

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 JOINT MEETING OF THE GULF OF MEXICO FISHERY MANAGEMENT
4 COUNCIL/SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL STONE
5 CRAB/SPINY LOBSTER MANAGEMENT COMMITTEES
6

7 Marriott Beachside Key West, Florida

8
9 June 7, 2011

10
11 **GULF COUNCIL VOTING MEMBERS**

12 Bill Teehan (designee for Nick Wiley).....Florida
13 Robert Gill.....Florida
14 Corky Perret (designee for William Walker).....Mississippi
15 Ed Sapp.....Florida
16 Larry Simpson.....GSMFC

17
18 **SOUTH ATLANTIC COUNCIL VOTING MEMBERS**

19 Mark Robson.....Florida
20 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
21 George Geiger.....Florida
22 Ben Hartig.....Florida

23
24 **NON-VOTING MEMBERS**

25 Larry Abele.....Florida
26 Kevin Anson (designee for Chris Blankenship).....Alabama
27 Doug Boyd.....Texas
28 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
29 Myron Fischer (designee for Randy Pausina).....Louisiana
30 John Greene, Jr.....Alabama
31 Joe Hendrix.....Texas
32 Tom McIlwain.....Mississippi
33 Harlon Pearce.....Louisiana
34 Robin Riechers.....Texas
35 Bob Shipp.....Alabama
36 Kay Williams.....Mississippi

37
38 **STAFF**

39 Steven Atran.....Population Dynamics Statistician
40 Steve Bortone.....Executive Director
41 Assane Diagne.....Economist
42 John Froeschke.....Fishery Biologist
43 Trish Kennedy.....Administrative Assistant
44 Shepherd Grimes.....NOAA General Counsel
45 Ava Lasseter.....Anthropologist
46 Rick Leard.....Deputy Executive Director
47 Kari MacLauchlin.....SAFMC
48 Phyllis Miranda.....Secretary

1 Emily Muehlstein.....Fisheries Outreach Specialist
2 Kathy Pereira.....Travel Coordinator
3 Carrie Simmons.....Fishery Biologist
4 Gregg Waugh.....SAFMC

5

6 **OTHER PARTICIPANTS**

7 Jeff Barger.....Ocean Conservancy, Austin, TX
8 Cheryl Bergh.....FL
9 Steve Branstetter.....NMFS
10 John Caulay.....Windermere, FL
11 David Cupka.....SAFMC
12 Tracy Dunn.....NOAA OLE
13 Ben Fairey.....Pensacola, FL
14 Claudia Friess.....Ocean Conservancy
15 Sue Gerhart.....NMFS
16 Doug Gregory.....FL
17 Chad Hansen.....Pew, Crawfordville, FL
18 Bart Niquet.....Lynn Haven, FL
19 Patrick O'Shaughnessy.....NOAA
20 Bonnie Ponwith.....NOAA SEFSC
21 Samantha Port-Minner.....Ocean Conservancy
22 Scott Sandorf.....NMFS
23 Mimi Stafford.....Key West, FL
24 Phil Steele.....NOAA Fisheries
25 Donald Waters.....Pensacola, FL

26

27

- - -

28

29 The Joint Gulf of Mexico Fishery Management Council and South
30 Atlantic Fishery Management Council Stone Crab/Spiny Lobster
31 Management Committee convened in Salon B and C of the Marriott
32 Beachside Key West, Florida, Tuesday morning, June 7, 2011, and
33 was called to order at 8:30 a.m. by South Atlantic Council
34 Chairman Mark Robson.

35

36

ADOPTION OF AGENDA

37

38 **CHAIRMAN MARK ROBSON:** We're going to split the discussions
39 between the two council committees and so we'll be kind of
40 bouncing back and forth and hopefully staff will be able to
41 guide us through that process.

42

43 Again, in terms of adoption of the agenda, you've all got the
44 agenda for the joint committee meetings. Is there any
45 discussion, changes, or additions to the agenda?

46

47 **DR. ROY CRABTREE:** Are we going to vote all as one or is each
48 committee going to vote separately?

