SUMMARY MINUTES
PUBLIC HEARING – KEY WEST, FL
SPINY LOBSTER AMENDMENT 10
JOINT AMENDMENT FOR THE GULF OF MEXICO AND SOUTH ATLANTIC FISHERY MANAGEMENT COUNCILS

September 21, 2009

Attendance:
Bob Gill, Gulf Council
Dr. Gregg Waugh, SAFMC
Dr. Carrie Simmons, Gulf Council Staff
Phyllis Miranda, Gulf Council Staff

43 Members of the Public

The public hearing was convened by Chairman Bob Gill at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments.

John Coffin, Big Pine Key, FL. He read into the record a written statement, which is attached. In summary, he said the spiny lobster fishery should be left to Florida FWC. They are vested in dealing with allocation issues and knowledgeable of the history of the fishery as well as the diverse groups of people competing in the fishery. He listed several positive and negative reasons for the Florida FWC to take over management of the fishery. He noted that the federal management system would have a lot do deal with as far as allocation issues in the fishery if management was not given to Florida FWC.

Jim Sharpe, Jr., Big Pine Key, FL. He read into the record a written statement which is attached. In summary, he felt that Florida FWC should have full and unrestricted management of the spiny lobster fishery, because 95% of the lobster fishery occurs in state waters. He added that the state has been studying and managing the lobster fishery for years and should continue managing the fishery. He noted that the state had received money to study casitas to see if it can be used as a viable commercial gear in a portion of the commercial fishery. He indicated that the state is also studying new trap designs to decrease wind driven trap movement.

George Niles, Florida Keys Commercial Fishermen's Association. He stated that he felt that the ACL for lobster should be set using the data from SEDAR. He added that the federal government should retain management of lobster, because the resources they had access to were of more value to the fishery than those that the state government had.

Bobby Pillar, Summerland Key, FL. He stated that he supported Mr. Niles' position with regard to lobster being federally managed as opposed to state managed. He felt that something needed to be done about lobster being imported from other countries into the states before lobster season actually opens. He noted that in agreement with spiny lobsters being landed all tailed or all whole, the tailing permit could be modified.

Peter Bacle, Stock Island Lobster Co. He stated that neither state nor federal would do a good job of managing spiny lobster. He recommended no action on splitting the recreational and charterboat sectors. He felt that the ACL should be set for the fisheries in which there is an identifiable catch, i.e.

the commercial industry. He added that there was no way to identify amounts of recreational catch. He was in agreement that short mortality was not a problem, because shorts really have lower mortality inside the traps because it is safer than outside the traps. He believes that the tailing permit should be kept, and that it was not an issue because his fish house handles very few tailed lobsters.

Lee Starling, commercial diver and spear fisherman, Key West, FL. He felt that the Gulf Council should retain management of spiny lobster. He stated that he was against the use of casitas, because he felt that they do impact migration patterns. He wanted to note that all types of fisheries have bycatch or potentially unintended consequences on other species, even divers. He felt that short lobsters used as attractants can get out of the traps and that mortality is not a problem.

Additional attendees who chose not to speak on Spiny Lobster:
Billy Wickers III, Big Coppit Key, FL
Capt. Bill Wickers, Key West Charter Boat Assoc.
Richard Gomez, Capt. Conch, Key West, FL
Robert Nevius, charter boat captain
Daniel Padron, Key West, FL
Craig Jiovani, C&J Ent. Co. Inc. d/b/a Charter Boat Grand Slam
Brice Barr, Double Down Sportfishing
Mimi Stafford, Key West, FL
Rob Harris, Conchy Joe's Marine & Tackle
Steven Lamp, Dream Catcher Charters
Gennifer Lamp, Key West, FL
Ron Meyers, Little Torch Key, FL
David McKinney, Environmental Defense Fund
Michelle Owen, Environmental Defense Fund
Kari MacLauchlin, University of Florida
Marlin Scott, Keys Radio Group
Chuck Coleman, Key West, FL
Josh Nicklaus, Key West, FL
Juan Blanco, Key West, FL

