

1
2 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

3
4 STONE CRAB/SPINY LOBSTER MANAGEMENT COMMITTEE MEETING

5
6 Courtyard Marriott Gulfport, Mississippi

7
8 February 9, 2011

9
10 **VOTING MEMBERS**

11 William Teehan (designee for Nick Wiley).....Florida
12 Dale Diaz (designee for William Walker).....Mississippi
13 Dave Donaldson (designee for Larry Simpson).....GSMFC
14 Robert Gill.....Florida
15 Ed Sapp.....Florida

16
17 **NON-VOTING MEMBERS**

18 Larry Abele.....Florida
19 Kevin Anson (designee for Chris Blankenship).....Alabama
20 Doug Boyd.....TX
21 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
22 Myron Fischer (designee for Randy Pausina).....Louisiana
23 John Greene, Jr.....Alabama
24 Joe Hendrix.....Texas
25 Tom McIlwain.....Mississippi
26 Damon McKnight.....Louisiana
27 Mike Ray (designee for Robin Riechers).....Texas
28 Bob Shipp.....Alabama
29 Kay Williams.....Mississippi

30
31 **STAFF**

32 Steven Atran.....Population Dynamics Statistician
33 Steve Bortone.....Executive Director
34 Karen Burns.....Ecosystems Management Specialist
35 Assane Diagne.....Economist
36 Shepherd Grimes.....NOAA General Counsel
37 Trish Kennedy.....Administrative Assistant
38 Ava Lasseter.....Anthropologist
39 Richard Leard.....Deputy Executive Director
40 Phyllis Miranda.....Secretary
41 Emily Muehlstein.....Fisheries Outreach Specialist
42 Charlene Ponce.....Public Information Officer
43 Cathy Readinger.....Administrative Officer
44 Ryan Rindone.....SEDAR Coordinator
45 Carrie Simmons.....Fishery Biologist

46
47 **OTHER PARTICIPANTS**

48 Pam Anderson.....Panama City, FL

1 Steve Branstetter.....NOAA Fisheries
 2 Glen Brooks.....Gulf Fishermen's Association, FL
 3 Randy Boggs.....Orange Beach, AL
 4 Steve Campbell.....NOAA OLE, Slidell, LA
 5 Carmen DeGeorge.....USCG
 6 Jason Delacruz.....Seminole, FL
 7 Tracy Dunn.....NOAA OLE
 8 Libby Fetherston.....Ocean Conservancy, St. Petersburg, FL
 9 Peter Fischer.....NOAA/NMFS, Stennis Space Center, MS
 10 Steve Foust.....Pensacola, FL
 11 Troy Frady.....Lillian, AL
 12 Claudia Friess.....Ocean Conservancy
 13 George Geiger.....SAFMC
 14 Sue Gerhart.....NMFS
 15 Ken Haddad.....American Sportfishing Association, Lloyd, FL
 16 Peter Hood.....NMFS
 17 Judy Jamison....Gulf and South Atlantic Fisheries Foundation, FL
 18 Bill Kelly....Florida Keys Commercial Fishermen's Association, FL
 19 Brian Lewis.....Clearwater, FL
 20 Ron Lukens.....Omega Protein, High Springs, FL
 21 Michael Miglini.....Corpus Christi, TX
 22 Russell Nelson.....CCA
 23 Bart Niquet.....Lynn Haven, FL
 24 Bonnie Ponwith.....NOAA SEFSC
 25 Samantha Portman.....Ocean Conservancy
 26 Tracy Redding.....AL
 27 Phil Steele.....NOAA Fisheries
 28 Andy Strelcheck.....NMFS
 29 Lauren Thompson.....MS Dept. of Marine Resources, Biloxi, MS
 30 Bill Tucker.....Dunedin, FL
 31 Donald Waters.....Pensacola, FL
 32 Bob Zales, II..Panama City Boatmen's Association, Panama City, FL

33
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 35

36 The Stone Crab/Spiny Lobster Management Committee of the Gulf of
 37 Mexico Fishery Management Council convened in the Coastal
 38 Ballroom of the Courtyard Marriott, Gulfport, Mississippi,
 39 Wednesday morning, February 9, 2011, and was called to order at
 40 9:30 a.m. by Chairman Bill Teehan.

41
 42 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**
 43

44 **CHAIRMAN BILL TEEHAN:** I would like to go ahead and call the
 45 Lobster/Stone Crab Management Committee to order and members are
 46 myself, Bob Gill, Ed Sapp, Dave Donaldson sitting in for Larry
 47 Simpson and we have Dale Diaz sitting in for Corky Perret and so
 48 all are present and the staff person is Carrie Simmons. The

1 first order of business would be to adopt the agenda. Do I have
2 any additions, deletions, or comments on the agenda?

3

4 **MR. ED SAPP:** Move adoption of the agenda as written.

5

6 **CHAIRMAN TEEHAN:** Is there any opposition? Without opposition,
7 the agenda is adopted. The next order of business will Approval
8 of Minutes. Are there any additions, corrections, or changes to
9 the minutes?

10

11 **MR. SAPP:** Move approval of the minutes as presented.

12

13 **CHAIRMAN TEEHAN:** It's been moved and seconded and so the
14 minutes are approved and we will move on to Item Number III,
15 which will be a Discussion of the Gulf SSC Assessment Review and
16 Recommendations for Acceptable Biological Catch for Spiny
17 Lobster. In your book, that would be Tab I, Number 3 and Dr.
18 Simmons, please.

19

20 **GULF SSC ASSESSMENT REVIEW AND RECOMMENDATIONS FOR ACCEPTABLE**
21 **BIOLOGICAL CATCH FOR SPINY LOBSTER**

22

23 **DR. CARRIE SIMMONS:** The Gulf SSC met on January 18 to discuss
24 spiny lobster. Doug Gregory was the chair on the review panel
25 and he gave an overview of the stock assessment. The review
26 panel concluded that after consideration, there was sufficient
27 concerns with the performance of the two assessment models to
28 reject the assessment results and that the status of the stock
29 in the southeastern United States was unknown.

30

31 That was confirmed by Mike Tringali from Florida FWC. He gave a
32 presentation about evidence that indicated that lobster were
33 largely dependent on external recruitment from upstream
34 Caribbean populations and there was also some major problems
35 with the retrospective analysis in the assessment.

36

37 After discussion, the SSC concluded for purposes of setting an
38 OFL and an ABC that they wanted to use their modified ABC
39 control rule and use Tier 3A from the Generic Amendment, which
40 you reviewed on Monday, but there was one issue.

41

42 There were no recreational landings estimates for 2004 and 2005
43 and that was due to the number of hurricanes they had during
44 that year. They estimated recreational landings from other
45 commercial recreational ratios in previous years and that was a
46 76 to 24 percent ratio.

47

48 Then the SSC made two motions. The SSC recommended that spiny

1 lobster be considered a special case fishery and they set, using
2 Tier 3A in Table 2.3.1 of the ABC control rule, an OFL of the
3 mean of the most recent ten years, with the exception of the
4 2004 and 2005 fishing seasons I just mentioned, with landings
5 plus two standard deviations and that was an OFL of 7.90 million
6 pounds and an ABC set at the mean of the landings plus 1.5
7 standard deviations, at 7.32 million pounds. That motion passed
8 unanimously.

9
10 There's some additional rationale and information for you to
11 read and then a table of the landings and then they made one
12 other motion that said they fully supported the research
13 recommendations of the spiny lobster update assessment and they
14 recommended that the monitoring and research be supported to
15 panCaribbean population-wide assessment and that motion passed
16 unanimously. Mr. Chairman, that concludes my SSC report for
17 spiny lobster.

18
19 **CHAIRMAN TEEHAN:** Thank you, Carrie. Are there any questions
20 from the committee or anybody else on the council as to that
21 report? Do we need to make a motion to accept that report? No?
22 Then we will move on to Item Number IV, which would be Review of
23 the Public Hearing Draft of Joint Spiny Lobster Amendment and
24 that would be, once again, Dr. Simmons.

25
26 **REVIEW OF PUBLIC HEARING DRAFT OF JOINT SPINY LOBSTER AMENDMENT**

27
28 **DR. SIMMONS:** I also included a copy of the South Atlantic
29 Council's committee report, but I have included a lot of their
30 recommendations in a presentation that I emailed to the whole
31 council and so I wanted to go ahead and go through that
32 presentation and that should reflect any changes that they made
33 at their December meeting, but George Geiger is here as a
34 representative to also help us with those discussions.

