and ACT based on SSCs' Recommendations:

Overfishing Level (OFL)	10.46 mp
Acceptable Biological Catch (ABC) = Annual Catch Limit (ACL)	9.60 mp
Annual Catch Target (ACT)	8.64 mp

The Councils are also considering a prohibition on traps for recreational harvest of spiny lobster in the South Atlantic EEZ due to concerns about the number of traps used per individual (no limit); lack of effectiveness of traps to catch spiny lobster north of Florida; negative effects on South Atlantic habitat; and vertical lines that may interact with protected species.

Table 1. Spiny lobster landings (lbs whole weight (ww)) from 1991/92 through 2015/16. The 2012/13 fishing year was the first season after implementation of the ACL (7.32 mp) and ACT (6.59 mp).

Year	Commercial	Recreational	Total
1991/92	6,836,063	1,815,791	8,651,854
1992/93	5,369,099	1,352,443	6,721,542
1993/94	5,310,544	1,883,114	7,193,658
1994/95	7,217,577	1,905,995	9,123,572
1995/96	7,021,047	1,930,718	8,951,765
1996/97	7,745,956	1,922,596	9,668,552
1997/98	7,640,291	2,304,186	9,944,477
1998/99	5,447,746	1,302,677	6,750,423
1999/00	7,668,265	2,461,981	10,130,246
2000/01	5,569,306	1,949,062	7,518,368
2001/02	3,079,121	1,251,081	4,330,202
2002/03	4,572,648	1,455,298	6,027,946
2003/04	4,158,698	1,411,509	5,570,207
2004/05	5,451,391	**	**
2005/06	2,969,121	1,131,014	4,100,135
2006/07	4,824,111	1,304,511	6,128,622
2007/08	3,793,068	1,215,068	5,008,136
2008/09	3,284,879	1,263,508	4,548,387
2009/10	4,393,970	1,265,576	5,659,546
2010/11	5,969,950	1,416,466	7,386,416
2011/12	5,854,173	1,230,408	7,084,581
ACL (7.32 mp) and ACT (6.59 mp) implemented January 2012			
2012/13	4,064,217	1,558,995	5,623,212
2013/14	6,373,005	1,602,654	7,975,659
2014/15	5,436,140	1,621,182	7,057,322
2015/16	6,051,903	1,491,487	7,543,390

** Recreational surveys were not conducted during the 2004/05 fishing year due to the active hurricane season.

The fishing year is August 6 through March 31. Data source: Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute (FWRI)

Expected Timing

✓ Dec 2016: South Atlantic Council provides direction to staff on action(s)/alternatives

✓ Jan/Feb 2017: Gulf Council reviews Regulatory Amendment 4 options paper

March 2017: South Atlantic Council reviews draft Regulatory Amendment 4, approves actions/alternatives, and selects preferred alternatives

April 2017: Gulf Council reviews draft and selects preferred alternatives

April or May 2017: Webinar public hearing?

June 2017: Both Councils review public input, make changes, select preferred alternatives, and approve for formal review

Purpose and Need

The purpose of this amendment is to modify the maximum sustainable yield, status determination criteria, and catch levels for spiny lobster based on updated information and revised scientific recommendations, and to consider restrictions on the use of traps for recreational harvest.

The need for this amendment is to ensure that the maximum sustainable yield, status determination criteria, and catch levels for spiny lobster are based on the best scientific information available and to ensure overfishing does not occur, and to minimize negative effects of recreational traps in the South Atlantic. The proposed actions will contribute to increased social, economic, and biological benefits through sustainable and profitable harvest in accordance with provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act.

COMMITTEE ACTION:

- 1) Review and approve the Purpose and Need.

Action 1: Modify the Current Definitions of Management Benchmarks

Action 1-1: Maximum Sustainable Yield (MSY) and Overfishing Threshold (Maximum Fishing Mortality Threshold [MFMT])

Alternative 1: No Action - The MSY proxy and MFMT are equal to the previous overfishing limit (OFL) as set by the Gulf and South Atlantic SSCs using the mean landings from the years 2001/2002-2009/2010 plus two standard deviations (7.9 mp).

