

Decision Document

Spiny Lobster Regulatory Amendment 4

South Atlantic Spiny Lobster Committee
June 2017



May 19, 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 2a 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

Table 1. Spiny lobster landings (in thousands of pounds, whole weight (ww)) from 1991/1992 through 2015/2016. The 2012/2013 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	1,816	8,652
1992/93	5,369	1,353	6,722
1993/94	5,311	1,883	7,194
1994/95	7,219	1,906	9,125
1995/96	7,021	1,930	8,951
1996/97	7,745	1,923	9,668
1997/98	7,641	2,304	9,945
1998/99	5,447	1,302	6,749
1999/00	7,667	2,462	10,129
2000/01	5,570	1,949	7,519
2001/02	3,080	1,251	4,331
2002/03	4,573	1,455	6,028
2003/04	4,160	1,411	5,571
2004/05	5,451	34*	5,485
2005/06	2,969	1,130	4,099
2006/07	4,824	1,304	6,128
2007/08	3,794	1,215	5,009
2008/09	3,285	1,264	4,549
2009/10	4,394	1,266	5,660
2010/11	5,970	1,417	7,387
2011/12	5,855	1,230	7,085
ACL (7.32 mp) and ACT (6.59 mp) implemented January 2012			
2012/13	4,079	1,559	5,638
2013/14	6,373	1,602	7,975
2014/15	5,453	1,621	7,074
2015/16	6,060	1,492	7,552
2016/17**	5,151	Will be added when available	

* Recreational surveys were not conducted during the 2004/2005 fishing year due to the active hurricane season.

** 2016/17 commercial landings are preliminary; recreational and total landings not available at this time.

The fishing year for spiny lobster is August 6 through March 31.

Data source: Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute

The Councils are also considering a prohibition on traps for recreational harvest of spiny lobster in the South Atlantic EEZ. The level of harvest using traps in the EEZ off Georgia, South Carolina and North Carolina is unknown, but is likely minimal. However, the South Atlantic Council expressed concern about potential habitat impacts and protected species interaction from traps, particularly because traps are not effective for spiny lobster harvest north of Florida and that there is also no limit on the number of traps. Currently recreational harvest of spiny lobster with traps in the EEZ off Florida is prohibited, but there are no specific regulations on recreational traps in the EEZ off other states in the South Atlantic.

Expected Timing

- ✓ Dec 2016: South Atlantic Council provided direction to staff on action(s)/alternatives
 - ✓ Jan/Feb 2017: Gulf Council reviewed Regulatory Amendment 4 options paper
 - ✓ March 2017: South Atlantic Council reviewed draft Regulatory Amendment 4, approved actions/alternatives, and selected preferred alternatives
 - ✓ 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

APPROVED BY THE SOUTH ATLANTIC IN MARCH 2017:

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.

REVISED PURPOSE AND NEED (APPROVED BY THE GULF COUNCIL):

The purpose of this amendment is to modify the ~~maximum sustainable yield,~~ **stock** 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,~~ **stock** status determination criteria, and catch levels for spiny lobster are based on the best scientific information available, ~~and to ensure to prevent overfishing does not occur,~~ and to minimize negative effects of recreational traps in the South Atlantic. The proposed actions ~~will~~ **would** 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 as approved by the Gulf Council.

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 Councils' Scientific and Statistical Committees (SSCs) using the mean landings from the years 2001/2002-2009/2010 plus two standard deviations (7.9 mp).

Preferred Alternative 2: The MSY proxy and MFMT will be equal to the revised OFL as recommended by the Gulf and South Atlantic Councils' 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.

Public comment:

Two commenters, including the Florida Keys Commercial Fishermen's Association, support the Preferred Alternative.

COMMITTEE ACTION:

1) Do you want to change the 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 Councils’ SSCs using the mean landings from the years 2001/2002-2009/2010 plus 1.5 standard deviations (7.32 mp). The ACT is 90% of the ACL (6.59 mp).

Preferred Alternative 2: The ACL is equal to the ABC as recommended by the Gulf and South Atlantic Councils’ SSCs using the mean landings from the years 1991/1992-2015/2016 plus 1.5 standard deviations (9.6 mp). The ACT is 90% of the new ACL (8.64 mp)

***Note: A review panel should be convened if there are two consecutive years of low landings, i.e., landings below 5.3 mp; this will NOT replace the existing accountability measure (AM).**

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.

