Spiny Lobster Regulatory Amendment 4
Public Comment Summary
May 25, 2017

Summary

The Councils provided a summary document and presentation, in addition to an online form for public comments. The South Atlantic Council held a public hearing webinar on May 9, 2017. Overall, there were three email comments, two verbal comments on the webinar hearing, and one comment received on the online form (as of 5/19/17). All comments were provided to both Councils.

Action 1-1

Two commenters, including the Florida Keys Commercial Fishermen's Association, support the Preferred Alternative. One commenter did not support the preferred alternative and recommended a lower OFL.

Action 1-2

Two commenters, including the Florida Keys Commercial Fishermen's Association, support the Preferred Alternative. One commenter recommended that there be accountability measures if the ACL is exceeded.

Action 2

Three commenters, including the Florida Keys Commercial Fishermen's Association, support the Preferred Alternative. A prohibition on allowing commercial gear to be used for recreational harvest for spiny lobster would reduce the negative effects of abandoned gear and non-compliance.

Two commenters opposed the Preferred Alternative, and suggested a seasonal closure to address concerns with whales in place of a prohibition on recreational traps.

Written comments

Online comment form:
5/4/2017 16:27:29
billcuthbertson@carolina.rr.com
Wilmington NC 28411
Private Recreational Angler
There is absolutely no reason to ban spiny lobster recreational trap fishing in EEZ. As mentioned in your report only 1 person ever has requested a permit. The harvest for this method is non existent and is more of a novelty for anyone participating. If there is a problem regarding the whale migrations, a seasonal closure would be more appropriate.

Email comments:

Bill Kelly (Florida Keys Commercial Fishermen's Association)

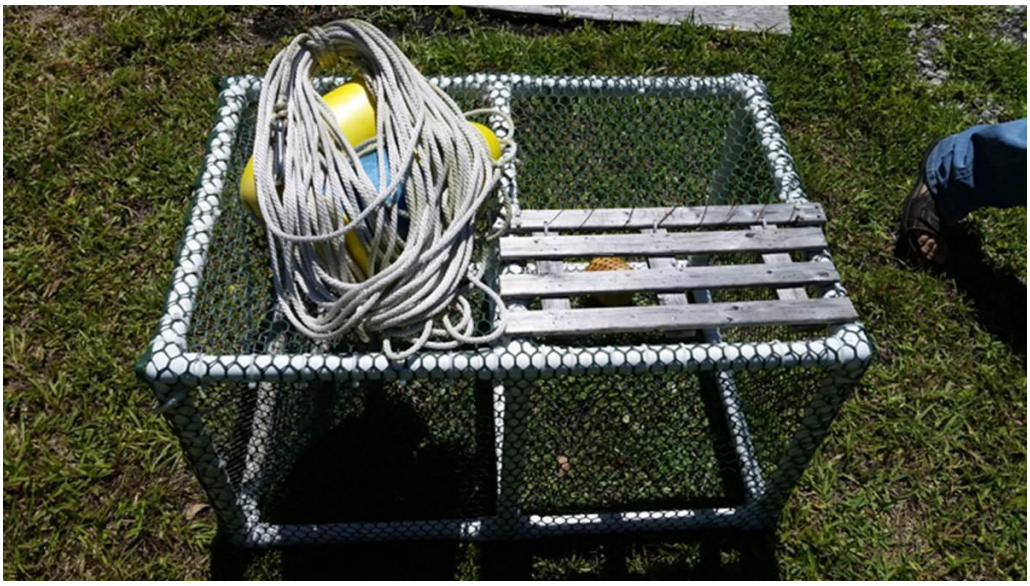
1) The genetic evidence on external recruitment for South Florida and the Keys is so strong it only makes sense to make reasonable adjustments to the ACL. And, as several people have pointed out, let's put the brakes on when harvest rates drop significantly and not when we are seeing cyclical upticks in catches clearly indicative of healthy stock levels.