35
36 We'll start with Action 1. It's on page 12 of the Fishery
37 Management Plan and this deals with other species of spiny
38 lobster in the FMP. There's the no action alternative. There's
39 an Alternative 2 to set ACLs and AMs using historical landings
40 for these other species.

41
42 Alternative 3 is to list species as ecosystem component species
43 and the South Atlantic current preferred alternative is to
44 remove the following species from the joint fishery management
45 plan and that is all four species.

46
47 The primary reason for that is that they don't believe federal
48 management is necessary. We have very little information on the

1 other spiny lobster species, the smoothtail and spotted, both
2 biological and landings information, and then the ridged slipper
3 lobsters, we have a little bit more information about, but it's
4 still very limited.

5
6 The thought was also that the State of Florida could better
7 protect these species and that was another reason to remove them
8 from the federal fishery management plan.

9
10 **MR. BOB GILL:** I would like to move that we change our preferred
11 to Alternative 4, which also includes the preferreds we had in
12 Alternative 3. Our current preferred is Alternative 4 is my
13 motion.

14
15 **CHAIRMAN TEEHAN:** We have a motion to change our preferred to
16 Alternative 4. Do I have a second on that?

17
18 **MR. SAPP:** Second.

19
20 **CHAIRMAN TEEHAN:** We have a second. Do we have any discussion?

21
22 **MR. SHEPHERD GRIMES:** I guess it's in the record for past
23 meetings relative to just why we don't need to manage these
24 species at the federal level and we'll make sure the document
25 includes that discussion.

26
27 **CHAIRMAN TEEHAN:** My only concern, and it's just a concern,
28 would be *scyllarides nodifer*, which is a popular recreational
29 item and somewhat commercial. It's not a trapped lobster, but
30 my concern is not big enough to take it any further, but I just
31 wanted to put it on the record. We have a motion on the board
32 in Action 1 to change our preferred alternative to Alternative 4
33 and it has been seconded. Is there any further discussion?
34 **Hearing none, all in favor say aye; all opposed same sign. The**
35 **motion passes unanimously.**

36
37 **DR. SIMMONS:** On to Action 2 and there's three sub-actions under
38 Action 2 and those are the status determination criteria.
39 Action 2.1 is maximum sustainable yield definitions and
40 currently, we have two different definitions for the Gulf and
41 South Atlantic Councils.

42
43 Alternative 3 is to modify the Gulf definition to mirror the
44 South Atlantic Council and the current preferred is to use the
45 MSY yields and recommendations that come out of the SEDAR and
46 joint SSC process.

47
48 Since that was rejected, as this is currently written,

1 Alternative 2 and Alternative 3 are the same until an accepted
2 assessment is completed and so as written, these are the same
3 right now, until that is done. Action 2.2 deals with
4 overfishing thresholds and you have a similar issue here.

5
6 **CHAIRMAN TEEHAN:** Carrie, can I interrupt you for a second? Mr.
7 Gill wants to speak on 2.1.

8
9 **MR. GILL:** I guess I would address this to Roy or Bonnie, but
10 given the findings for spiny lobster on recruited all from
11 without, can we in fact define an MSY? Is it meaningful? It
12 seems to me that we can't do it. Am I in the right ballpark
13 here?

14
15 **DR. ROY CRABTREE:** I think you probably are and since the ABC
16 has fallen back on average landings right now over that period
17 of time, which is what the SSC gave you, that might be the most
18 appropriate proxy to use in the interim, until something
19 changes. I don't think what the South Atlantic preferred says
20 can be calculated at this time.

21
22 **MR. GILL:** We need a new alternative, I think, to accomplish
23 that, do we not?

24
25 **DR. CRABTREE:** I think that's correct. I think right now you
26 could probably add a new alternative to set the MSY proxy equal
27 to the Gulf SSC ABC level.

28
29 **MR. GILL:** ABC or OFL? It would be OFL, would it not?

30
31 **DR. CRABTREE:** Did they give us an OFL or did they give us an
32 ABC?

33
34 **MR. GILL:** They gave us an OFL.

35
36 **DR. CRABTREE:** Then I suppose the OFL.

37
38 **MR. GILL:** I would like to move then that we add Alternative 4
39 that MSY proxy will be the OFL recommended by the SSC.

40
41 **CHAIRMAN TEEHAN:** We have a motion on the board to add an
42 Alternative 4, an alternative that sets the MSY proxy will be
43 the OFL recommended by the SSC. Do I have a second?

44
45 **MR. SAPP:** Second for discussion. I would be interested in
46 hearing from the South Atlantic. At some point we hopefully
47 will agree with their council and what's their take?

48

1 **CHAIRMAN TEEHAN:** I agree and, Mr. Geiger, I'm going to put you
2 on the spot.
3
4 **MR. GEORGE GEIGER:** We do have a joint South Atlantic and Gulf
5 Lobster Committee meeting scheduled for June and that's where
6 these issues on which we do not coincide will be discussed and
7 hopefully we'll come up with a uniformity.
8
9 **CHAIRMAN TEEHAN:** We like to think of it as a meeting where you
10 guys will see the light and come around.
11
12 **MR. GEIGER:** I'm sure that will happen, Bill.
13
14 **DR. CRABTREE:** I believe, George, when we went through this last
15 was in December and I don't think at that point we knew that the
16 assessment was rejected or that these things had happened.
17
18 **MR. GEIGER:** That's right.
19
20 **CHAIRMAN TEEHAN:** Dr. Simmons, do you have something?
21
22 **DR. SIMMONS:** Just one more question. Should we put landings in
23 there, because we do have a proxy that was used in the
24 assessment that was the South Atlantic's definition, which was
25 used in the assessment, but this is an actual number and so I'm
26 a little bit confused, because aren't we just establishing
27 definitions in this action?
28
29 **DR. CRABTREE:** I'm not sure what was in the assessment, but I
30 think the problem is, one, the assessment was rejected and so I
31 would be reluctant to use any of the numbers in it. Secondly,
32 I'm not sure they can actually calculate what the Preferred
33 Alternative 3 is at this point. I'm not sure I understand the
34 question I guess at that point. MSY needs to be something that
35 can be turned into an estimate of number of pounds.
36
37 **DR. SIMMONS:** They did produce an estimate, but it was not, as
38 Dr. Crabtree said, accepted, but the definition, the current
39 definition that they used, was the one that was accepted, the
40 South Atlantic's definition, which was the yield at fishing at
41 20 percent SPR. I guess those are the definitions I was
42 thinking we were -- It's 7.9 million pounds. It's close to what
43 the OFL was.
44
45 **DR. CRABTREE:** I would suggest, Carrie, that in the discussion
46 you go through that and point out that it's essentially the same
47 number as this is, but because that number was rejected, we're
48 basing it on this rationale rather than the rationale of the

1 assessment, which was rejected, but they're functionally -- For
2 practical purposes, they come to the same end.
3
4 **CHAIRMAN TEEHAN:** We have a motion on the board, unless there's
5 any further discussion, to add a new Alternative 4 that MSY
6 proxy will be OFL recommended by the SSC at 7.90 million pounds.
7 **All in favor say aye; all against like sign. The motion passes.**
8 All right, Carrie. I guess we're ready for 2.2.2.
9
10 **MR. GILL:** The question now becomes, it seems to me, if
11 Alternative 2 and Alternative 3 are not viable alternatives,
12 should we not move them to Considered but Rejected?
13
14 **DR. SIMMONS:** I think Alternative 2 is a viable alternative.
15 All we're doing is changing it to mirror what the South
16 Atlantic's definition that was approved that was used in the
17 assessment that was not approved and that's just changing the
18 definition from transitional SPR to static, so that we have the
19 same definition that would be accepted on the books.
20
21 **CHAIRMAN TEEHAN:** Shep, did you want to comment?
22
23 **MR. GRIMES:** I was just going to say no, don't take them out.
24 You considered them and let's leave the alternatives in there,
25 so you're not stuck again with two.
26
27 **CHAIRMAN TEEHAN:** Any further discussion on this? Let's move on
28 then.
29
30 **DR. CRABTREE:** Do you want to consider -- I think you need to
31 choose preferreds, so that when the South Atlantic Council
32 meets, it's clear where you are on this so we can get all on the
33 same page.
34
35 **MR. GILL:** I move that the preferred in Action 2.1 be
36 **Alternative 4.**
37
38 **MR. SAPP:** Second.
39
40 **CHAIRMAN TEEHAN:** We have a motion and a second to make
41 Alternative 4 in 2.2.1 the preferred alternative. Any
42 discussion? **All in favor say aye; all opposed like sign. It**
43 **passes unanimously.** Now can we move on to 2.2.2?
44
45 **DR. SIMMONS:** Just a quick reminder that we will be taking this
46 or the South Atlantic is taking this to public hearings during
47 our April council meeting and then the following week and so
48 we'll clean this up and get it ready for that, but then you

1 won't see it again until June and that's when we'll have our
2 joint committee meetings.