Mr. Chairman,

My name is Capt. Jim Sharpe Jr. I have been living and fishing in ***the Fl. Keys since 1976. My entire family makes its living off the ocean. I have fished lobster traps, stone crab traps, gill nets; hand lined for snapper and grouper, commercially dove for crawfish and charter fished. I have served on the Lobster Advisory Board for the State of Florida and I am currently serving on the Sanctuary Advisory Committee as an alternate. I am also 1st Vice President of the Lower Keys Chamber of Commerce, past President and now 1st Vice President of Environmentally Concerned Commercial Divers and a Board member on the District Advisory Committee II for the Florida Keys Tourist Development Counsel.***

I am here to speak to you about whether or not the Gulf Counsel and the South Atlantic Counsel should manage the Lobster fishery or leave it to the State of Florida, where it is today.

It is my opinion that the Gulf Counsel and the South Atlantic Counsel should give the State of Florida full and unrestricted management of the Lobster fishery, because 95% of the lobster fishery accurse in Florida State waters. The State of Florida has been managing and studying the Lobster fishery for years implementing many management tools thru the Florida Fish and Wildlife Commission, to manage the lobster fishery; like the trap certificate program, the Lobster Advisory Board made up of fishery managers, law enforcement and user groups, wind driven

trap damage study and the short mortality study; just to name a few.

Now the State of Florida has secured a grant to study Casitas thru the Florida Fish and Wildlife Commission, the Fish and Wildlife Research Institute and industry to see whether or not casita's can be used as a viable commercial gear in a portion of the commercial fishery. Casitas have the potential to reduce traps, short mortality, bottom damage and decrease lobster mortality from ghost traps dramatically all while not eliminating fishermen out of the fishery. If a Casita program is authorized it would comply with all aspects of the Magnusson Stevens Act. This study should be completed in 2010. The State of Florida thru the Florida Fish and Wildlife Commission, the Fish and Wildlife Research Institute and industry are also studying new trap designs to decrease the amount of wind driven trap movement. The State of Florida has taken the lead in the management of the lobster fishery for many years with 95% of the lobster fishery taking place in Fl. State waters.

I feel as do so many other fishermen I know that the Counsels would be better served by allowing the State of Florida the full and unrestricted management of the Lobster fishery as they have done for many years.

Thank you.

Jim Sharpe Jr.

Jim Sharpe JR

September 21, 2009

Mr. Chair and members of the Council: My name is John Coffin. I am speaking today as an individual in regards to Amendment 10 to the Spiny Lobster fishery Management Plan. I would like to try to identify some of the issues and potential impacts of the issue at hand, namely should the Councils relinquish control of the Spiny Lobster fishery to Florida and FFWC. I am strongly in favor of continued management of this fishery by FFWC.

I have a lifelong history of involvement in the fishery, including 25 years as a commercial diver and trapper. I've been a 37 year resident of the Florida Keys. I am a 7th issue licensed Captain and have a Bachelor of Science degree in Biology.

The most important issue, in my opinion, is whether a management shift will be in the best interests of either the species or the fishery. 95 % of all Lobster are landed in Florida waters with the vast majority of these landings in Monroe County. Although Spiny Lobster are generally acknowledged to be overfished on a global scale, the fishery in Florida might possibly be sustainable. There are a diverse group of people competing in the Florida fishery. You have commercial trappers, commercial divers, bully netters, hoop netters and recreational divers. Of these groups all but one group use sustainable practices. For example; of the 5 million or so pounds landed annually about 250,000 pounds are harvested by commercial divers with a zero by catch mortality rate. By catch mortality and catch share is similarily very low for bully netters, hoop netters and recreational divers. My concern for these user groups is that under Federal management under Magnudson Stevens there will be an established Total Allowable Catch and possibly even Individual Quotas. If you apply these quotas in the same way you have with other fisheries, then effort reduction will take place among the low producing user groups. You will be effectively punishing the groups with the most desirable fishing practices and rewarding the fishery user group with the least desirable fishing practice. This contradiction is ironic from the point of view that by applying Magnudson Stevens you may be working against the purpose of this law.