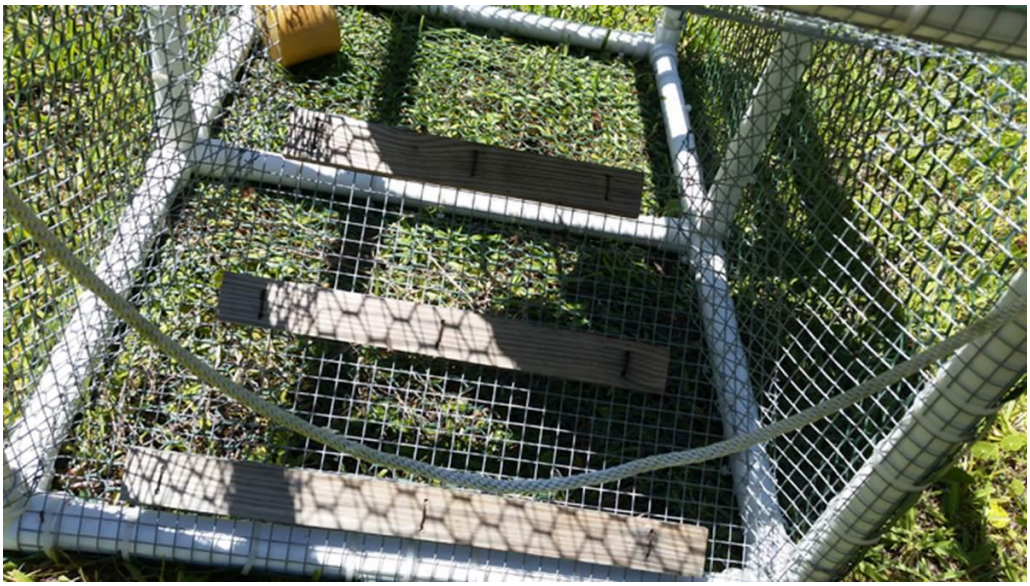
2) With regard to recreational use of commercial trap gear to harvest spiny lobster in the EEZ, I would like to point out some issues we are currently addressing. Florida allows the use of commercial trap gear in state waters to harvest stone crab. Each year we are seeing more and more abandoned traps and in some areas more than 51% of the gear we recover in our annual trap clean-ups is recreational. Many of these traps are left out year-round with ropes and buoys removed so they can intentionally be harvested from. Trap labeling requirements are often ignored and resource violators often go unpunished. We don't need to expand an already faltering program into the lobster fishery in federal waters where water depths are much greater, polccing would be more difficult and abandoned traps would create additional problems.

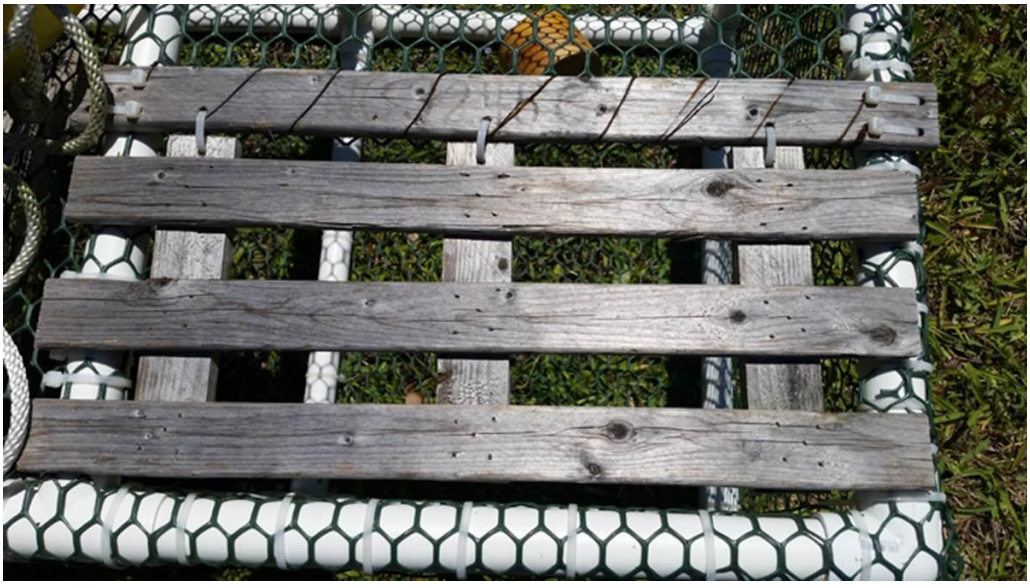
George Dale (NC, recreational):

this is the spiny lobster trap i build last year after going thou all the hoops to use them and fish for spiny lobsters. i use two traps. i don't think it is right to close ban trapping spiny lobster if right whales are the main issues a simple closed season from late fall to end of winter will remove that issue an all out ban is point less in regards to it. the large spiny lobsters off nc are not over coral bottom they are over grass and broken hard bottom. i hope this information helps you make an informed vote on this issue

