

Joint South Atlantic and Gulf of Mexico Spiny Lobster
Advisory Panel and Committee Report
Renaissance Orlando Airport Hotel
Orlando, Florida
June 7, 2010

Gulf Committee Members:

Teehan, Chair
Gill, V. Chair
Sapp

Simpson/Donaldson
W. Walker/Perret

Gulf Spiny Lobster Advisory Panel Members:

Lessard, Chair
Sansom
Superstein-absent

Gaitanis
Stafford
Kelly

South Atlantic Committee Members Present:

Robson, Chair
Geiger
Merritt

Hartig
Crabtree
Sullivan

South Atlantic Spiny Lobster Advisory Panel Members:

Rowe, Chair
Irwin
Mansfield
Burton
Arrington-absent

Atack
Lessard
O’Bryan
Whittington
Adams-absent

The agenda was adopted as written. John Hunt and Bill Sharp, staff from the Florida Fish and Wildlife Conservation Commission (Florida FWC) gave the group several presentations including: spiny lobster life history, landings and management, landings by sector and allocations. Mark Robson, staff of Florida FWC and the South Atlantic Committee Chair gave the group a presentation on potential delegation of spiny lobster to Florida FWC.

Then Council staff, Carrie Simmons and Gregg Waugh as well as NOAA Fisheries staff Sue Gerhart led the group through Amendment 10 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic action by action. Each Council advisory panel and committee made recommendations after discussion of each action.

Action 1: Delegate management of the spiny lobster FMP to Florida FWC.

GULF AP: RECOMMENDS ALTERNATIVE 1 (No Action – Continue the current state and federal management system) **UNDER ACTION 1**
APPROVED WITHOUT OBJECTION

GMFMC COMMITTEE: The GMFMC committee recommends and I so move: **ACTION 1** (Delegate management of the Spiny Lobster FMP to Florida FWC) **BE MOVED TO THE CONSIDERED BUT REJECTED APPENDIX.**

SAFMC AP: RECOMMEND ALTERNATIVE 1(No Action – Continue the current state and federal management system) **UNDER ACTION 1.**
APPROVED WITHOUT OBJECTION

SAFMC COMMITTEE: MOVE ACTION 1 (Delegate management of the Spiny Lobster FMP to Florida FWC) **TO THE CONSIDERED BUT REJECTED APPENDIX. APPROVED WITHOUT OBJECTION**

Rationale supplied by the Council Committees for this action was based on the statements and presentation made by Florida FWC and the understanding that this action was not workable unless all parties were in agreement. The AP's said Florida FWC would be taking over an unfunded mandate to comply with the Magnuson-Stevens Act to setting annual catch limits by 2011.

Action 2: Other species in the Spiny Lobster FMP

GULF AP: MOVE to recommend **ALTERNATIVE 3** (List species as ecosystem component species)

GULF COMMITTEE:

The GMFMC committee recommends and I so move: **OPTION A** (smoothtail spiny lobster) **AND OPTION B** (spotted spiny lobster) **UNDER ALTERNATIVE 2** (Set ACLs and AMs for each species using historical landings) be moved **TO CONSIDERED BUT REJECTED APPENDIX.**

The GMFMC committee also recommends and I so move: **THAT OUR PREFERRED BE ALTERNATIVE 3** (List species as ecosystem component species), **OPTIONS A** (smoothtail spiny lobster) **AND B** (spotted spiny lobster).

SA AP: Moved to make the **PREFERRED ALTERNATIVE UNDER ACTION 2, ALTERNATIVE 3** (List species as ecosystem component species) **WITH ALL SPECIES. APPROVED BY SA AP**

SA COMMITTEE: Moved to **SELECT ALTERNATIVE 3** (List species as ecosystem component species) **AS PREFERRED ALTERNATIVE. APPROVED BY SA COMMITTEE**

SA COMMITTEE: MOVE ALTERNATIVE 4 (*Remove species from the Joint Spiny Lobster FMP*) **TO CONSIDERED BUT REJECTED APPENDIX**
MOTION WITHDRAWN

Rationale supplied by the Gulf Council Committees was that there were no historical landings for smoothtail and spotted spiny lobsters to establish annual catch limits and accountability measures. However, the Council Committees agreed that the smoothtail and spotted spiny lobster species could be left in the Fishery Management Plan under ecosystem component species. There was some discussion about the slipper lobster species meeting all of the criteria versus 75% of the criteria to be considered an ecosystem component species, based on bycatch landings data. The South Atlantic

Committee's motion to remove species from the Joint Spiny Lobster FMP was withdrawn based on uncertainty about the slipper lobster species meeting all the necessary ecosystem requirements.

A member of the advisory panel asked if leaving all the species under the ecosystem component category would keep the current regulations for ridged slipper lobster, *Scyllarides nodifer*. Legal Council said they would look into this. Another member suggested adding ridged slipper lobster to the commercial logbooks, because this species was caught off North Carolina.