3
4 Action 2.2, Overfishing Threshold Definitions, we have a similar
5 problem there, because the stock assessment was rejected. The
6 South Atlantic Council added an additional alternative at their
7 December meeting, which was until an OFL is provided by the SSC,
8 use the ACL as the measure of overfishing, but now the Gulf SSC
9 has provided an OFL recommendation and an ABC recommendation.

10
11 **MR. GILL:** Recognizing those dilemmas, I move that we modify
12 **Alternative 4 that the overfishing threshold be the OFL provided**
13 **by the SSC and Alternative 4 be our preferred alternative under**
14 **Action 2.2.**

15
16 **CHAIRMAN TEEHAN:** I have a motion. Do I have a second?

17
18 **MR. SAPP:** Second.

19
20 **CHAIRMAN TEEHAN:** We have a motion and a second to make
21 Alternative 4 in Action 2.2.2 our preferred and that is to
22 modify Alternative 4, Action 2.2.2. Any discussion?

23
24 **MR. GILL:** We need to define what the modification is and it's
25 that in Alternative 4 the overfishing threshold is the OFL
26 defined by the SSC. Phyllis, we need to modify Alternative 4 to
27 read that the overfishing threshold is the OFL provided by the
28 SSC.

29
30 **CHAIRMAN TEEHAN:** We have a motion on the board. Is there any
31 further discussion on the motion? If not, the motion is in
32 Action 2.2, that the Alternative 4 be the preferred alternative
33 and to modify Alternative 4 to read that the overfishing
34 threshold is the OFL defined by the SSC. **All in favor of the**
35 **motion say aye; all opposed like sign. The motion carries.**

36
37 **DR. SIMMONS:** Mr. Chairman, should we note there that that
38 should be the Gulf SSC, because the South Atlantic SSC has still
39 to meet?

40
41 **CHAIRMAN TEEHAN:** Yes, that would probably be wise.

42
43 **DR. SIMMONS:** Action 2.3, the overfished threshold definitions
44 on page 21, currently we have two alternatives, the no action
45 alternative. The Gulf had a proxy level that was in our Generic
46 Amendment, but the South Atlantic used a framework procedure to
47 add a biomass component, because there was no estimate, but the
48 current preferred alternative was also based on the stock

1 assessment process and SSC process for this action.
2
3 **MR. GILL:** I guess the same question for Dr. Crabtree. How do
4 we handle this one?
5
6 **DR. CRABTREE:** I think the South Atlantic preferred is kind of
7 problematic, because I don't think SEDARS define MSST.
8 Typically, they're told that here's how the councils define the
9 MSST. The fallback you could use is the one minus M times BMSY.
10 That's what we used in the past.
11
12 The problem is without an assessment, that can't be estimated,
13 but at least you would then have the framework of how to look at
14 overfished once you finally get an assessment. In lieu of that,
15 without an assessment, it's not clear to me how to calculate a
16 measure of overfished at this point and so I guess what I could
17 suggest to you is that you add a third alternative in here which
18 is to define the MSST as one minus M times BMSY and that's the
19 best we can do until we get a stock assessment.
20
21 **MR. GILL:** So moved, Mr. Chairman.
22
23 **CHAIRMAN TEEHAN:** Phyllis, did you get that or do we need to re-
24 read that?
25
26 **DR. CRABTREE:** Would you like me to suggest one, Mr. Teehan?
27 Let me point out that I'm not on your committee and so I'm not
28 actually making this motion, but it would be MSST equals one
29 minus M times BMSY. If I were on the committee, Mr. Teehan,
30 that's the motion I would probably make.
31
32 **CHAIRMAN TEEHAN:** If you were on the committee, that would be a
33 great motion and hopefully someone on the committee will pick up
34 on it.
35
36 **MR. SAPP:** Mr. Chairman, I would like to make a motion that MSST
37 equals one minus M times BMSY.
38
39 **CHAIRMAN TEEHAN:** We have a motion by Mr. Sapp and seconded by
40 Mr. Gill that MSST equals one minus M times BMSY. Is there any
41 discussion on this motion? Do we want to make this the
42 preferred motion?
43
44 **MR. GILL:** Mr. Chairman, I would like to make a friendly here
45 that we add Alternative 3 with that definition and that we make
46 that our preferred. It should be add Alternative 3, that MSST
47 equals one minus M times BMSY and that be our preferred, if my
48 motion maker would agree.

1
2 **MR. SAPP:** The motion maker agrees.
3

4 **CHAIRMAN TEEHAN:** We have a motion on the board and a second.
5 Is there any discussion? **Seeing none, the motion is in Action**
6 **2.3 that we add a new Alternative 3 that MSST equals one minus M**
7 **times BMSY and that be our preferred alternative. Is there any**
8 **opposition to this motion? Hearing none, the motion passes.**
9

10 **DR. SIMMONS:** On the next slide of the presentation, I did have
11 the status determination criteria and that was the definition
12 that the stock assessment used. The black column is the
13 approved 2005 benchmark assessment and they did use these
14 definitions, but many of these were only approved for the South
15 Atlantic Council and so that's why we're going through this
16 again, so we have the same definitions for both councils.
17

18 Then the values from the 2010 update assessment are on the far
19 right column and there were estimates produced for these
20 criteria even though there was not a good understanding of the
21 biomass and so those were available from the assessment, but, of
22 course, as I said, that was disapproved, for your information.
23

24 Action 3, page 23, establishes sector allocations. We have six
25 alternatives currently. The no action alternative allocates
26 spiny lobster ACL by an 80 percent commercial and 20 percent
27 recreational, by 74 percent commercial and 26 percent
28 recreational, by 78 percent commercial and 22 percent
29 recreational, allocate it by 77 percent commercial and 23
30 percent recreational and then the current South Atlantic
31 preferred alternative, which is 76 percent commercial and 24
32 percent recreational.
33

34 **MR. GILL:** I move that Alternative 1 in Action 3 be our
35 preferred alternative.
36

37 **MR. SAPP:** Second.
38

39 **CHAIRMAN TEEHAN:** We have a motion and a second that Alternative
40 1, the no action, do not establish sector allocations, be our
41 preferred alternative. Any discussion on this motion?
42

43 **DR. CRABTREE:** I guess before I comment, I would like to hear
44 Mr. Gill's rationale for this.
45

46 **MR. GILL:** It seems to me that given the ABC that we've gotten
47 from the SSC and the information derived and the landings that
48 we've seen in the recent history, it suggests that there is no

1 concern over, at least from my standpoint, concern over which
2 sector is getting how much and so what we do is needlessly
3 create a sector allocation that I don't think at this time is
4 needed.

5
6 Now, if landings go back to where they were previously, then I
7 think we need to consider it, but until then, we're not anywhere
8 near the ABC and presumably the ACL that will be established and
9 so I see no concern at this point for making it more complicated
10 than we have to.

11
12 **DR. CRABTREE:** Based on that, you think that the ACL is unlikely
13 to be hit, given the way the fishery is operating at this time
14 and you're not concerned that, for example, the recreational
15 sector's catches could go up and cause an overrun and if that
16 happened then the commercial fishery would also be affected?
17 What you're saying here is you're going to set one ACL for the
18 entire fishery.

19
20 **CHAIRMAN TEEHAN:** There's a motion on the board. Any further
21 discussion? The motion is in Action 3 that Alternative 1 be the
22 preferred alternative and that is no action, do not establish
23 sector allocations. Any further discussion? **All in favor of**
24 **the motion say aye; all opposed like sign. The motion passes.**

25
26 **DR. SIMMONS:** Action 4.1, the Acceptable Biological Catch, is on
27 page 25. We currently have six alternatives. Alternative 1 is
28 the no action alternative. Alternative 2 would adopt the
29 following ABC control rule. The South Atlantic's ABC control
30 rule is Option a and the Gulf Council's SSC ABC control rule is
31 Option b.

32
33 Alternative 3 would establish an ABC control rule where ABC
34 equals OFL and then Alternatives 4 through 6 were added by the
35 South Atlantic Council at their December meeting and that is
36 looking at the mean landings in the last ten years. There's
37 high landings and low landings in there under those additional
38 three alternatives.