I realize that there are tools that can be applied to try and balance this inequity. But do you have time? Can you roll out a good, fair and balanced

fishery management plan in one year? Can you do a stock assessment that has scientific validity, in the time available? Can you deal with allocation issues? Do you want to deal with allocation issues? I am sure you could, if this fishery was all you had on your plate. From where I stand I can see an "all hands on deck" effort for the next year without taking on Spiny Lobster.

I say, leave Spiny lobster to Florida. They have an ever increasing grasp on the biology. They are vested in dealing with allocation issues. They are looking at fishing gear on multiple levels. They are mandated to remodel the fishery by December 2010 and are deeply vested in this process.

That said, I must comment on some of the negatives of relinquishment.
Number one; we cannot afford to lose the law banning imports of short lobster into the United States. I don't know if this law stands alone or if it is tied to federal management. It is an important issue.
Number two; Florida will either have to identify the minor spiny lobster species as EC components or give them legal protection. Either way they deserve management. I think FFWC can do that well.
Number three; and I say this with all due respect to the FFWC, but their management of Spiny Lobster, has sometimes been for the short term economic gain, particularly with regard to the use of shorts for attractants. With the implementation of Magnudson Stevens, gear design issues with regard to sustainability has to be put on the table. I think FFWC will follow your lead on this issue. They are already taking a hard look at gear design.

Thank you for your time today.

Florida Keys Commercial Fishermen's Association

(Formerly Monroe County Commercial Fishermen, Inc.)
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June 4, 2009

Robert Mahood
Executive Director
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

RE: SAFMC Spiny Lobster Tailing Permit

Mr. Mahood,

The Florida Keys Commercial Fishermen's Association (FKCFA) would like to submit an additional alternative to the jointly managed Gulf of Mexico Fishery Management Council (GMFMC)/ South Atlantic Fishery Management Council (SAFMC) "tailing permit" motion in Amendment 6 (GMFMC Administrative Lead) for commercial spiny lobster fishing in the South Atlantic and Gulf of Mexico.

The FKCFA purposes that the councils add a 4th option as follows:

"(4) All spiny lobster landed by commercial and recreational vessels with a tailing permit is landed either all "whole", **or** all "tailed."