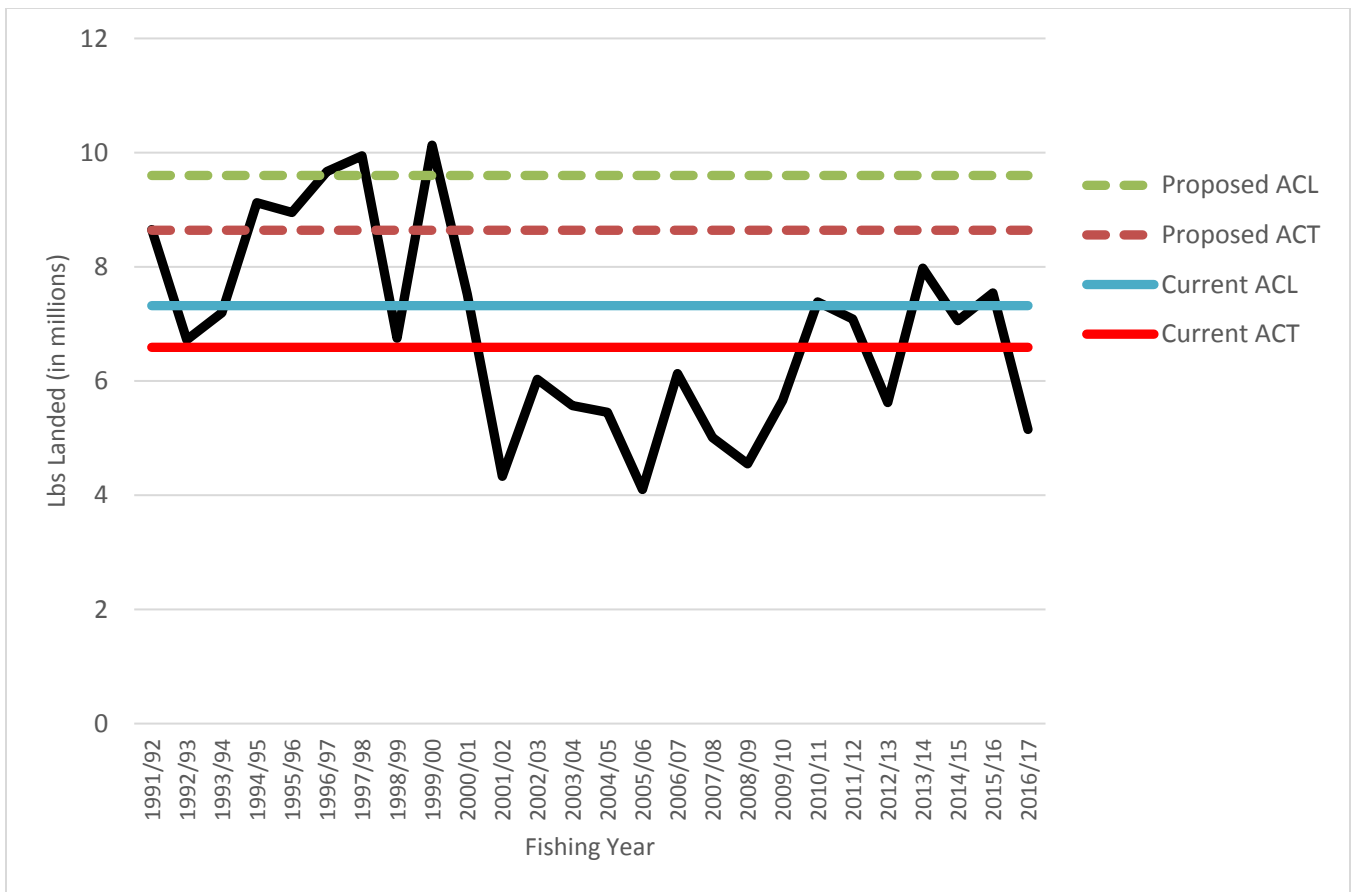


Figure 1. Spiny lobster landings compared to the proposed ACL and ACT in Alternative 2. Note that landings from 2004/05 and the preliminary landings from 2016/17 include only commercial landings (see Table 1).

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.

Public Comment:

Two commenters, including the Florida Keys Commercial Fishermen’s Association, support the Preferred Alternative.

COMMITTEE ACTION:

- 1) Do you want to change the 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 spiny lobster 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](#).

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

Discussion:

The Councils are proposing to prohibit traps for recreational harvest in the South Atlantic EEZ (**Preferred Alternative 2**) because there is no limit on the number of traps in the EEZ off Georgia, South Carolina, and North Carolina, and traps are not effective gear to harvest spiny lobster in those areas. There is also concern about potential negative impacts on essential fish habitat and the use of vertical lines that may interact with protected species. Positive direct and indirect effects to the biological and physical environment would be expected under **Preferred Alternative 2** compared to **Alternative 1** (No Action).

Public Comment:

Two 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.

COMMITTEE ACTION:

1) Do you want to change the preferred alternative?

APPROVE REGULATORY AMENDMENT 4 FOR FORMAL REVIEW

DRAFT MOTION: APPROVE SPINY LOBSTER REGULATORY AMENDMENT 4 FOR SECRETARIAL REVIEW, AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.