[Scroll to next page to view attached photos]







PUBLIC HEARING SESSION
WEBINAR
SPINY LOBSTER REGULATORY AMENDMENT 4

MAY 9, 2017

MR. KELLY: Hi this is Bill Kelly with Florida Keys Commercial Fisherman's Association, head quartered in Marathon, Florida. Just wanted to mention that our association supports the preferred alternative as laid out in the Spiny Lobster Amendment 4.

Oh I simply just wanted to say that I've got the raised hand on my screen, that if anyone is listening, that if they go up and click on that red arrow, it will probably move them over and they will see the display of the four items and they'll be about the click on that raised hand.

MS. STAFFORD: Hi I just wanted to put in an official comment on, in the recording, it's Mimi Stafford, Key West, Florida. I'm a member of the Advisory Council for the South Atlantic Fishery Management on the Spiny Lobster issue, and I agree with Bill Kelley that we're supportive of the preferred Amendment 2.

(Whereupon, the public hearing was adjourned)

Transcribed By:
Kimberly Cole
May 10, 2017

Last Name	First Name	Email Address
Atack	Jim	jim.atack@adm.com
Garber	Rudolph	aecwpb@comcast.net
Kelly	Bill	fkcfa1@hotmail.com
Rhodes	Cameron	cameron.rhodes@safmc.net
Stafford	Mimi	simi01@bellsouth.net
Waugh	Gregg	gregg.waugh@safmc.net
Burgess	Erika	erika.burgess@myfwc.com
O'Donnell	Kelli	Kelli.ODonnell@noaa.gov
Shumate	Nicholas	projectomega1994@gmail.com
duval	michelle	michelle.duval@ncdenr.gov

SAFMC Council
SAFMC Spiny Lobster Committee
SAFMC Spiny Lobster AP
Gulf Council Spiny Lobster Committee

Re: Amendment 4 Spiny Lobster May 25, 2017

Action 1: We have heard a lot of the same comments in 2011 that all of the Spiny Lobster in Florida come from other areas of the Caribbean or elsewhere, so we don't need to establish an ACL, ABC, OFL,MSY, etc that will maintain any kind of breeding stock. Please re-read my attached comments from 2011. Since 2011 I have heard that there has been evidence that a significant percentage of the lobsters come from local recruitment (contrary to John Hunts report in ~2010, Amendment 4 acknowledges this) even though there has been very high landings which reduces the percentage from local recruitments. A better managed more sustainable fishery will yield higher percentages from local recruitment.

I think this is a risky position to take and is not the kind of message we should be sending to our Caribbean partners. Is it good practice for them to harvest every living lobster upstream of our waters that is 3" or larger? How would you prefer they manage the stocks where most of the current recruitments come.

If the 10 year mean landings are 5.8 MM (2001/2002 -2009/2010) then I think it is risky to establish the MSY and ACL at 2 standard deviations above the mean (7.9 MM #'s). All other fisheries set limits less than the mean.

This amendment proposes using 1991-2016 mean landings plus two standard deviations to establish a 10.49 MP. I oppose this preferred alternate and recommend a lower OFL. It should be less than the mean landings and there should be accountability measures if the ACL is exceeded.

I think the proper thing to do for the fishery & sustainability is to do what is right for the long term, not the short term. If you leave a higher percentage of the lobsters out there for next year there will be a larger biomass & this will help even out the landings. This could also eliminate or help reduce the negative impacts during lean landing years.