1
2 **CHAIRMAN ROBSON:** Each committee votes separately on the
3 amendment or on actions.
4

5 **MR. BILL TEEHAN:** Dr. Crabtree, if you would look on H-8(a), it
6 says at the top each council committee will vote separately. I
7 just wanted to let you know.
8

9 **DR. CRABTREE:** I apologize for that oversight on my part, Mr.
10 Teehan.
11

12 **CHAIRMAN ROBSON:** If there's no additions, deletions, or
13 modifications to the agenda, we'll move the agenda as we have in
14 front of us.
15

16 **APPROVAL OF THE MARCH 2011 SOUTH ATLANTIC SPINY LOBSTER**
17 **COMMITTEE MINUTES**
18

19 The second order of business would be to approve the March
20 meeting of the South Atlantic Spiny Lobster Committee minutes.
21 Are there any additions, corrections, or deletions to the
22 minutes from the South Atlantic committee? Seeing none, show
23 the minutes approved. I'll turn it over to Mr. Teehan.
24

25 **MR. TEEHAN:** Thank you, Chairman. The next item on the agenda
26 is the Approval of the February 2011 Gulf Council Stone Crab and
27 Spiny Lobster Committee minutes. Are there any changes,
28 additions, or comments on the minutes?
29

30 **MR. SHEPHERD GRIMES:** Page 30, line 40, that last word should be
31 "requirements". Thank you, Mr. Chairman.
32

33 **MR. TEEHAN:** Duly noted. Thank you for your diligence in
34 reading the minutes.
35

36 **MR. CORKY PERRET:** Move adoption with that modification.
37

38 **MR. BOB GILL:** Second.
39

40 **MR. TEEHAN:** We have a motion. Any objection? Hearing none,
41 the minutes are approved with the correction by Mr. Grimes. The
42 next thing that we have is Approval of the 2010 Joint Gulf
43 Council and South Atlantic Stone Crab and Spiny Lobster
44 Committee Advisory Panel Meeting Minutes and I guess we would
45 look for comments from any of the two council committee members
46 on these minutes. Mr. Grimes, do you have any corrections or
47 additions?
48

1 **APPROVAL OF JUNE 2010 JOINT GULF COUNCIL AND SOUTH ATLANTIC**
2 **COUNCIL STONE CRAB/SPINY LOBSTER COMMITTEE/ADVISORY PANEL**
3 **MEETING MINUTES**

4
5 **MS. CARRIE SIMMONS:** He wasn't there.

6
7 **MR. TEEHAN:** It doesn't matter. He reads them. There's no
8 objections to approving those joint minutes? Seeing none, the
9 minutes are approved. I guess next is the Scientific and
10 Statistical Committee and Advisory Panel Recommendations and I
11 think we have Gregg Waugh and Kari MacLauchlin to give us those.

12
13 **SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL**
14 **RECOMMENDATIONS**

15
16 **MR. GREGG WAUGH:** Thank you, Mr. Chairman. The South Atlantic
17 SSC Report is Tab H, Attachment 5(a) and the spiny lobster
18 section begins on page 24. It outlines what was presented to
19 the SSC, what they were asked to look at, and their consensus
20 and rationale are shown on page 26 and 27.

21
22 We had asked them to review the Gulf control rule and the values
23 for OFL and ABC and the SSC considered and supported the Gulf
24 catch level recommendations for spiny lobster. The OFL is 7.9
25 million pounds, the mean of the landings over the last ten years
26 plus two standard deviations. The ABC of 7.32 million pounds,
27 that's the mean of the last ten years plus 1.5 standard
28 deviation.

29
30 They also reviewed the assessment and agreed with the SEDAR
31 Review Panel recommendation that the assessment model used in
32 the update does not provide a basis to support quantitative
33 reference points or determine stock status and so that's why we
34 used the control rules that were used.

35
36 For future assessments, they are recommending considering the
37 use of yield per recruit approaches and also point out that
38 really it needs to be done on a stock-wide basis, which would
39 include the entire Caribbean.

40
41 They reviewed Draft Amendment 10 and discussed it, but had no
42 major comments or concerns. When we get to going through the
43 decision document, Kari has inserted a short statement of the
44 SSC comments, where they did comment. Thank you, Mr. Chairman.

45
46 **MR. TEEHAN:** Thank you, Gregg. Mark, how should we proceed
47 here? Should we go ahead and get the public hearing summaries?
48

1 **MR. PERRET:** I've got a question, please. Gregg, I've got a
2 question. I sat in Mr. Teehan's chair probably twenty-five or
3 thirty years ago as Chairman of this committee and the big thing
4 then was where recruitment came from.

5
6 I read on page 24, the review panel, and I'm quoting, raised
7 concerns with the performance of the models and ultimately
8 rejected both. The primary concern is that the U.S. population
9 is one portion of a much larger stock extending through the
10 Caribbean and it is largely believed that recruitment to the
11 U.S. is primarily determined by spawning in other areas.