39
40 **CHAIRMAN TEEHAN:** Thank you, Dr. Simmons. We have no preferred
41 and the South Atlantic has no preferred. I guess I would just
42 like to ask George if there was a rationale behind no preferred
43 for the South Atlantic.

44
45 **MR. GEIGER:** I think, if I recollect correctly, it was an
46 attempt to have as broad a selection of alternatives as possible
47 for public comment and this was one where we were going to wait
48 to get public comment in before we took a position.

1
2 **MR. GILL:** I move that in Action 4.1 that the preferred
3 alternative be Alternative 2b.

4
5 **CHAIRMAN TEEHAN:** We have a motion that the preferred
6 alternative be Alternative 2b and that is to adopt the following
7 ABC control rule, the Gulf Council's SSC ABC control rule. Do I
8 have a second for that motion?

9
10 **MR. SAPP:** I'll second it for discussion.

11
12 **CHAIRMAN TEEHAN:** Mr. Sapp will second for discussion and so
13 let's have some discussion.

14
15 **MR. GILL:** I guess the terminology in the alternative is a
16 little funky to me. I don't like the insertion of the SSC, but
17 that was how the ABC was derived, by our SSC. They used the
18 Gulf Council's ABC rule and that created the numbers that we're
19 using and so it makes sense to use that as the methodology for
20 doing it.

21
22 **MR. GRIMES:** I would just say when we're drafting the document,
23 we'll incorporate some of the discussion at the SSC, which more
24 holistically articulated the rationale.

25
26 **DR. CRABTREE:** I would just point out that if you chose some
27 other preferred, you would need to go back to the SSC again and
28 have them give you a new ABC based on that other preferred and
29 so Bob's choice seems to make sense to me.

30
31 **CHAIRMAN TEEHAN:** Don't encourage him, Roy.

32
33 **DR. CRABTREE:** I think he's doing an excellent job, Mr.
34 Chairman.

35
36 **DR. SIMMONS:** I was just going to point out on the presentation
37 there's some additional information, again, on that Gulf ABC
38 control rule and what those results were, again, from the SSC
39 meeting. It outlines it maybe a little bit more holistically.

40
41 **CHAIRMAN TEEHAN:** Wow, "holistic" two times within the same
42 discussion. We have a motion on the board and is there any
43 further discussion on the motion? I'm trying to move this
44 along, because we've got a lot more to look at and very little
45 time.

46
47 The motion is that in Action 4.1 that the preferred alternative
48 be Alternative 2b, which is Alternative 2, adopt the following

1 ABC control rule, and Option b, the Gulf Council's SSC ABC
2 control rule. **All in favor of the motion please signify by**
3 **saying aye; all opposed like sign. The motion carries.**
4

5 **DR. SIMMONS:** Action 4.2, Setting Annual Catch Limits, begins on
6 page 28. The no action alternative and then there's two
7 additional alternatives, setting the ACL for the entire stock,
8 based on the ABC. The Gulf preferred alternative is setting the
9 ACL equal to OY equal to the ABC.

10
11 The current South Atlantic preferred alternative is to set the
12 ACL for each sector and the ACL would be equal to the OY, which
13 is equal to the sector allocation times the acceptable
14 biological catch. As you've selected the same preferred
15 alternatives, you didn't change the select a sector separation
16 alternative, this seems appropriate as it stands.
17

18 **CHAIRMAN TEEHAN:** Committee, we have a preferred alternative on
19 this. Does anybody want to change that preferred or add
20 anything or do you want to just keep things as they are?
21

22 **MR. GILL:** I'm not going to move to change the preferred. I
23 just wanted to clarify for the record that given that the OFL is
24 set in excess of the ABC, we don't trip over the presumption of
25 overfishing, although in this fishery I'm not sure there is such
26 a thing. I don't see any problems with this, but I would ask
27 Roy if there's something that I might be missing.
28

29 **DR. CRABTREE:** No, I don't see a problem and you're right that
30 the overfishing trigger the way it's laid out now would be the
31 OFL and not the ACL, but the accountability measures would be
32 triggered still by the ACL.
33

34 I would point out that in this stock we have a single ACL that
35 covers the whole fishery and so you have a disagreement over the
36 sectors that results in a disagreement here and that's going to
37 have to be resolved.
38

39 **CHAIRMAN TEEHAN:** Any further discussion on this? If not, we
40 will move on to the next action.
41

42 **DR. SIMMONS:** Action 4.3 is to set annual catch targets and
43 currently, the South Atlantic Council and the Gulf Council have
44 selected the no action alternative, do not set annual catch
45 targets.
46

47 **DR. CRABTREE:** Right now, the choice is not to have an annual
48 catch target, but as we've discussed I think it was yesterday,

1 recall that in the annual catch limit guidelines that the
2 presumption is that you will have in-season closure in these
3 fisheries and that if you choose not to have in-season closures,
4 that you will then have an annual catch target.

5
6 There's been a lot of concern I know in the commercial spiny
7 lobster fishery that in-season closures would be disruptive and
8 I think most of the commercial sector is opposed to those.

9
10 In the case of the recreational sector, I don't think an in-
11 season closure is possible, because the data is not delivered
12 timely enough to do that. If you're going to have a single ACL
13 that includes both, I don't think that allows you to have in-
14 season closures as an accountability mechanism and so I think in
15 order to comply with the guidelines, you would need to establish
16 an annual catch target and if you're not going to do that,
17 you're going to have to offer up some pretty good explanation
18 for how come it's okay to have no in-season closure and how
19 you're going to deal with that.

20
21 **CHAIRMAN TEEHAN:** Given Dr. Crabtree's comments, do we have any
22 committee discussion on Action 4.3? We have a preferred that
23 both councils agree on, which is Alternative Number 1, no
24 action, do not set annual catch targets. Any further discussion
25 on that?

26
27 **DR. CRABTREE:** One way to think about this is we have an OFL and
28 an ABC and an ACL that come from a fairly long catch history. I
29 think the basis of Mr. Gill's argument for a single ACL was that
30 recent catches have been well below that.

31
32 It may be that you could come in and say, okay, recent catches
33 have been at this level and let's set that at the annual catch
34 target and that's where we're going to try and stay around and
35 you go from that.

36
37 The target doesn't trigger anything. If you go over it, there's
38 no accountability, but you're just saying we think the fishery
39 is going to continue to operate at this lower level that it's
40 been at and that's our target and if we start seeing that trend
41 away from it and change, then you would need to come in and talk
42 about what you're going to do, but that may be a way to get you
43 around this issue. It's just a suggestion and I don't have the
44 numbers, but that's my recollection, is the recent catches were
45 lower than the longer time series.

46
47 **MR. GILL:** Roy, I understand what you're saying. I'm not sure I
48 understand the implications of what you're saying, because it

1 seems to me that fundamentally what you're doing is getting out
2 of the situation of where we have to argue why we're not
3 following the Guidelines, which Shep loves, I'm sure.

4
5 To achieve the target, you have to have management measures that
6 drive towards that target, which would suggest that we might
7 have to, and I don't know this, but we might have to change
8 management measures to more closely have the target achieved,
9 because right now, under the same management measures, it used
10 to be seven-million pounds and now it's four-and-a-half or four
11 or some such number.

12
13 What concerns me about your suggestion is that we would
14 artificially go in and change management measures to achieve
15 this current low level. I don't know that that's true, but I
16 don't know that it's not true and so I'm not real comfortable in
17 using that.

18
19 If we're going to do some target, my suggestion is we do 90
20 percent of ACL or some such thing, where that difficulty is
21 eliminated. Maybe it's a difficulty that doesn't exist, but it
22 seems to me that it's got a real potential for existing.

23
24 **CHAIRMAN TEEHAN:** We have, to that end, Mr. Gill, we do have an
25 Alternative Option b, which is to set the annual catch target at
26 X percent of annual catch limits. Do you feel strongly enough
27 to want to change that at this point?

28
29 **MR. GILL:** I would like to hear Dr. Crabtree's response.

30
31 **DR. CRABTREE:** I think you could do it that way, Bob. The
32 trouble is you're going to have to have some rationale for
33 choosing the percent that you choose and if you can come up with
34 a good rationale for it, that's fine.

35
36 When I look at the landings for the last few years, they've
37 averaged pretty close to five-million pounds and so that's 2.3
38 million pounds below the ACL. I think you could argue right now
39 that the way the fishery is operating, it is, on average,
40 achieving that ACT and so there's no additional management
41 measures required.