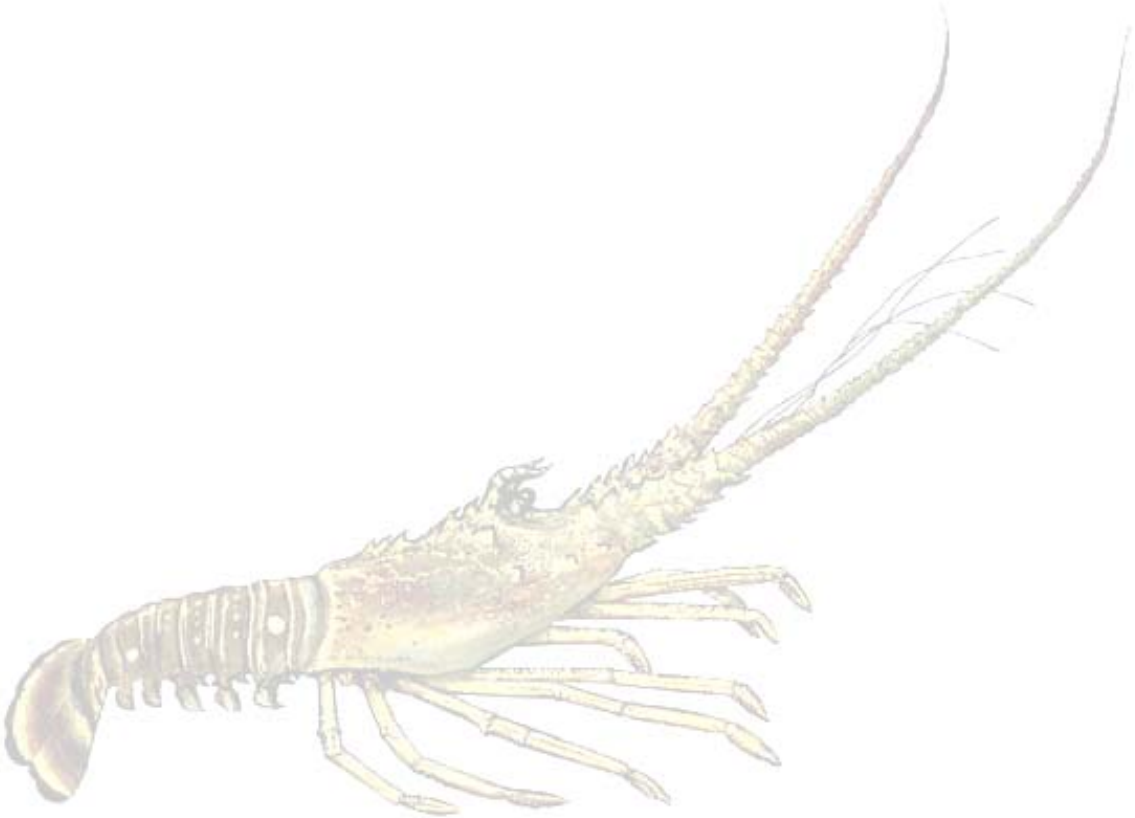
This motion by the FKCFA board achieved a majority vote on April 28, 2009. The board agreed that this option would allow commercial fishermen with a tailing permit to process their product on multi-day trips. Forcing fishermen with tailing permits to tail their entire harvest will close the loophole on those who use the tailing permit to circumvent the 3 inch carapace length minimum size measurement. We believe this proposal preserves the original intent of the tailing permit.

Thank you for considering this option and if you have any questions please do not hesitate to contact us.

Sincerely,

Scott E. Zimmerman M.Sc.,
Executive Director

CC: Rick Leard (Executive Director, Gulf of Mexico Fishery Management Council
Gregg Waugh (Deputy Executive Director, South Atlantic Fishery Management Council)



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June 8, 2009

Dr. Richard Leard , Deputy Executive Director
Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue, Suite 1100
Tampa, Florida 33607, USA

RE: Recommendations of the Spiny Lobster Work Group

Dr. Leard,

After the Florida Fish and Wildlife Conservation Commission's Spiny Lobster Advisory Panel adjourned, directors from The Florida Keys Commercial Fishermen's Association (FKCFA) became involved with the Spiny Lobster Work Group. For one year, this work group addressed a wide variety of management issues regarding the spiny lobster fishery in Florida waters.

The workgroup took this proactive initiative to help address some of the issues they believed would arise with implementation of the new Magnuson-Stevens requirements; in particular with regard to the designation of staghorn and elkhorn corals as threatened species under the Endangered Species Act.

On April 28, 2009, the FKCFA unanimously voted to send the recommendations of the Lobster Work Group to the National Marine Fisheries Service (NMFS), and its fisheries management councils, as many of the recommendations directly address concerns raised by the Gulf of Mexico Fisheries Management Council and the South Atlantic Fisheries Management Council. While these recommendations do not deal with the management of spiny lobster in its entirety, the main focus of forming the Lobster Work Group was to address issues concerning impacts to marine habitats and bycatch mortality (using sub-legal lobster as attractants).

The recommendations of the workgroup were:

Final recommendations for reducing bycatch mortality

A) Require one lath on a trap to be made of untreated wood. This would greatly increase the rate at which this lath would deteriorate. Lost trap mortality would be substantially reduced.

B) Require aerators for live wells. Aerators increase the oxygen in the live well. This in turn would increase the health of sub-legal lobster being transported in live wells.

C) Continue to support Florida's position on passive trap reduction in that a 10% passive trap reduction remain in place until the total amount of traps in the fishery reaches 400,000 (this reduction will be active- July, 2009).