12
13 That's what we heard in 1980 and 1981. We're still totally
14 unknown about recruitment and is there any work being done to
15 try and answer that question? It seems like we've been hearing
16 the same thing since I've been sitting here and that's been
17 since 1979.

18
19 **MR. WAUGH:** Yes, there has been quite a bit of work done. John
20 Hunt and others in the State of Florida have done quite a bit of
21 research. Doug Gregory over the years has done research on
22 this.

23
24 What the most recent information that has been reviewed by both
25 SSCs point out is that the predominant information shows that
26 there is little to no localized recruitment, so that the
27 recruitment we're getting in the U.S. fishery is predominantly
28 from the Caribbean area.

29
30 I think, based on the genetic work that's been done, that's a
31 pretty sound analysis. What happens to the reproductive
32 products from the U.S. fishery, that still has to be resolved,
33 whether that contributes to the Bermuda fishery at any point. I
34 think those results were still being worked up.

35
36 **MR. PERRET:** Gregg, thank you. Then why have we not developed a
37 better model? The two models were rejected and are we not
38 working on utilizing a different model to try and figure this
39 out? Mr. Gregory has got his hand up.

40
41 **MR. DOUG GREGORY:** I was the chair of the review workshop
42 committee. It was an update assessment, again, and so the old
43 model that was done in 2005 had to be followed and so the
44 results we got were basically the same there.

45
46 In your first question, what's different between our discussions
47 over the last thirty years, for the first time this year we've
48 got genetic evidence. We've got actual data that says there is

1 little to no internal recruitment.

2
3 Up to this point, it's always been circumstantial evidence and
4 that's what swayed the review workshop, the SSC, because we
5 actually have data now and it's not just speculation.

6
7 **MR. TEEHAN:** Just for informational purposes, and he probably
8 doesn't want to be recognized, but John Hunt and his staff are
9 here if you have any questions specific to research that's going
10 on down in the Keys or the Caribbean. I will entertain
11 questions to John. Did you want to say anything, John? Okay.
12 Now we'll go through the AP recommendations that would be Kari
13 MacLauchlin.

14
15 **MR. BEN HARTIG:** I had a question much along Corky's lines.
16 Moving forward, how are we going to be able to -- Do we have an
17 idea of how we're going to be able to do a future assessment for
18 spiny lobster and how are we going to collect the data from the
19 Caribbean?

20
21 Have those things been addressed yet on spiny lobster? Are we
22 going to be able to get the data needed to do a Caribbean-wide
23 assessment for spiny lobster in the future?

24
25 **CHAIRMAN ROBSON:** That is a good question and I don't know how
26 much progress we have made in that regard and so since our folks
27 may be in Florida involved in any future assessments -- I don't
28 know, John, if you were able to hear the question. It was are
29 we making any progress on a Caribbean-wide assessment approach
30 and getting the data that we need for that? I don't think the
31 answer is positive.

32
33 For both Corky and Ben, I think we're kind of still in the same
34 situation. We have a very unusual fishery and it's pan-
35 Caribbean and we're trying to do stock assessments based on one
36 small portion of that pan-Caribbean population and we're getting
37 the results we're getting and so it's the definition of
38 insanity, I guess.

39
40 **MR. TEEHAN:** I believe the definition of insanity, per Einstein,
41 is doing the same thing over and over again and expecting a
42 different result.

43
44 **DR. BONNIE PONWITH:** One possible mechanism for gathering
45 information Caribbean-wide on this, and possibly initiating a
46 Caribbean-wide assessment, is the Large Marine Ecosystem
47 Program.

48

1 I'm the country focal point for the Caribbean Large Marine
2 Ecosystem Program, which is run -- It's funded by the Global
3 Environmental Facility. It's a United Nations-based
4 organization and it's one of several programs in the coastal
5 areas around the world.

6
7 One of the projects that they're working on is a demonstration
8 project dealing with spiny lobster. The notion of it is to be
9 able to enable basin-scale collaborations, both on science and
10 on governance, to start to solve larger problems that are
11 stubborn when tackled at a government-by-government, country-by-
12 country approach.

13
14 What I could do is propose some sort of investment be made in an
15 international workshop to evaluate the status of spiny lobster.
16 It would take a while to scope that with the members and so it's
17 not something that would happen this year certainly, but it is
18 something that I could initiate on behalf of the council if
19 there's an interest in that.