Gulf Preferred Alternative 2: The MSY proxy and MFMT will be equal to the revised OFL as recommended by the Gulf and South Atlantic SSCs using the mean landings from the years 1991/1992-2015/2016 plus two standard deviations (10.46 mp).

Discussion:

In Spiny Lobster Amendment 10, the MSY proxy was designated as the OFL recommended by the Gulf SSC and was determined using the mean of the most recent 10 years of landings (i.e., fishing years 2000/2001-2009/2010) plus two standard deviations from the mean (Tier 3a in Gulf ABC Control Rule).

The MSY proxy and MFMT would be set equal to the OFL, which is consistent with the method used to set these biological reference points in Spiny Lobster Amendment 10. Extending the mean landings time series to include 1991/1992 through 2015/2016 increases the OFL to 10.46 mp. Incorporating the longer time period and also including the most recent four years, the MSY proxy and MFMT are expected to better capture the dynamics of the fishery, which are based on factors beyond biology and harvest.

COMMITTEE ACTIONS:

- 1) Review and approve the alternatives.
 - Revise, remove or add alternatives/options
- 2) Do you want to select a preferred alternative?

Action 1-2: Modify the Annual Catch Limit (ACL) and Annual Catch Target (ACT) for Spiny Lobster

Alternative 1: No Action – The current ACL is equal to the ABC recommended by the Gulf and South Atlantic SSCs using the mean landings from the years 2001/02-2009/10 plus 1.5 standard deviations (7.32 mp). The ACT is 90% of the ACL (6.59 mp).

Gulf Preferred Alternative 2: The ACL is equal to the ABC as recommended by the Gulf and South Atlantic SSCs using the mean landings from the years 1991/92-2015/16 plus 1.5 standard deviations (9.6 mp). The ACT is 90% of the new ACL (8.64 mp).

***Note: A review panel will be convened if there are two consecutive years of low landings, i.e., landings below 5.3 mp.**

Discussion:

The spiny lobster annual catch limit (ACL) is set equal to the acceptable biological catch (ABC) based on the Gulf ABC Control Rule, which sets the ABC be set at the mean of the same time period plus 1.5 standard deviations. These years were selected because they represented a period of at least ten years that reflected conditions of the fishery at that time, and were also relatively stable.

The South Atlantic and Gulf SSCs have recommended to the Councils to use the time period of 1991/92 through 2015/16 to set the OFL and ABC. The fishery is heavily regulated, including a cap on the number of traps, and a control on output (ACL) is likely not the most effective way to manage the fishery, relative to the input controls in place. The recommended period of 1991/92 through 2015/16 incorporates landings data from periods of low, medium and high levels. The Spiny Lobster Review Panel, the South Atlantic Spiny Lobster Advisory Panel (AP) and the Gulf Spiny Lobster AP have recommended setting the ABC/ACL using the time period of 1991/92 through 2015/16. **Figure 1** shows spiny lobster landings from 1991/92 through 2015/16 compared to the current and proposed ACLs and ACTs.