42
43 Now, if those catches start going up over time and increasing,
44 then you would need to look at it, but there wouldn't be any
45 automatic thing that's triggered. When you look at it, you
46 could decide to raise the ACT if you wanted to or you could take
47 some action to bring the catches back down.

1 If the catches do start going up and start getting close to the
2 ACL, you're going to have to deal with that one way or another.
3 I think you could do it the way you're describing it with a
4 percentage, as long as you have some rationale for the
5 percentage, but it looks clear to me that at least for the past
6 three and really for the past five years, this fishery has
7 operated at a lower level and if it continues to do that, then I
8 don't think there's any management required and you're fine.
9 It's only if it starts coming back up that you're going to have
10 to deal with it.

11
12 **MR. GILL:** I don't disagree with that, but part of my
13 understanding is that, while I'm not certain, the thinking on
14 the science side is that something has shifted in this fishery
15 and those levels are where we're likely to be, be it the virus
16 or be it recruitment problems down in the Caribbean, et cetera.

17
18 It's unknown, but the thinking is that we're there, four or
19 five-million pounds, whatever that number is. I guess if you
20 don't think that we have to change management measures -- That
21 would be a case where set this artificial target and say oops,
22 we've got to go change management and it's a state fishery and
23 we would be driving it to someplace where we ought not be going.

24
25 If you don't think that that's where the issue is, I have no
26 problem with your argument that we set the ACT at five-million
27 pounds or something like that.

28
29 **DR. CRABTREE:** I think, Bob, you could potentially say we're
30 going to look at the landings going back to 2006 or 2007 and the
31 landings in 2006 were 6.1 million pounds. You could even argue
32 we're going to take the highest year over the last four years
33 and set the ACT at that and that's still 1.3 million pounds
34 below the ACL and we're very comfortable that we're going to
35 remain in that neighborhood.

36
37 I think you have some flexibility on what number you put
38 forward. I think the tricky part is you just have to have some
39 reason for that number.

40
41 **MR. GILL:** Thank you, Roy. I probably don't have the tricky
42 part answered, but I would like to move that we add Alternative
43 2, Option c, to set the annual catch target at six-million
44 pounds, and that that be our preferred.

45
46 **CHAIRMAN TEEHAN:** We have a motion on the board. Do we have a
47 second?

48

1 **MR. SAPP:** Second.
2
3 **CHAIRMAN TEEHAN:** Mr. Sapp seconds. Is there any discussion to
4 the motion?
5
6 **DR. CRABTREE:** The rationale would be that the -- I'm looking in
7 the SSC report, Table 1, which says the combined landings in
8 2006/2007 were 6.1004 million pounds and you're setting it just
9 slightly below the highest of the last four years you have data
10 for? Is that your rationale, Mr. Gill?
11
12 **MR. GILL:** I couldn't have expressed it better myself, Dr.
13 Crabtree. Phyllis, could you change the target to 6.0 million
14 pounds?
15
16 **CHAIRMAN TEEHAN:** I believe that's our preferred also. We have
17 a motion on Action 4.3 to add a new Alternative 2, Option c, to
18 set the annual catch target at six-million pounds and that that
19 be our preferred option. Any further discussion? **Hearing none,**
20 **all in favor say aye; all opposed like sign. The motion**
21 **carries.**
22
23 What I would like to do at this point is, in the interest of
24 trying to get us back on track after the egregious overrun of
25 the Reef Fish Committee this morning, would be to, Carrie, if we
26 can, when we go through these actions, if we've already picked a
27 preferred and there's no discussion or no will of the committee
28 to change those preferreds, then we can probably just move on
29 through them. Does that sound acceptable?
30
31 **DR. SIMMONS:** Action 5 deals with accountability measures and
32 currently the Gulf does not have a preferred alternative. We
33 have it set up as no action, establish commercial in-season
34 accountability measures, establish post-season accountability
35 measures for commercial and for recreational, and then we have a
36 combined accountability measures. There's a lot of words here
37 on these slides.
38
39 **CHAIRMAN TEEHAN:** What is the committee's pleasure? The South
40 Atlantic has picked to establish a commercial in-season
41 accountability measure, which would be to close the commercial
42 fishery when the ACL is projected to be met. They do not have a
43 recreational accountability measure. What's the committee's
44 pleasure?
45
46 **MR. GILL:** I have to look where I think the preferred ought to
47 be, but I did want to comment that I don't think Alternative 2
48 is an appropriate solution to accountability measures, on the

1 grounds that the commercial fishery is all frontloaded and so by
2 the time you get the information and get it implemented, you're
3 eliminating the tail-end of the harvest and it's the smallest
4 part and so you effectively have very little effect on the
5 resource and you cut the folks out that are in there for the
6 entire season.

7
8 There's plenty of folks that pull their traps in in November and
9 have a very short season and so I think we need to be looking at
10 post-season accountability measures and I don't have anything
11 that I can proffer at this time, but I think that's where we
12 need to be.

13
14 **CHAIRMAN TEEHAN:** I agree with you on that, Mr. Gill. It is
15 definitely a frontend-loaded fishery, both recreational and
16 commercial. We have Alternative 3, which would establish post-
17 season accountability measures in the commercial sector, to
18 adjust the length of the fishing season following an ACL
19 overage, which might come close to what you're thinking of. Do
20 any other committee members have any thoughts on this?

21
22 **MR. GILL:** Just to float something up there, under Action 5, I
23 move that the preferred alternative be Alternative 3, Option c,
24 sub-option i.

25
26 **CHAIRMAN TEEHAN:** We have a motion to make the preferred option
27 for Action 5, Alternative 3, Option c, sub-option i, which is to
28 adjust the season length for both recreational and commercial
29 harvest of spiny lobster in the fishing season following the ACL
30 overage. Do we have a second?

31
32 **MR. SAPP:** Second.

33
34 **CHAIRMAN TEEHAN:** Second by Mr. Sapp. My only concern with this
35 is one season enough to calculate the recreational landings?
36 Right now, we're calculating them via survey, through our FWRI
37 and FWC, and I don't know whether one year for recreational
38 would be enough, but I'm willing to let this one fly for
39 discussion.

40
41 We have a motion on the board to make the preferred alternative
42 Alternative 3, Option c, sub-option i, which is to adjust
43 seasonal length for both recreational and commercial harvest of
44 spiny lobster in the fishing season following an ACL overage.

45
46 **MR. SAPP:** I'm looking for reasonable options that deal with the
47 fishery that we've got in lobster and what we hopefully will be
48 allowed to continue to do is harvest all the available lobster

1 each year and when we start applying paybacks, if we exceed the
2 ACL, then we're creating problems.

3
4 This is a fishery where if the lobster that we're harvesting are
5 not contributing to the recruitment, at least not within our
6 fishery -- I don't see any real good alternatives to do it, but
7 the one that Bob suggested seems like it's the least contentious
8 for getting where we need to be.

9
10 **CHAIRMAN TEEHAN:** I'll take that as you support the motion. **All**
11 **in favor of the motion please say aye; all opposed like sign.**
12 **The motion passes.**

13
14 **DR. CRABTREE:** One thing I would offer up, and I'll read to you
15 from the ACL guidelines in the section about in-season AMs.
16 Whenever possible, FMPs should include in-season monitoring
17 management measures to prevent catch from exceeding ACLs. In-
18 season AMs could include, but are not limited to, ACT and then a
19 list of things.

20
21 According to the Guidelines, the ACT is a type of accountability
22 measure and so keep that in mind as you go through that. By
23 establishing an ACT, that is a type of accountability measure.

24
25 **CHAIRMAN TEEHAN:** Thank you, Dr. Crabtree.

26
27 **MR. GILL:** Roy or perhaps Mr. Grimes, that seems to me to be
28 suggesting that Alternative 1, no action, is an appropriate
29 thing, but the other hand, it says do not set accountability
30 measures and we have to do that. I'm not sure I understand how
31 one goes about achieving what Dr. Crabtree just outlined.

32
33 **MR. GRIMES:** Mechanically, I suppose I would add another
34 alternative. I wouldn't want to characterize it as not setting
35 an accountability mechanism, but if you were going to take the
36 position that the ACT was your accountability mechanism, then it
37 would be a new alternative that states just that.

38
39 **MR. GILL:** In that case, given that discussion, I would like to
40 move that we add Alternative 4 that the accountability measure
41 for spiny lobster be the annual catch target.

42
43 **CHAIRMAN TEEHAN:** It would appear that we're actually going
44 backwards.