Action 3: Modify the current definitions of Maximum Sustainable Yield, Optimum Yield, Overfishing Threshold, and Overfished Threshold for Caribbean spiny lobster

GULF AP: WE will wait to ADDRESS RECOMMENDATIONS FOR MSY, OY, OVERFISHING AND OVERFISHED UNTIL WE HAVE THE SEDAR RESULTS AND REPORT. APPROVED BY GULF AP

GMFMC COMMITTEE: No recommendations at this time.

SA AP: WE will wait to ADDRESS RECOMMENDATIONS FOR MSY, OY, OVERFISHING AND OVERFISHED UNTIL WE HAVE THE SEDAR RESULTS AND REPORT. APPROVED BY SA AP

SA COMMITTEE: MOVE ALTERNATIVE 2.3.4, Alternative 2: (Adopt the Gulf Council overfished threshold definition for the South Atlantic. The Gulf of Mexico definition: proxy for MSST of 15% transitional SPR, with the additional modification to static SPR) TO THE CONSIDERED BUT REJECTED APPENDIX. APPROVED BY SA COMMITTEE

The APs said they did not have enough information available to make recommendations on Action 3 until the stock assessment is complete. A South Atlantic Committee member was concerned that some of the alternatives under this action may not represent a reasonable range of alternatives, but could wait until the assessment is complete. Spawning potential ratio was not realistic for the overfished threshold (Biomass and various maximum sustainable yield levels would be better, for example Biomass at 85% MSY and Biomass at 75% MSY).

Action 4: Establish sector allocations for Caribbean spiny lobster in State and Federal waters from North Carolina through Texas

GULF AP: ADD new ALTERNATIVE 7: ALLOCATE THE SPINY LOBSTER ACL 72% TO THE COMMERCIAL TRAP FISHERY, 3% TO THE COMMERCIAL DIVE FISHERY, 1% TO THE COMMERCIAL BULLY NET FISHERY AND 24% TO THE RECREATIONAL FISHERY. APPROVED BY GULF AP WITH 1 OPPOSED (INTENT IS THAT THIS IS THE GULF AP'S PREFERRED)

GMFMC COMMITTEE: No recommendations at this time.

SA AP: ADOPT ALTERNATIVE 1 (No action – Do not establish sector allocations) APPROVED BY SA AP WITH 2 IN OPPOSITION

SA COMMITTEE: ADD ALTERNATIVE 7: DO NOT SUBDIVIDE THE COMMERCIAL ALLOCATION. APPROVED BY SA COMMITTEE

The group discussed concerns with sector allocation by gear type under a hard quota. There were concerns about monitoring the sector allocations by gear type when low percent allocations were given, such as the commercial bully netting which is 1% under some of the proposed sector allocation alternatives. Additional concerns expressed were monitoring the recreational fishery under Florida FWC's current survey program. The South Atlantic Committee added an additional sub-option under each alternative that would not sub-divide the commercial allocation by gear type.

Action 5: Allowable Biological Catch (ABC) Control Rule, ABC Level(s), Annual Catch Limits and Annual Catch Targets for Caribbean Spiny Lobster

2.5.1 Allowable Biological Catch (ABC) Control Rule

GULF AP: ESTABLISH ABC CONTROL RULE WHERE ABC=OFL; OFL BE SET AT THE HIGHEST OBSERVED CATCH OVER THE LAST 10 YEAR PERIOD (1999-2009 FISHING YEAR). APPROVED BY GULF AP

GULF COMMITTEE: Stated they may get another control rule alternative from the Gulf SSC.

SA AP: ESTABLISH ABC CONTROL RULE WHERE ABC=OFL; OFL BE SET AT THE HIGHEST OBSERVED CATCH OVER THE LAST 10 YEAR PERIOD (1999-2009 FISHING YEAR). APPROVED WITH 1 OPPOSED

SA COMMITTEE: DIRECTED STAFF TO LOOK AT COMBINING ALTERNATIVES 4 (Establish an ABC Control Rule where ABC equals a percentage of OFL) & 5 (Establish an ABC Control Rule where ABC equals a percentage of the yield at MFMT); CONSIDER DATA POOR CONTROL RULE AFTER IT IS PRESENTED

A member of the South Atlantic Council Committee asked if the current ABC Control Rule is appropriate for crustaceans and thought the SSCs would need to look into these issues. Staff explained why Alternative 2 was included (Establish ABC based on the South Atlantic Council's SSC Data Poor ABC control rule). This alternative was considered for spiny lobster due to the benchmark assessment being unable to develop biomass based parameters. Alternative 4 or 5 could be combined based on the outcome from the update stock assessment.

2.5.2 Set Annual Catch Limits (ACLs) ~~and~~ for Caribbean Spiny Lobster

GULF AP: RECOMMEND ALTERNATIVE 4 (Set ACLs for each sector and gear type based on allocations determined in Action 4), OPTION A (each ACL = (sector allocation x ABC)) AS OUR PREFERRED. They recommended a 76% COM; 24% REC allocation for developing each sector's ACL. APPROVED BY GULF AP

GULF COMMITTEE:

The committee recommends and I so move: **ALTERNATIVE 2 (Set an ACL for the entire stock based on the acceptable biological catch), OPTION A (ACL=ABC) BE OUR PREFERRED**

SA AP: I have a note the SA AP made the same motion as the Gulf AP.