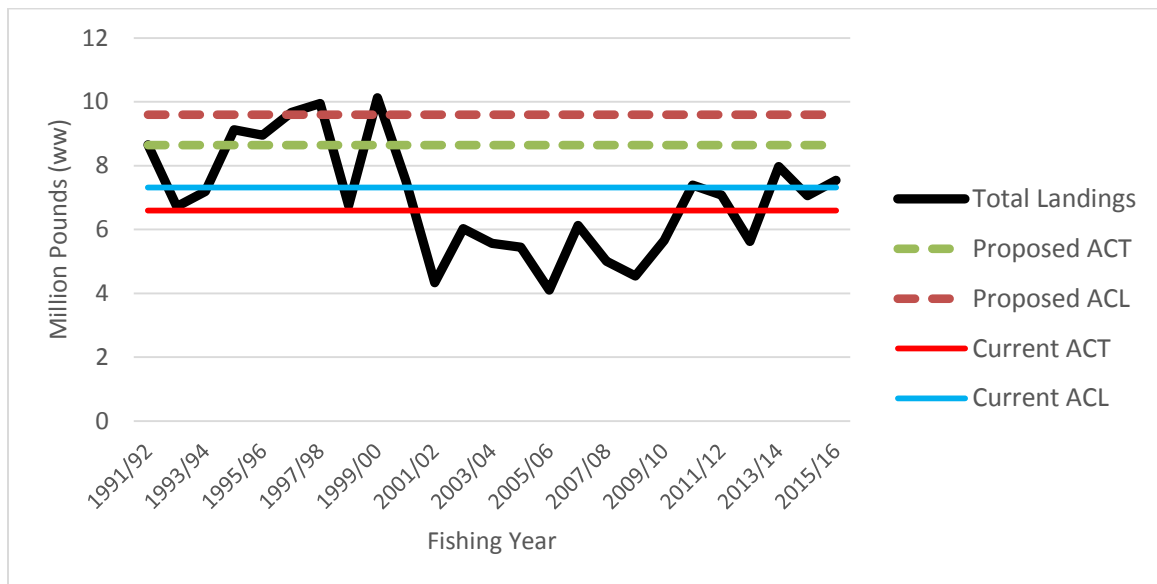


Figure 1. Spiny lobster landings compared to the proposed ACL and ACT in Alternative 2. Note that landings from 2004/05 include only commercial landings (see Table 1).

The AP also expressed that the Councils should monitor the stock for any underages, as this would be a clearer indication of an issue with the fishery. The APs expressed concern that the Review Panel would only catch overages, but that an under-harvest for more than two consecutive years would be a clearer indication of a problem in the fishery. Therefore, the APs recommended a review panel will be convened if the landings are below the average of the three low landings years 2001/02, 2002/03, and 2003/04 (5.3 mp) for two consecutive years to make recommendations on whether or not the fishery management metrics need reevaluation.

COMMITTEE ACTIONS:

- 1) Review and approve the alternatives.
 - Revise, remove or add alternatives/options

- 2) Do you want to select a preferred alternative?

Action 2: Prohibit the Use of Traps for Recreational Harvest of Spiny Lobster in the South Atlantic Exclusive Economic Zone (EEZ)

Alternative 1: No Action – Traps are prohibited gear for recreational harvest of spiny lobster in the EEZ off Florida waters, but are not prohibited for recreational harvest of the species in other parts of the South Atlantic EEZ. Traps must comply with requirements for vessel and gear identification, trap construction, and harvest limits as specified by [50 CFR Part 622](#).

Alternative 2: Prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic EEZ.

Discussion:

The South Atlantic Council is concerned about the use of traps for recreational harvest in the South Atlantic EEZ. Recreational traps are not permitted in Florida state waters or the EEZ off Florida, but are allowable gear for recreational harvest of spiny lobster in the EEZ off Georgia, South Carolina and North Carolina. In general, there has been little interest in harvesting spiny lobster north of Florida with traps, but individuals who want to use traps for recreational spiny lobster harvest outside of Florida must comply with federal regulations for gear and vessel identification, traps construction, and harvest limits in [50 CFR Part 622](#) (the same regulations apply to commercial harvest with traps in Florida waters).

The South Atlantic Council is concerned about the number of traps used per individual (no limit); lack of effectiveness of traps to catch spiny lobster north of Florida in the South Atlantic EEZ; concern about negative effects on South Atlantic habitat without the benefits of effective gear; and concern about vertical lines that may interact with protected species.

COMMITTEE ACTIONS:

- 1) Review and approve the alternatives.
 - Revise, remove or add alternatives/options
- 2) Do you want to select a preferred alternative?