20
21 **MR. TEEHAN:** I would like to ask the South Atlantic Council
22 members to identify themselves before they speak, just for the
23 first time, so that we know who you are on the tape.

24
25 **CHAIRMAN ROBSON:** We need to hear an advisory panel report.

26
27 **DR. KARI MACLAUHLIN:** The South Atlantic Spiny Lobster AP met
28 in April here in Key West and went through Amendment 10 action-
29 by-action and discussed it and made motions and I'm going to
30 walk through those.

31
32 This is the document under Tab H, Number 5(b). For Action 1,
33 the AP accepted the preferred alternative for this action, which
34 is Alternative 4, remove those species from the FMP.

35
36 Then for Action 2.1, 2.2, and 2.3, which are the MSY and the
37 overfishing and overfished thresholds, the AP accepted all the
38 preferred alternatives for these actions. For Action 3,
39 establish sector allocations, the AP accepted the preferred
40 alternative.

41
42 **MR. GEORGE GEIGER:** Kari, are you going to go over these public
43 input comments again as we go through each individual item?

44
45 **DR. MACLAUHLIN:** The way I have the document set up is for this
46 one, I have every action, what the AP said and then the actual
47 motion. Then for the public comment summary, I have the most
48 common concerns listed out and then I actually have every one

1 listed out. I can do it however is preferable.

2
3 **MR. GEIGER:** My question was are you going to go over the public
4 comments again as we address each individual action? My problem
5 is if we cover all the comments from all the actions at once, I
6 think some of that will be lost in the translation as we cover
7 and go back over each individual action.

8
9 **CHAIRMAN ROBSON:** Yes and Carrie has reminded me that the
10 decision document is laid out with including the AP and the
11 public comments as part of that and so we go through each
12 action, you can refer back to those on each page in the decision
13 document.

14
15 **DR. MACLAUHLIN:** Continuing with the AP, for establish sector
16 allocations, the AP did accept the preferred alternative for
17 this action. Action 4.1, set the ABC control rule, the AP
18 accepted this preferred action and also for Action 4.2, which is
19 set the ACL.

20
21 There was one concern that the ACL should be set lower than the
22 OY, at least 90 percent, to protect the resource, and so that
23 was a little more conservative.

24
25 For Action 4.3, the ACT, the AP recommended Alternative 2a as
26 the preferred for this action, which was set the ACT at 90
27 percent of the ACL, which is 6.6 million pounds. Right now, the
28 ACT is set at six-million pounds and this is because they felt
29 that the ACT was too low and would trigger the review even with
30 the first year that it's implemented.

31
32 **CHAIRMAN ROBSON:** Excuse me, Kari, but we have a question from
33 Mr. Gill.

34
35 **MR. GILL:** I didn't mean to interrupt and, Kari, if you would
36 finish, I do have a question at the end of Action 4.3.

37
38 **DR. MACLAUHLIN:** I think that's it if you want to go ahead with
39 your question.

40
41 **MR. GILL:** Thank you. The wording says that the AP accepted
42 Alternative 2a and that suggests to me that the South Atlantic
43 has the preferred as 2a already, because the Gulf one is not 2a.
44 I'm trying to clarify if that's a difference we have between the
45 Gulf and South Atlantic.

46
47 **DR. MACLAUHLIN:** No, the preferred alternative for the Gulf and
48 the South Atlantic is Alternative 2, Option c, which is six-

1 million pounds. The motion may have just -- That may just be
2 the wording.

3
4 To clarify, the council, South Atlantic and Gulf Council,
5 preferred alternative is Alternative 2, Option c, six-million
6 pounds for the ACT, but the South Atlantic AP is recommending
7 Alternative 2a, which would set it at 90 percent of the ACL, 6.6
8 million pounds.

9
10 **CHAIRMAN ROBSON:** Bob, did that answer your question?

11
12 **MR. GILL:** Yes, it did. Thank you very much.

13
14 **CHAIRMAN ROBSON:** I think as we -- If there are specific
15 questions as we go through each action in the decision document,
16 we can make sure we all understand what the recommendations were
17 from the AP.

18
19 **DR. MACLAUHLIN:** Action 5 is set the AM and the AP accepted the
20 Preferred Alternative 4 for this action, which is the ACT is the
21 AM, if the ACT is set at 6.6 million pounds, as they recommended
22 in Action 4.3.

23
24 Moving on, Action 6 is update framework procedure and protocol
25 and the AP accepted the Preferred Alternative 2 and Preferred
26 Alternative 4a for this action, which is update the framework
27 and then adopt the base framework procedure.