45
46 **MR. GILL:** And that it be our preferred.

47
48 **CHAIRMAN TEEHAN:** We have a motion.

1
2 **MR. DAVE DONALDSON:** Didn't we just pass -- How do we undo what
3 we just did? This supersedes what we just passed?
4
5 **CHAIRMAN TEEHAN:** Can we bring this up in full council?
6
7 **DR. CRABTREE:** You could defer this to full council, but
8 otherwise, I believe you would have to have a motion to
9 reconsider and return to the previous selection of a preferred
10 and revisit that and then come back to this. Is that not
11 correct, Dr. Bortone?
12
13 **EXECUTIVE DIRECTOR STEVE BORTONE:** You would have to have two-
14 thirds, I think to change it.
15
16 **MR. DALE DIAZ:** I'll make a motion that we reconsider.
17
18 **CHAIRMAN TEEHAN:** We have a motion from Mr. Diaz that we
19 reconsider the last motion. Do I have a second? It's seconded
20 all over the place. **All in favor of reconsidering the last**
21 **motion signify by saying aye; all opposed like sign.** All right,
22 gentlemen. Carry on.
23
24 **MR. GILL:** I move a substitute motion, which is the one that she
25 had up prior to all this reconsideration.
26
27 **CHAIRMAN TEEHAN:** We have a substitute motion on the board in
28 Action 2.5 to add a new Alternative 4 that the accountability
29 measure for spiny lobster be the annual catch target and that it
30 be the preferred alternative. Do we have a second?
31
32 **MR. DONALDSON:** I'll second it.
33
34 **CHAIRMAN TEEHAN:** Second by Mr. Donaldson. Any discussion?
35
36 **DR. CRABTREE:** I've asked Shepherd and Monica as well, because
37 this is a joint plan, to look at this carefully and make sure
38 we're okay and I think implicit in this is that we are going to
39 actually monitor the catch target and should we start
40 consistently exceeding that catch target for multiple years,
41 that you're going to need to come in and talk about what action
42 would be appropriate to try and keep things at the target.
43
44 Maybe the way we've set the target, if the fishery keeps going
45 the way it is, we're probably going to stay below it, but I
46 think for now, based on my discussions with Mr. Grimes, that
47 this is okay and I certainly think in terms of how the fishery
48 operates, and particularly with the large role that Florida

1 plays in the fishery, this does seem to be the most workable way
2 that I can think of to handle this right now.

3
4 **CHAIRMAN TEEHAN:** Thank you, Dr. Crabtree. We have a substitute
5 motion on the board. **All in favor say aye; all opposed like**
6 **sign.** I think we are done with this. Let's move on to Action
7 6, which we do have a preferred, which is Alternative 2, update
8 the current protocol for enhanced cooperative management.

9
10 Action 6 is the Development or Update of Framework Procedure and
11 Protocol for Enhanced Cooperative Management for Spiny Lobster.
12 Our preferred is also one of the South Atlantic's preferreds.
13 They have picked two of them. Do we need to discuss this one,
14 committee or Carrie?

15
16 **DR. SIMMONS:** I would just say remember, Mr. Chairman, there's
17 two kind of different issues here. The one that you have for
18 Alternative 2 is just to update that language, et cetera, from
19 the Florida statutes that we could not do any other way.

20
21 Then the other one is the framework and whether you just want to
22 make it very general, to just modify annual catch limits and
23 accountability measures, or if you want to use something similar
24 to what's in the Generic ACL Amendment.

25
26 That I have summarized here on this table, just some of the
27 things that would be under the various framework procedures.
28 The South Atlantic's current preferred is Option a, a base
29 framework, and I listed some things when that can be used versus
30 the broad and the narrow and it also lists how much public input
31 might be necessary during that time. We do need two different
32 preferreds here, please.

33
34 **CHAIRMAN TEEHAN:** Thank you. What's the committee's preference?
35 Would you like to also make a preferred, similar to the South
36 Atlantic's, which would be Alternative 4, Option a?

37
38 **MR. DONALDSON:** I move that we select Alternative 4, Option a as
39 our preferred.

40
41 **CHAIRMAN TEEHAN:** We have a motion by Mr. Donaldson in Action 6
42 that Alternative 4, Option a be the preferred alternative.
43 Alternative 4 is to revise the current regulatory amendment
44 procedures to create an expanded framework procedure. Any
45 discussion on this?

46
47 **MR. DIAZ:** Second.

48

1 **CHAIRMAN TEEHAN:** Thank you. Shep, did you have something to
2 say?

3
4 **MR. GRIMES:** I was going to ask if there was a second, but I
5 would also add that your rationale for this is the same as we've
6 discussed for reef fish and others, that the base framework
7 procedure provides you the greatest flexibility in utilizing the
8 framework to adjust future management measures and there's
9 really no need to limit your ability to change those specific
10 provisions and there's more included in the base framework than
11 the other framework alternatives.

12
13 **CHAIRMAN TEEHAN:** That's correct and thank you very much, Shep.
14 We have a motion on the board. **All in favor say aye; all**
15 **opposed like sign. The motion carries.**

16
17 On to Action 7 and it's on page 47 and we have a preferred
18 alternative for Action 7. It's to modify regulations regarding
19 possession and handling of short Caribbean lobsters as
20 undersized attractants.

21
22 The Gulf prefers Alternative 4, to allow undersized spiny
23 lobsters, not exceeding fifty per boat and one per trap aboard
24 each vessel if used exclusively for luring, decoying, or
25 otherwise attracting non-captive spiny lobsters into the trap.
26 This is consistent with Florida state regulations.

27
28 The South Atlantic has picked Alternative 3, Option b as their
29 preferred, which is to allow undersized Caribbean spiny
30 lobsters, but modify the number of allowable undersized
31 lobsters, regardless of the number of traps fished, and Option
32 b, to allow thirty-five undersized lobsters.

33
34 As I said, we have a preferred and we've hashed this out several
35 times and we've discussed this and does anybody have any
36 discussion or comments or want to change anything?

37
38 **MR. GRIMES:** We've had considerable discussion relative to this
39 in my office and it has revolved around is this bycatch and
40 we've had a lot of discussion at past meetings of whether we
41 would consider it bycatch and I just wanted to go over our
42 thought process with it and where we stand.

43
44 Now, bycatch is -- I'll read the definition in the Act. It
45 means fish that are harvested in the fishery but are not sold or
46 kept for personal use and that's really what we're focusing on.
47 A lot of people have taken the position that the shorts are
48 retained for personal use, that they're retained for use in the

1 traps as attractants.

2
3 Our thought process has been in order to use the lobsters in the
4 traps as attractants, that use, in and of itself, is part of a
5 commercial endeavor. It's part of the commercial harvest of
6 spiny lobster. In order to retain those shorts, you must have a
7 commercial permit and the more you look at it, the less that
8 seems reasonable to be considered as personal use. It's clearly
9 part of this commercial enterprise and that these short lobsters
10 are appropriately considered bycatch. At least that's the most
11 reasonable argument.

12
13 However, in light of the new information you have relative to
14 the impact, the population level impact, of retaining shorts,
15 you can go back and if we change any of this or implement this
16 new amendment, we're going to have to incorporate that new
17 science, which means we'll do a new bycatch practicability
18 analysis.

19
20 In light of the lack, or at least the potential lack, of a
21 population level impact to the spiny lobster stock by retaining
22 those short lobsters, there's at least some basis to conclude
23 that allowing more of them is now practicable and it's not a
24 question of what we're doing now was or wasn't practicable, but
25 you have new science. Not necessarily new management measures,
26 but in light of that new science and in light of the new
27 information relative to the biological impact of retaining
28 these, it may be practicable to retain more of them.

29
30 I just throw that out. I'm not advocating certainly one way or
31 the other and you do have this discrepancy with the South
32 Atlantic that it seems to me you're eventually going to have to
33 work out when you make your final decision and perform the
34 accompanying bycatch practicability analysis.

35
36 **CHAIRMAN TEEHAN:** Thank you, Shep. Will wonders never cease?
37 I've got to add above just having the commercial license, there
38 are also live well considerations and having to return the
39 animals to the water. There are several stipulations in Florida
40 management that tries to aid the survivability of the animals.
41 Thank you for your comments.

42
43 **MR. GRIMES:** I didn't get into all the details, but yes, one of
44 the big considerations for us is according to the federal
45 regulations, you can't have them after dark. You can have them
46 on your vessel in the live well during the day, but come sunset,
47 they better be in the water or if you come back to the dock, you
48 have to release in the water. All of those to me, and to

1 everyone else in my office, argued strongly in favor of viewing
2 them as bycatch.