Council should be more conservative with their management measures in the lobster fishery than what are the current "Council's preferred options in Amendment 4". I fear that some of these decisions will be based on pressure from Florida lobstermen, pack houses, greed (lobster is selling at very high prices), and opinions rather than good science and good management practices. When the data is questionable and we don't know what caused the lack of lobster for ~10 consecutive years we should err more on the side of conservation. Council should also put in place accountability measures so that if the ACL is exceeded then the next year's harvest should be reduced by that amount.

Action 2: I endorse the proposed action to extend the prohibition of traps off the coasts of Ga, SC, & NC. I believe this fishery could be devastated in short order if trapping were to be allowed in this area. By the time you could determine that the stock was overfished actions could not be implemented quickly enough to prevent the collapse of the stock.

I also think that there should be another trap reduction program. 425,000 traps can do a lot of damage to the reefs. There has been research done to show that less traps will catch the same number of lobsters with a higher CPUE.

The use of undersized lobsters is deplorable – it is a waste of a valuable resource. Hundreds of thousands of lobsters are wasted this way. By switching to legal sized bait and by rotating these out by taking them to market

the mortality rate on shorts can reduced to almost zero. This is another example of where the Council could have been proactive. Had they listened to the advisory panel members in 2011 the use of shorts in traps would have been eliminated. (Had they listened to the SG AP recommendations several years ago they could have prevented the overfishing of Hogfish).

The SAFMC Spiny Lobster AP recommended (2 years in a row) to do away with using shorts in the lobster trap fishery. Disallowing the use of shorts will provide a reduction in undersized lobster mortality, it will make it easier for law enforcement, it will increase the annual landings, and trap efficiency will not be affected because they will continue to use live lobsters as attractants (albeit legal sized).

1) I have also heard from local lobstermen that when the lobsters get above a certain size they move to deeper water. If this is true, it could also affect local recruitment. Maybe by culling out all lobsters as soon as they reach 3" they don't get to move to an area that will be more likely to re-populate Florida.

I suggest the council take no action on increasing the ACL and suggest they instead institute some payback regulations for when the ACL is exceeded. It is great that the stock has been in good enough shape to provide increased landings over the past few years but we should now be taking actions to ensure that this fishery stays viable and sustainable by capping the total harvest and by reducing the excessive mortality caused by using shorts in the traps.

Sincerely,

Jim Atack

SAFMC Council
SAFMC Spiny Lobster Committee
SAFMC Spiny Lobster AP
Gulf Council Spiny Lobster Committee

Re: Amendment 10 Spiny Lobster April 29, 2011

I hear many people quoting that all of the Spiny Lobster in Florida come from other areas of the Caribbean or elsewhere, so we don't need to establish an ACL, ABC, OFL,MSY, etc that will maintain any kind of breeding stock. I think this is a risky position to take. If the 10 year mean landings are 5.8 MM then I think it is risky to establish the MSY and ACL at 2 standard deviations above the mean (7.9 MM #'s). All other fisheries set limits less than the mean.

I think the proper thing to do for the fishery & sustainability is to do what is right for the long term, not the short term. If you leave a percentage of the lobsters out there for next year (this would be like leaving some money in the bank to draw on next year if you need it), consequently there will be a larger biomass & this will help even out the landings. This could also eliminate or help reduce the negative impacts during lean landing years.

Council should be more conservative with their management measures in the lobster fishery than what are the current "Council's preferred options in Amendment 10". I fear that some of these decisions will be based on flawed data (models with certain assumptions) and opinions rather than good science. When the data is questionable and we don't know what caused the lack of lobster for ~10 consecutive years we should err more on the side of conservation.

When I read the *"Using microsatellite DNA analysis to identify sources of recruitment for Florida's spiny lobster (Panulirus argus) stock by John H. Hunt, William Sharp, Michael D. Tringali, Rodney D. Bertelsen, and Samantha Schmitt Florida Fish & Wildlife Conservation Commission"* report I did not get the impression that we don't need to be concerned about spawning sizes & local recruitment. These quotes from their report provides evidence that "**there is some localized self-recruitment of lobsters"**.

Pg 7:"In conclusion, our results indicate that spiny lobsters are highly interconnected in terms of gene flow in locations along the coastal United States. However, differences in allele frequencies, trends in fixation indices, and the spatial separation of genotypes among some of the tested sample locations provides evidence for a degree of localized self-recruitment."