28
29 Action 7, use of shorts as attractants, the AP adopted
30 Alternative 2 as the preferred for this action. This is
31 different from the council's preferred alternative and the AP
32 recommended that the council change this preferred alternative
33 to prohibit all possession and use of undersized lobsters.

34
35 Action 8, modify the tailing permits, the AP adopted Alternative
36 2 as the preferred alternative for this action, which would be
37 to eliminate all tail separation permits. This is different
38 from the council's Preferred Alternatives 3 and 4.

39
40 Action 9, establish the closed areas to protect the Elkhorn and
41 Staghorn corals, the AP adopted Alternative 1, no action, as the
42 preferred. Instead, the requested a collaborative effort with
43 industry, NMFS, and NOAA and the Sanctuary to define areas of
44 important habitat to protect the coral.

45
46 Basically, the AP would like to set aside this action and redo
47 the process and they feel that they would, working with industry
48 and representatives from the trap, commercial diving, and

1 recreational, would better be able to identify these areas and
2 do a better job protecting the corals.

3
4 Action 10, require gear markings on trap lines, the AP adopted
5 Alternative 1, no action, as the preferred, but they would be
6 willing to accept the Preferred Alternative Number 2 if the
7 color is black and the effective date is changed to 2016.

8
9 Last, Action 11, allow the public to remove derelict lobster
10 traps in the Florida EEZ, the AP accepted the preferred
11 alternative for this action.

12
13 **MR. HARTIG:** There was a lot of discussion with the AP about
14 going back and using the Sanctuary-type process to go and review
15 the coral closures. Did we do that? Had that been done?

16
17 **DR. MACLAUHLIN:** The process for identifying the areas in
18 Action 9?

19
20 **MR. HARTIG:** For identifying the areas that need to be closed
21 for the coral areas.

22
23 **CHAIRMAN ROBSON:** We may want to go ahead and just have that
24 discussion when we get to that action. Maybe somebody from
25 staff or from NOAA can help us answer that question. That's
26 basically a summary of the South Atlantic's SSC and AP
27 recommendations and so now I think we're going to go through the
28 South Atlantic public hearing minutes and some of the
29 information from those workshops.

30
31 **PUBLIC HEARING SUMMARIES**
32 **SOUTH ATLANTIC COUNCIL PUBLIC HEARING MINUTES AND WRITTEN**
33 **COMMENTS-APRIL 2011**
34

35 **DR. MACLAUHLIN:** The summary from the public comments is under
36 Tab H, Number 6(a) and in your briefing book, under that
37 portfolio, it also includes all the minutes from people who gave
38 public comment and then also letters that were received and you
39 can look through all of those, but this is just a summary to
40 bring out some of the most common concerns from the public.

41
42 Mostly, these are commercial trap fishermen from the Florida
43 Keys, although there are other environmental groups and
44 recreational and divers that commented as well.

45
46 One of the most common concerns was Action 10, require the gear
47 markings on the trap lines. Most of the commenters supported no
48 action. They felt that replacing the trap lines would be very

1 costly for the trap fishermen, with very few benefits for the
2 corals and turtles and other endangered species and certain
3 colors may even attract turtles.

4
5 They also spoke about if there has to be one color for all
6 lobster lines, it should be black and then Bill Kelly also
7 provided an estimate for how much it would cost to replace all
8 the trap lines of \$12.6 million and then a loss of \$6 million in
9 discarded rope. In general, a high cost to the fishermen and
10 not a lot of benefits for the corals.

11
12 The second most common concern -- These aren't necessarily in
13 order. They're just in general the most common, but Action 9,
14 the closed areas. Most of the commenters supported no action
15 for this and the fishermen and then also Sanctuary Council
16 representatives that came to the public hearings did not feel
17 they were adequately involved in the process.

18
19 They felt like they had a lot of information they could provide
20 and help to identify the areas that were important and would
21 like to be more involved in the process.

22
23 Then also, a lot of commenters spoke about that the existing
24 closed areas in the Sanctuary and in the Keys and the limit on
25 the number of lobster traps from the trap certificate program
26 was sufficient to protect the corals and they supported no
27 action for that.

28
29 Another common concern was the tailing permit and overall, it
30 seemed the commenters were mixed about this, as to what was the
31 best solution to address a problem of illegal harvest by some
32 divers, but letting the Keys fishermen that work out in the
33 Tortugas to be able to have the tailing permit.