SA COMMITTEE: SET SEPARATE ACLS FOR THE COMMERCIAL AND RECREATIONAL SECTORS. MOTION WITHDRAWN

The Gulf Committee felt that the stock is in good shape and the ABC could be set equal to the ACL for the entire stock. The South Atlantic Committee recommendation was withdrawn based on Action 4 which already addresses the motion.

2.5.3 Set Annual Catch Targets (ACTs) for Caribbean Spiny Lobster

GULF AP: ALTERNATIVE 1 (No Action-Do not set ACTs) BE OUR PREFERRED APPROVED BY GULF AP.

GULF COMMITTEE:

The committee also recommends and I so move: **ALTERNATIVE 1 (No Action-Do not set ACTs) BE OUR PREFERRED.** One member did not vote.

SA AP: ALTERNATIVE 1 BE OUR PREFERRED. APPROVED BY SA AP

SA COMMITTEE: ALTERNATIVE 4 (Set ACTs for each sector and gear type (i.e., recreational, commercial diving, bully netting, and commercial trapping) based on allocations from Action 4)) BE OUR PREFERRED. MOTION FAILED BY SA COMMITTEE

The Gulf AP and Gulf Committee stated that the stock was biologically sound and management uncertainty was low. Members of the South Atlantic Committee were not in agreement and their motion did not pass.

Action 6: Accountability Measures (AMs) by Sector

GULF AP: CHOOSE ALTERNATIVE 1 (No Action- Do not set AMs) AS PREFERRED APPROVED BY GULF AP

SA AP: CHOOSE ALTERNATIVE 1 AS PREFERRED. APPROVED BY SA AP

Council committees did not make any motions regarding Action 6

The group discussed positive payback when the annual catch limits had not been exceeded and asked for future discussion on this topic. The group discussed concerns about in-season accountability measures which may be difficult to track for both the recreational and commercial sector. It was explained that commercial landings would need a quota monitoring program versus using the current trip ticket program to track landings. Staff should review why Alternative 2, Option c is different from Alternative 3, Option c and then provide better explanation of these differences.

Action 7: Develop or Update a Framework Procedure and Protocol for Enhanced Cooperative Management for Spiny Lobster

This action was not discussed by the Council Committee's or APs due to time constraints.

Action 8: Modify Regulations Regarding Possession and Handling of Short Caribbean Spiny Lobsters as “Undersized Attractants”

The APs only made recommendations on this action due to time constraints.

**GULF AP: ADD A NEW ALTERNATIVE 4:
UNDERSIZED SPINY LOBSTER NOT EXCEEDING 50 PER BOAT AND 1 PER TRAP
ABOARD EACH BOAT IF USED EXCLUSIVELY FOR LURING, DECOYING, OR
OTHERWISE ATTRACTING NON-CAPTIVE SPINY LOBSTERS INTO THE TRAP
(approved with one opposition)**

SA AP: ALTERNATIVE 2 (Prohibit the possession and use of undersized Caribbean spiny lobsters as attractants) **BE OUR PREFERRED. APPROVED BY SA AP**

The Gulf AP added a new alternative to Action 8 matching the wording currently in Florida FWC’s regulations. There would be no changes in live well requirements following these regulations. The South Atlantic AP disagreed with the Gulf AP and selected Alternative 2 as their preferred. The issue of how undersized attractants were accounted for was discussed by Florida FWC as estimated and accounted for in stock assessments.

Action 9: Modify Tailing Requirements for Caribbean Spiny Lobster for Vessels that Obtain a Tailing Permit

The APs only made recommendations on this action due to time constraints.

**GULF AP: Recommends a FEDERAL SPINY LOBSTER PERMIT OR FLORIDA
RESTRICTED SPECIES ENDORSEMENT AND ALL CARIBBEAN SPINY LOBSTER
LANDED MUST EITHER BE LANDED ALL WHOLE OR ALL TAILED. APPROVED BY
GULF AP** (This motion combines Alternatives 3 and 5 together in one alternative).

SA AP: ALTERNATIVE 2 (Eliminate the Tail-Separation Permit for all vessels fishing for Caribbean spiny lobster in Gulf and South Atlantic waters of the EEZ) **BE OUR PREFERRED.
APPROVED BY SA AP WITH 2 OPPOSED**

The Gulf AP’s recommendation was based on the rationale to eliminate recreational anglers from holding tail-separation permits, but still allow commercial spiny lobster fishers that travel to the Dry Tortugas and are at sea longer than 48 hours the opportunity to hold a Tail-Separation Permit. The South Atlantic AP felt that this was an invitation for recreational lobster fishers to cheat, potentially using powerheads to capture spiny lobsters under the Tail-Separation Permit.

Mr. Chairman, this concludes my report.