Final recommendations for reducing impacts to marine habitat

A) Request that the commercial spiny lobster industry and scientists work together on a project to study different fishing practices and determine which fishing practices result in the least amount of trap movement (NOAA funding has been received by the FWC and CRP research is now entering its 2nd phase).

B) Request that 10% passive trap reduction is activated to reduce environmental impacts of the trap fishery as well as bycatch mortality (this reduction will be active- July, 2009).

C) Include the Everglades National Park in the emergency trap clean up as well as the Trap Eradication Program.

Other Recommendations:

A) Support the state of Florida's' Lobster Advisory Boards' recommendation to allocate lobster landings according to historical averages. (72% commercial trap fishery-22% recreational divers-5% commercial dive fishery-1% bully net fishing).

B) Start commercial trap deployment the day after the mini dive season has ended, but still keep the same opening date to start harvesting (August 6).

Recently, Kenneth Haddad, Executive Director of the FWC, acknowledged the Lobster Work Group's proposals and is currently working with FWC staff in considering a suite of recommendations for the management of Florida's spiny lobster stocks. The FWC has also moved forward with one of the Lobster Work Group's recommendations to collaborate on a cooperative research grant with industry to reduce trap movement which will address impacts to hardbottom areas (especially endangered species such as staghorn and elkhorn coral). It is also worth noting that the Commercial Fishermen's Coral Workgroup has been formed which is focusing on how industry can collectively reduce impacts to hard-bottom habitat.

The FKCFA believes that the recommendations of the Lobster Work Group as well as the collaborative actions between state and industry, are directly addressing NMFS and council concerns, especially related to bycatch and negative impacts to marine habitat. The proactive nature of the state/industry collaboration should reassure NOAA that federally managed resources, like spiny lobster, are receiving their deserved attention.

If you have any questions please do not hesitate to contact us. We look forward to working with the NMFS on reaching consensus on spiny lobster fisheries management issues.

Sincerely,

Scott E. Zimmerman M.Sc.,
Executive Director

CC: Dr. Roy Crabtree (NMFS), Bob Mahood (SAFMC), Gregg Waugh (SAFMC)

SUMMARY MINUTES
PUBLIC HEARING – MARATHON, FL
SPINY LOBSTER AMENDMENT 10
JOINT AMENDMENT FOR THE GULF OF MEXICO AND
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCILS

September 22, 2009

Attendance:
Bob Gill, Gulf Council
Dr. Gregg Waugh, SAFMC
Dr. Carrie Simmons, Gulf Council Staff
Phyllis Miranda, Gulf Council Staff

36 Members of the Public

The public hearing was convened by Chairman Bob Gill at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments.

Karl Lessard, Florida Keys Commercial Fishermen's Association. He read into the record from two written letters which had previously been provided to the Council at the June Council meeting and which are attached. In summary, these letters stated that they do not want the Councils to repeal the Spiny Lobster FMP, because it is felt that the state is not able to do a stock assessment alone. In addition, the size limit requirements on imports are crucial to maintain an economically viable fishery. The FKCFA is in support of the following allocation: 72% commercial trap fishery, 22% recreational divers, 5% commercial divers, and 1% bully net fishing. He requested that the Council set the ACL using a quota instead of using landing records. He added that they are mainly concerned about spiny lobster and the Council should do what they think is appropriate for the other lesser landed species in the FMP. He stated that mortality of short lobsters is estimated to be low, 8-10%; which is lower than fishing mortality on most other species.

Tim Daniels, Marathon, FL. He stated that the fishermen are scared that the catch limit on the lobster would be limited because of the data resulting from hurricanes and illegal fishing. The population has been reduced due to the hurricanes and this has caused them to not be able to catch as many lobsters. He stated that he would like to see the historical data to go back 20-30 years and that data be considered when setting an ACL. He felt that management of spiny lobster or stone crab should not be turned over to the state of Florida. He was in agreement with the previous allocation for Monroe County that Karl Lessard stated. He noted that the recreational diver mini-season is difficult to measure and control. He added that the use of shorts as an attractant is a necessary component of lobster fishing. He added that economic and social impact studies should be done on all the fisheries that are mandated under the MSA.