34
35 Some supported eliminating tailing permits altogether and then
36 others supported additional requirements, to make sure that just
37 the guys who needed the multiday trips were able to get these
38 permits and then some commenters suggesting just limiting
39 tailing permits to Monroe County only.

40
41 Action 7, use of shorts as attractants, most commenters
42 supported the Preferred Alternative 4, because it's consistent
43 with the Florida regulations. They also supported the use of
44 shorts in traps because they make the traps more efficient, but
45 we did have several commenters who supported Alternative 2,
46 which is prohibiting use of shorts at all, due to high mortality
47 and the potential spread of the virus in traps through these
48 shorts.

1
2 For ACL and ACT values, which is in Action 4, most commenters
3 felt that the ACL/ACT are both set too low and some commenters
4 stated that the most recent season was already projected to
5 exceed that ACT. That's set at six-million pounds and they
6 think the stock is healthy and could handle an ACT a little
7 higher. Some commenters felt that the council should not set
8 ACL unless they have adequate data and an accepted stock
9 assessment.

10
11 In the document, I have each action the same way I have the AP
12 and so I can just run through those, the actions that I didn't
13 go into detail about, because maybe they didn't have a lot of
14 comments.

15
16 Action 1, remove species from the management unit, most people
17 did not speak about this, but all of those that did were in
18 support of the preferred alternative.

19
20 For MSY, overfishing threshold, and overfished threshold, two
21 spoke just in support of the OFL level. Nobody spoke about
22 Action 3, sector allocations. For the ABC control rule, one was
23 in support of the preferred alternative. For the ACL, there was
24 some support for the preferred alternative, but in general, most
25 of these suggested a higher ACL and we did have one AP member
26 who also submitted public comment individually who would like a
27 more conservative ACL.

28
29 For the Action 5, AMs, just one spoke in support of the AM. For
30 the framework procedure and protocol, one was in support of the
31 preferred alternative.

32
33 I discussed Action 7, the shorts. Action 8, I discussed that
34 and Action 9. I think that's it and then the last one, allow
35 the public to remove derelict traps, most everyone that spoke
36 was mostly in support of the preferred alternative, although
37 there was one commenter who felt that the public should be able
38 to remove any and all derelict traps.

39
40 I also put a few more additional comments that came from the
41 public hearings and letters. There was one commenter that felt
42 that there was a disconnect between the findings in the
43 biological opinion and then the recommendations that led to the
44 actions for the trap lines and for the closed areas.

45
46 Then we had four letters that recommend that all South Atlantic
47 Council members should demand to see the PaV1 PowerPoint
48 presentation by Mark Butler of Old Dominion University and see

1 how the PaV1 virus is transmitted from lobster to lobster at the
2 June 7 South Atlantic Council meeting in Key West.

3
4 Several commenters felt we need better science and better stock
5 assessments in order to make good decisions. Two commenters
6 raised the concern that the diving sector needed more
7 regulations and two commenters felt that the State of Florida
8 should take over management of spiny lobster.

9
10 **CHAIRMAN ROBSON:** Any questions on the South Atlantic Council
11 public hearing comments? Again, we can revisit those as we walk
12 through the amendment.

13
14 **MR. PERRET:** I think you said the color line change would cost
15 \$12.6 million and then you gave a number of a loss of I think
16 you said \$6 million. I can understand the initial cost, but
17 what is the loss of \$6 million? Is that an annual loss or could
18 you give us some explanation on that, please?

19
20 **DR. MACLAUHLIN:** This is coming from the information submitted
21 by Bill Kelly and I think this is a good estimate and
22 acceptable. It would be \$12.6 million to replace it all, but
23 then with the not having the black line, the line would fade
24 faster and then there's something about the materials that this
25 is made out of, that they would have to over time replace these.
26 Is that correct, Bill? Did I interpret that correctly?

27
28 **MR. BILL KELLY:** Mr. Chairman, the \$12 million is the cost to
29 replace the line on 485,000 lobster traps. The \$6 million is
30 the amortized loss of the line that is being discarded that
31 still has a user serviceable life of five to seven years.

32
33 **CHAIRMAN ROBSON:** Thank you.

34
35 **MR. PERRET:** What is the life of the current line? Is it longer
36 than five to seven years?

37
38 **MR. KELLY:** The five to seven years is the industry average.