3
4 **DR. CRABTREE:** We're not proposing, as far as I know in this
5 document, to change that and so we still wouldn't be -- Florida
6 does not have that provision. Is that correct, Bill?

7
8 **CHAIRMAN TEEHAN:** I believe they have to be in the water by
9 sunset.

10
11 **DR. CRABTREE:** Bill, just a couple of questions along these
12 lines. It's my understanding that there have been studies done
13 on the fishing efficiency of traps with and without shorts and
14 that a trap with a short is something like twice as productive
15 as a trap without shorts and is that approximately correct?

16
17 **CHAIRMAN TEEHAN:** Yes, I think you're right. Those studies were
18 done by John Hunt sometime back, but yes, they did show a
19 definite --

20
21 **DR. CRABTREE:** I know you've worked on spiny lobster for an
22 awful long time now and so have a lot of knowledge of the
23 fishery. In your judgment, if shorts were not allowed in the
24 fishery or if the use of shorts was significantly reduced from
25 where it is now, would that simply result in they would fish
26 longer to catch the lobster available and so the traps would
27 stay in the water for a longer period of time?

28
29 **CHAIRMAN TEEHAN:** Thank you for patronizing me on that, but I
30 think your conclusions are correct. If you accept the
31 assumption that shorts increase the catchability of the traps by
32 about twofold, then yes. If you're going to have to use cowhide
33 or pig's feet or something -- Remember that lobsters aren't
34 going into traps for food. It's not a food attractant. It's a
35 gregarious sort of a situation.

36
37 **DR. CRABTREE:** Where I'm getting at, and I want to know if this
38 makes sense, is if you believe that if we reduce the use of
39 shorts that they would leave the traps in the water longer and
40 fish longer -- It's my understanding that most of the lobster
41 are caught in the first six or seven weeks of the season and
42 that a lot of traps come out of the water after most of it is
43 caught.

44
45 What I'm wondering is if you didn't allow shorts, would that
46 mean that effort would go up, meaning more traps fished for more
47 hours to catch the lobster that are available, and that would
48 then result in increased bycatch of other shorts that occur in

1 lobster pots?
2
3 I know I hear all the time they get juvenile goliath grouper and
4 other things and there are occasional issues with turtles and
5 other sorts of things. What I'm wondering is are there kind of
6 two sides of this argument, that yes, shorts -- I'll accept
7 Shepherd's definition of bycatch and so there's a bycatch thing
8 and by allowing more shorts, that could result in more bycatch
9 of shorts.
10
11 On the other hand, by making the traps more efficient, it means
12 the total allowable catch occurs with less effort and more
13 quickly, which results in less bycatch of a whole host of other
14 things.
15
16 **CHAIRMAN TEEHAN:** The answer to your question is yes.
17
18 **DR. CRABTREE:** That might be something that you want to build
19 into the record and into the document to help structure an
20 argument.
21
22 **CHAIRMAN TEEHAN:** I think you just did.
23
24 **DR. CRABTREE:** But I'm not on your committee.
25
26 **CHAIRMAN TEEHAN:** That's true. Do you want this in the record
27 now or can we --
28
29 **MR. GRIMES:** We can incorporate what Dr. Crabtree just said in
30 the document down the road.
31
32 **CHAIRMAN TEEHAN:** Thank you, Shepherd. Does anybody have a need
33 -- Dr. Simmons, do you want to comment on this action? Okay.
34 Nobody on the committee? Everybody is happy with where we're
35 at? Let's move on to Action 8, which we have two preferreds on
36 that also and it's the tailing requirements for Caribbean
37 lobster, for vessels obtaining a tailing permit.
38
39 The Gulf and the South Atlantic agree on two preferreds and that
40 would be Alternative 2, which would be to eliminate the tail
41 separation permit for all vessels fishing for Caribbean spiny
42 lobster in the Gulf and South Atlantic waters of the EEZ. I
43 just read you the not preferred.
44
45 The preferred, the first preferred by both councils, is to
46 revise the current regulations to clearly state that all vessels
47 must have either a federal spiny lobster permit or a Florida
48 restricted species endorsement associated with the Florida

1 saltwater products license in order to obtain a tailing permit.
2 I think we might want to add -- To make that correct, we would
3 probably have to add a Florida crawfish endorsement also.
4

5 Then the second preferred is Alternative 4, that all Caribbean
6 spiny lobster landed must either be landed all whole or all
7 tailed. First, I'll ask Dr. Simmons if she has any comments on
8 this action.
9

10 **DR. SIMMONS:** Alternative 3, the purpose of that is to allow
11 only the commercial fishery to have this type of permit and then
12 Alternative 4 requires them to land the lobster all tailed or
13 all whole. That's the purpose of those two different
14 alternatives.
15

16 **CHAIRMAN TEEHAN:** Any discussion on this? We have the two
17 preferreds by both councils and we all agree on it and do we
18 need to discuss this any further? Any changes?
19

20 As I said, we probably want to consider somewhere along the line
21 and maybe staff should look at this or I should look at this, to
22 see whether we need to have, in Alternative 3, an inclusion of a
23 Florida crawfish endorsement and/or a commercial dive permit.
24 Probably the SPL and the Florida restricted species will cover
25 it, but to be more correct, we require the crawfish endorsement
26 in Florida and so we might want to think about correcting that
27 at some point. Let's move on to Action 9 then.
28

29 **DR. SIMMONS:** Action 9 deals with limiting spiny lobster fishing
30 in certain areas in the EEZ to protect threatened Staghorn and
31 Elkhorn corals. Alternative 1 is the no action alternative.
32

33 Alternative 2 would prohibit spiny lobster trapping in all known
34 hard bottom in the EEZ off of Florida and that's less than
35 thirty meters. Alternative 3 would expand the existing or
36 create new closed areas to prohibit spiny lobster trapping in
37 the EEZ off of Florida. The South Atlantic's current preferred
38 alternative is Option a, create twenty-five large closed areas
39 to protect threatened Acropora corals, versus the medium or
40 small.
41

42 Then Alternative 4 would expand existing or create new closed
43 areas to prohibit all spiny lobster fishing in the EEZ off of
44 Florida and it has the same sub-options as Alternative 3.
45

46 **CHAIRMAN TEEHAN:** We do not have a preferred on this
47 alternative.
48

1 **MR. GRIMES:** I just had questions and I admit I'm not totally up
2 to speed on this, but where the numbers came from in here, to
3 create twenty-five or create thirty-seven or fifty-two and if
4 there was any basis for that. I didn't see it in the quick scan
5 I gave and maybe it occurred at the South Atlantic. It's not
6 something that we have to address now, but direct staff to look
7 at and incorporate down the road.

8
9 **CHAIRMAN TEEHAN:** Thank you, Mr. Grimes. Does anybody on the
10 committee have a preferred that they would like to pick on
11 Action 9?

12
13 **DR. CRABTREE:** I would point out that my staff informs me that
14 in the South Atlantic preferred alternative that those twenty-
15 five areas, all of them are in the South Atlantic waters and on
16 the Atlantic side of the Keys and so of their preferred, none of
17 them are in Gulf Council jurisdiction.

18
19 **CHAIRMAN TEEHAN:** Are you talking about Option a?

20
21 **DR. CRABTREE:** I'm talking about the South Atlantic Council
22 Preferred Option a. I agree with Shep's comment and maybe it's
23 in here, but I'm not sure where. We need a map showing where
24 all these are and, Carrie, do you know if any of the twenty-five
25 in the South Atlantic -- Are they all in the EEZ or are some of
26 these state water things?

27
28 **DR. SIMMONS:** It's my understanding they're all in the EEZ. If
29 we go back to the presentation, I do have one example of a map
30 and there are several maps in the document, both in the appendix
31 and under this action. There's a few examples.

32
33 It is difficult to see the key here. You pretty much probably
34 need to look at it on your computer, but the proposed large
35 areas are the blue vertical boxes. The proposed medium areas
36 are the diagonal boxes and then the small area closures are very
37 difficult to see. They're almost right on top of the colonies
38 here and that's the small area closures.

39
40 I think the reason, and George can remind us again, that the
41 South Atlantic went with the large area closures was both for
42 enforcement and for just understanding of where those closed
43 areas were, just because if you're closing a lot of small areas,
44 it was difficult to follow that and make sure that your traps
45 didn't maybe drift into one of those closed areas. Maybe Sue or
46 George can help me out with this alternative.