Hal Osburn, Florida Keys Commercial Fishermen's Association. He stated that sociological cultural information needs to be a focus of the studies and that ACLs and AMs should be based on the current stock assessment, not a future stock assessment as it is the best available data. He felt that the spiny lobster FMP should remain under the joint jurisdiction of the GMFMC, the SAFMC, and the FFWC. He added that the state cannot keep up with the requirements of managing the spiny lobster fishery and that the restriction on the importation of illegal size spiny lobster is very important and would not exist

anymore under state management. He was of the opinion that all Caribbean spiny lobster landed should be landed either all whole or all tailed, and that having that regulation would prevent the abuse of having a short carapace but a long tail.

Gary Nichols, Nichols Seafood, Islamorada, FL and Organized Fishermen of Florida. He stated that lobster catch can historically be sustained to 6 million pounds. He would like to see an allocation that is closest to the 6 million pounds. He felt that the ACL should be based on the current stock assessment. He believed that the Councils should retain management of the spiny lobster. He stated that he is in favor of modifying the tailing permit to all tailed or all whole lobster landed. He added that the coral needs to be protected and that the coral working group and the Sanctuary were trying to identify more areas that needed to be closed to achieve that goal. He noted that he lobsters in deeper water and catches ridged slipper lobster, and he felt that whatever is appropriate to protect the spawning stock, such as egg bearing females, is important.

Jeff Cramer, Organized Fishermen of Florida. He stated that the current stock assessment should be used instead of using an updated assessment that may not reflect the true condition of the spiny lobster stock because of the hurricanes and other issues. He added that about a dozen fishermen in the coral workgroup were working with NOAA's Protected Species Division to identify areas that the corals are located. He said that the fishermen were willing to do anything to protect the corals and that the lobsters are not typically located near the corals. He felt that the Councils should maintain control over the FMP. He felt that the trip ticket system was flawed because on any given day he may fish in three areas, but only records one on the trip ticket. In general, he felt that fishing in federal waters was underreported and traps were moved between federal and state waters based on season and movement of the lobster. He stated that undersized lobsters imported from other countries were a big problem for local fishers. He indicated that he uses shorts as an attractant and that they were kept in good condition before going into the trap. He added that often the shorts escape the trap indicating that they could leave the trap at any time.

Richard Stiglitz, commercial fisherman, Monroe County, FL. He indicated that he has used shorts for 40 years. He stated that he takes care of the lobsters on his boat that he uses for shorts and that there is next to no short mortality on their boats. He felt that the ACLs need to be set high on the spiny lobster because a number set too low would be devastating to the Keys communities. He also stated that in the northern Gulf (Naples to Tampa) is a population of large spawning females and it should always be protected. He did not think any fishers were currently targeting this area, but it should be protected. He was in agreement with other speakers, that federal management should stay involved.

<u>Additional attendees who chose not to speak on Spiny Lobster</u>:
Chris Johnson, charter boat captain, Marathon, FL
Christy Johnson, Seasquared Charters
John Bartus, Marathon Chamber of Commerce
Rick Turner, charter boat captain, Marathon, FL
Don Moll, charter boat captain
Michelle Owen, Environmental Defense Fund
David McKinney, Environmental Defense Fund
Elizabeth Prieto, Marathon, FL
Edwin Prieto, Marathon, FL
Barbara Maddox, Captain Pip's Marina & Hideaway, Marathon, FL
Leda Dunmire, Pew Environmental Group

Dawn Ward, University of Florida, Gainesville, FL
Toby Kight, Marathon, FL
John Harrison, Marathon, FL
Gigi Harrison, Marathon, FL
Donald Beechum, Marathon, FL
Paul Lebo, Marathon, FL
Gene Trag, Marathon, FL
Capt. Don Muller
Richard Turner, Marathon, FL