39
40 **MR. PERRET:** I still don't understand. If you're going to use a
41 line that's going to last five to seven years, why is it going
42 to cost \$6 million, if the original line you're using is five to
43 seven years and what you've got to go to is five to seven years.
44 I don't understand the loss.

45
46 **MR. KELLY:** That's the value of the line that's being discarded
47 because it still has a user serviceable life and that's an
48 expense that these guys would not normally have, because they

1 could continue to use that trap line for up to an additional
2 seven years.

3
4 **CHAIRMAN ROBSON:** Thank you, Mr. Kelly.

5
6 **DR. CRABTREE:** The original intent in the biological opinion was
7 to phase the new colored line or the marked line in over a
8 period of five years, so that those costs wouldn't occur. As
9 people's line wore out, they would just replace it.

10
11 The problem is that time has elapsed since the biological
12 opinion and now if you look in the amendment we're working on,
13 it has an August 2014 date that the new line would be required.

14
15 We're revising the biological opinion now to extend that and to
16 allow us to take five years from the time the council implements
17 the requirement and then it would phase in over five years,
18 which I think eliminates most of the cost associated with
19 replacing the line.

20
21 I think we can go into the document and make that change and
22 indicate that our intent in this action, if we go forward with
23 it and take an action here, is that it be phased in over a five-
24 year period.

25
26 I think the other thing we could do is to hold off on the gear
27 marking and line marking portion of this and work with the
28 industry over the summer to figure something out on that and
29 then come back in and deal with that later. Again, I think by
30 allowing the full five years to phase it in, it addresses the
31 costs that they've raised.

32
33 **CHAIRMAN ROBSON:** Thank you, Roy. Bill, I think now I'll turn
34 it over to you. The next item on the agenda is the Gulf Council
35 Public Hearing Summary.

36
37 **GULF COUNCIL PUBLIC HEARING SUMMARIES**

38
39 **MR. TEEHAN:** Thank you, Mark. I'll ask Dr. Simmons to give us
40 the Gulf Council Public Hearing Summary.

41
42 **DR. SIMMONS:** Thank you, Mr. Chairman. The public hearing
43 summaries that Kari MacLauchlin just went through were joint.
44 The South Atlantic Council hosted those for us and the council
45 member that attended was Mr. Ed Sapp.

46
47 We also held one additional public hearing in St. Petersburg and
48 we had six members of the public attend. Only one member of the

1 public spoke. He was primarily concerned about, in general,
2 setting annual catch limits and reducing those annual catch
3 limits from maximum sustainable yield. He felt that did not
4 comply with Magnuson.
5

6 He was also concerned that on a good fishing year that the
7 annual catch limit could be exceeded and he mentioned that in
8 his testimony. He also mentioned several other items that did
9 not pertain to lobster and those are written on Tab H, Number
10 6(b).
11

12 Kari already summarized several of the letters that we received
13 and I think Sue is also going to go through those next, with the
14 DEIS comments, but I just wanted to quickly mention that we
15 received a letter that did not agree with the current preferred
16 alternative in Action 1 and they suggested in this letter to
17 make those other lobster species ecosystem component species
18 instead of the current preferred alternative.
19

20 In addition to those comments, they were also concerned about
21 using the annual catch target as an accountability measure in
22 itself and not establishing some other type of post-season
23 accountability measure. Mr. Chairman, that concludes my report.
24

25 **MR. TEEHAN:** Thank you, Carrie. Are there any questions on the
26 public comments for the Gulf? Seeing none, we'll move on to the
27 DEIS Comment Summaries and that would be Sue Gerhart.
28

29 **DEIS COMMENT SUMMARIES**

30
31 **MS. SUE GERHART:** The DEIS published on April 15 and the comment
32 period was open for forty-five days, closing on June 1. The
33 summary of those is Tab H-7 in your briefing book.
34

35 There were six comments received. One of those is not in your
36 briefing book. That was from the EPA. They notified us that
37 they were commenting, but they did not get to the comment to us
38 by the briefing book deadline. Most of that was sort of the
39 standard stuff that EPA comments to us on DEISs and requests for
40 things for FEIS.
41

42 Each of the comments touched on a different issue and so I'll
43 briefly talk about each of those. The first comment was that
44 the council should be a little more conservative in the setting
45 of the ACL and I think that somewhere along the line we've heard
46 this, probably in the first Kari's summary, that 90 percent of
47 ACL for the ACT would be more appropriate as well.
48

1 The second comment talked about the tailing and the tailing
2 permit being eliminated, again similar to what Kari MacLauchlin
3 said during the AP summary.