Pg. 6: "Because it was not confined to a few markers, it is possible that the observed single-locus disequilibrium resulted from undetected population structure within samples or from temporal effects. It is also possible that the observed deficits are caused by a technical artifact of genotype screening (i.e., null allelism). We will conduct additional detailed testing to distinguish between the two alternatives. The global value over all samples of FIS (0.0306) did not differ significantly from zero."

I believe that this leaves the door open to genetic structure within the population. P. argus samples from across the entire range did not have appreciable genetic population structure. They clearly have some more work to do which they acknowledge in the report.

The idea that the lack of evidence for local self-recruitment in FL is a rationale for "catch all you can" is perverse. Clearly upstream sources are necessary for FL, but self-recruitment won't be detected in FL due to panmixia. If they can't distinguish between self recruitment which has a mix of DNA and incoming mixes of DNA, then they really don't know how much of the recruitment is not from local spawning. So the question

about local recruitment remains open in my opinion. I think the real question is how much of the recruitment is from local stock, not whether the there is local stock recruitment.

In addition the report only collected samples over a 2 year period and in my mind leaves a lot of questions that still need to be answered:

1) What were the ages of the lobsters sampled (we could be trying to compare 1960 with 2005 larvae) – Most lobsters in Florida are maybe <5 years old vs NC lobsters could be 20 to 50 years old? Can anyone tell me how old the 8" and 9" carapace lobsters are that are routinely caught off NC?
2) This report is only a snapshot in time so it may not really be representative of a fishery that historically had longer living stock. A longer sampling period could provide more evidence of local recruitment.
3) The large breeder lobsters in the Dry Tortugas were fished out in the 90's so the whole local recruitment DNA scenario can now be a lot different. Not only did the larger lobsters produce a lot more (10X) eggs as the smaller ones, but there were also a lot more of them. Maybe the recruitment that used to come from the Dry Tortugas has been compromised. The quantity of larvae from that area could now be 1 % of what it used to be.
4) The other major factor is that this study was done during a recent time period when the lobster population was very low in Florida. The same study during a period of lobster abundance could show higher local recruitment numbers & would warrant more conservation and larger minimum sizes.
5) The PAV1 virus could also be a big factor. If a lot of the lobsters were diseased and not reaching spawning age/nor spawning and the population/biomass is way down then the DNA study may not show much local recruitment versus completing the study when the fishery is healthy with a good biomass. The current 3.0" minimum carapace size can also negatively affect the local recruitment data – larger lobsters with larger clutches could mean more local recruitment & more lobsters to harvest. The 3.5" carapace would also weigh more, so landings and recruitment could easily go up a significant %.
6) I have also heard from local lobstermen that when the lobsters get above a certain size they move to deeper water. If this is true, it could also affect local recruitment. Maybe by culling out all lobsters as soon as they reach 3" they don't get to move to an area that will be more likely to re-populate Florida.
7) Eddy currents, tides, storms, Ocean currents all affect where the larvae wind up going & settling and these things vary from year to year and decade to decade.
8) The larval movement modeling that was done only shows lines, I would think that a more accurate depiction would show wide color coded paths, similar to hurricane tracking and dye diffusion studies.

I suggest the council take a strong look at setting the MSY at the 10 year mean landing rate 5.8 MM's, then set the ACL at 90 % of the MSY and the ACT at 90 % of the ACL.

In summary, more work needs to be done to adequately determine what is going on in the fishery. An incomplete DNA study and a tide/current modeling based on many assumptions should not be the basis for a **"catch all you can"** fishery.

I also think that the council should change their preferred alternative regarding the use of shorts. I endorse the SAFMC Spiny Lobster AP's recommendation (2 years in a row) to do away with using shorts in the lobster trap fishery. Disallowing the use of shorts will provide a reduction in undersized lobster mortality, it will make it easier for law enforcement, it will increase the annual landings, and trap efficiency will not be affected because they will continue to use live lobsters as attractants (legal sized).

Sincerely,

Jim Atack
Spiny Lobster AP Member