47
48 **MR. GEIGER:** That's correct and if I could direct you to the

1 bottom of page 51, under the explanation of the alternatives, it
2 talks about Acropora coral occurring in the EEZ primarily in the
3 South Atlantic, because of water conditions, and those areas
4 were selected, as Dr. Crabtree says, totally within the South
5 Atlantic's jurisdiction.

6
7 **MR. GILL:** Given that discussion, I move that in Action 9 that
8 the preferred alternative be Alternative 3, Option a, which is
9 the South Atlantic preferred.

10
11 **CHAIRMAN TEEHAN:** We have a motion on the board that in Action 9
12 that the preferred alternative be Alternative 3, Option a, which
13 is to create twenty-five large closed areas to protect
14 threatened Acropora coral. Do we have a second?

15
16 **MR. SAPP:** I second it, but I question how we've got the
17 authority to use that as a preferred option when it's outside
18 our territorial jurisdiction.

19
20 **CHAIRMAN TEEHAN:** It's a joint amendment.

21
22 **DR. CRABTREE:** Exactly. It's a joint amendment and so the joint
23 amendment has authority is both councils' jurisdiction, but
24 because it's a joint amendment, you have to concur with the
25 South Atlantic's preferred.

26
27 **CHAIRMAN TEEHAN:** I would add that the vast majority of the
28 affected corals are probably on the Atlantic side of the Keys
29 anyway.

30
31 **DR. CRABTREE:** Sue tells me that all of the alternatives in here
32 are all in the South Atlantic Council side.

33
34 **CHAIRMAN TEEHAN:** Do we have any further discussion on this one?
35 No further discussion? **All in favor say aye; all opposed like**
36 **sign. The motion passes.** Carrie, let's go on to Action Number
37 10.

38
39 **DR. SIMMONS:** Action 10 would require gear markings so that all
40 spiny lobster trap lines in the EEZ off of Florida are
41 identifiable. Alternative 1 is no action alternative.
42 Alternative 2 would require all spiny lobster trap lines in the
43 EEZ off of Florida to be color or have a color marking along
44 their entire length and there's some examples here and the rope
45 that's in the picture is coiled and all gear has to comply with
46 these marking requirements no later than August of 2014 and that
47 was written in the biological opinion.

1 There's one more alternative with some examples and that would
2 require that all spiny lobster trap lines in the EEZ have a
3 permanently affixed four-inch color marking every fifteen feet
4 or at the midpoint. That also states that it has to comply by
5 August of 2014.

6
7 **MR. GEIGER:** We selected no preferred alternative. This is one
8 we want to hear from the public as to the best way to do this,
9 from their perspective.

10
11 **CHAIRMAN TEEHAN:** That's a good copout.

12
13 **MR. GILL:** My understanding is that we have to do something here
14 and so making Alternative 1 the preferred doesn't work and I
15 hopefully will hear in public testimony from Mr. Kelly, who has
16 been working closely on this issue, where they're at.

17
18 Pending that, my thinking is that Alternative 3 is a labor-
19 intensive and hence quite expensive way to do it and it seems
20 pointless, which leaves us with one alternative. I would
21 reiterate my comment that if you only require spiny lobster
22 being one color and some other trap fishery uses the same color,
23 I'm not sure you're getting to where you want to do. **Having**
24 **said that, in Action 10, I move the preferred alternative be**
25 **Alternative 2.**

26
27 **CHAIRMAN TEEHAN:** We have a motion on the board and I concur
28 with what Mr. Gill says, but I guess we're just going to have to
29 see what pans out with this. Do we have a second?

30
31 **MR. SAPP:** Second.

32
33 **CHAIRMAN TEEHAN:** Second by Mr. Sapp that in Action 10 that the
34 preferred alternative be Alternative 2 that requires all spiny
35 lobster trap lines in the EEZ off of Florida to be color or have
36 color markings along its entire length. All gear must comply
37 with marking no later than August of 2014. Any further
38 discussion on this?

39
40 **MR. GRIMES:** It seems like we're going to need to specify the
41 color eventually, but is staff looking at what other requirement
42 there are? Actually, this would be a State of Florida thing,
43 because we don't have specific color gear marking requirements
44 for anything else in the EEZ and so if you guys require red for
45 blue crab pots, then we would want to do blue or pink or
46 something for spiny lobster.

47
48 **CHAIRMAN TEEHAN:** We don't require any color markings other than

1 buoys on any of our trap fisheries, but we can certainly bounce
2 the pink option off of Mr. Kelly during public testimony. Did
3 we need to specify a color at this point?
4

5 **MR. GRIMES:** No, but at some point before we take final action.
6 It's just more of a heads-up and if you don't require a color
7 marking for any other fisheries, then Mr. Gill's comments are --
8 There's no issue. If nobody else is required to mark their
9 lines with the same color, then there's no conflict and there
10 won't be any confusion with other lines.
11

12 **MR. GILL:** Once again, Mr. Grimes obfuscates the issue. That
13 was my entire point. If there are no other color requirements,
14 then there's nothing to prevent Trap X from picking exactly the
15 same color and if the color is the decider as to where the issue
16 is with something, it may not relate to spiny lobster at all.
17

18 **CHAIRMAN TEEHAN:** Thank you, Mr. Gill. Remember that there is a
19 certain decorum that we have in addressing our fellow council
20 members. We have a motion on the board and I've already read
21 the motion. Let's go ahead and vote it up or down. **All in
22 favor say aye; all opposed like sign. The motion passes.**
23

24 Let's go on to Action 11, which is the final action, and we do
25 not have a preferred for that either and so we'll need to pick
26 one, please.
27

28 **DR. SIMMONS:** You do actually have a preferred alternative for
29 Action 11 and that is to delegate authority to regulate the
30 removal of derelict or abandoned spiny lobster traps in the EEZ
31 off of Florida to Florida FWC.
32

33 **CHAIRMAN TEEHAN:** If I would have scrolled down just a little
34 further, I would have seen that. Do we have any discussion on
35 this? Does anyone want to change that alternative? It's a
36 reasonable alternative. The State of Florida has already got a
37 rule in place that deals with trap and debris recovery that
38 works fairly nicely and if everybody is in agreement, then we'll
39 just keep it the way it is. Is everybody in agreement? Good.
40 Carrie, that kind of ends the discussion of the document. Do
41 you have anything else you wanted to say about it?
42

43 **DR. SIMMONS:** I would just remind the committee that we're going
44 to clean this up and add the preferreds that you selected and
45 get it ready for the South Atlantic Council to take it to public
46 hearings and I think we do need a motion, if you would, please,
47 to consider this document for public hearing runs.
48

1 **CHAIRMAN TEEHAN:** Do we have a motion?
2
3 **DR. DONALDSON:** So moved.
4
5 **CHAIRMAN TEEHAN:** Mr. Donaldson moves the motion to take this
6 document to public hearing. Do we have a second?
7
8 **MR. SAPP:** Second.
9
10 **CHAIRMAN TEEHAN:** Second by Mr. Sapp and no discussion, I'm
11 assuming, and so we'll vote it up. **All in favor say aye;**
12 **opposed like sign.** Thank you. Carrie, do we already have
13 locations for those meetings?
14
15 **DR. SIMMONS:** It's my understanding that you selected Marathon,
16 but because it's a joint amendment in the Keys, the South
17 Atlantic is going to take it to Marathon and Key West and
18 they'll also take it New Bern, North Carolina; Charleston, South
19 Carolina; Savannah, Georgia; Jacksonville, Florida; and Cape
20 Canaveral, Florida.
21
22 **CHAIRMAN TEEHAN:** Wow. I don't know if we -- The South Atlantic
23 are going to do the Jacksonville and Cape Canaveral. We do have
24 recreational interests that come up as far on the west coast as
25 maybe Tampa and so we might want to throw Marathon, Key West,
26 and Naples or something like that in there, but I would leave
27 that to staff as to whether they can do that. Mr. Sapp is
28 correct that recreational folks come from all over the state,
29 but we can't certainly have that large of a -- Mr. Chairman, do
30 we need to pick representatives from the council for these or
31 are you going to do that later?
32
33 **DR. SHIPP:** I'll do it later.
34
35 **CHAIRMAN TEEHAN:** Okay. Are we happy with this? Anything else?
36 I think you've already covered the report from the South
37 Atlantic Council meeting and so with no other business -- Any
38 other comments from the committee? Seeing none, we are
39 adjourned.
40
41 (Whereupon, the meeting adjourned at 11:05 a.m., February 9,
42 2011.)
43
44 - - -
45