4
5 The third comment was about the trap line markings. This,
6 again, is the same comment that was submitted from the Florida
7 Keys Fishermen's Association concerning the labor costs and
8 waste involved with doing the trap line markings.

9
10 The fourth comment basically was about Goliath grouper and the
11 fact that Goliath grouper eat lobster and so we should be
12 controlling Goliath grouper instead of lobster.

13
14 The fifth comment had two parts to it. One was Action 5, the
15 ACT as AM, and the other was Action 1, removing species from the
16 FMP. This is the same letter that Kari just referred to
17 receiving.

18
19 Then, finally, the sixth comment was from the EPA. They wanted
20 some mostly clarification and editorial changes, but also
21 additional discussion, some of which the committee might help
22 with today, concerning why the minor species are not currently
23 managed and why those minor species were not designated as
24 ecosystem component species, although I think we address that in
25 the document, the environmental impacts of commercial versus
26 recreational fishing in this fishery, the basis for setting the
27 ACT at six-million pounds, why the council chose closed areas
28 for trapping only, and why the trap line marking and derelict
29 trap removal are for Florida only. Those were some of their
30 questions that we may be able to address today and that's it,
31 Mr. Chairman, and thank you.

32
33 **MR. TEEHAN:** Thank you, Sue. Any questions? I guess the next
34 thing we're going to do is Review the Joint Spiny Lobster
35 Amendment, which is Tab H, Number 8. I've got Kari, Carrie, and
36 Gregg as presenters on that. How do you all want to work this
37 out?

38
39 I've been informed that we're going to use the decision
40 document, which is Tab H, 8(a). Who of the three of you will be
41 walking us through the document?

42
43 **REVIEW OF JOINT SPINY LOBSTER AMENDMENT 10**

44
45 **DR. SIMMONS:** I can do a couple of actions and then pass it over
46 to Kari. I'll start with Action 1, Other Species in the Spiny
47 Lobster Fishery Management Plan. I don't know if the committee
48 would like to discuss or modify their current preferred

1 alternative to remove the following species from the fishery
2 management plan. That includes the smoothtail spiny lobster,
3 spotted spiny lobster, Spanish slipper lobster, and ridged
4 slipper lobster.

5
6 **MR. TEEHAN:** I guess I should have said it up front, that if we
7 run through these and alternatives and actions and if there are
8 no comments or any changes, then we'll just move on.

9
10 **MR. SAPP:** That was my question, is procedural. We're going to
11 go through one action at a time and we're going to have
12 discussion with both of the council committees and then we're
13 going to vote one council at a time, one action at a time?

14
15 **MR. TEEHAN:** Yes, I believe that's what the plan is. Are there
16 any comments or any changes to Action 1? I guess, Mark, you
17 need to get a vote from your committee and then I'll -- We
18 don't?

19
20 **MR. PERRET:** I have a question. I thought it was my
21 understanding that the South Atlantic had already picked their
22 preferred and am I incorrect in that assumption?

23
24 **CHAIRMAN ROBSON:** No, Corky. I think what we're going to try to
25 do is yes, we've got preferred for just about all the actions, I
26 think all the actions. In terms of the South Atlantic Council
27 committee, unless there's a desire to discuss a change to the
28 document, we would move through that action without any further
29 vote.

30
31 My question, I guess procedurally, is are we going to have a
32 joint council committee discussion and then separate votes for
33 each committee on each action?

34
35 **MR. WAUGH:** Yes, Mark. That was the idea. If you look at page
36 5 of the decision document, this is the action we're talking
37 about. What we've tried to do here is structure this so that
38 you have a recap of the current wording of the action, and
39 that's in the box that's been put together. For those of you on
40 the Mackerel Committees, we'll follow this same procedure for
41 mackerel.

42
43 There's just a very brief recap of the public and AP comments
44 below that and then you come to a section of do you want to
45 change the preferred?

46
47 We went out to public hearings and we got all the public
48 comments and the SSC has looked at it and so you're now weighing

1 those comments and determining whether you want to change your
2 preferreds and as you can see in the box, both councils --
3
4 Whenever it says "Preferred" and doesn't indicate one or the
5 other councils, that means both councils have that as their
6 current preferred and so the thought here was if you wish to
7 change your current preferred, then someone would make a motion
8 and the way we've discussed it is since the Gulf is
9 administrative lead, the Gulf would take the first shot at it
10 and then we would have discussion.

11
12 What we also hope to get from this is if you do decide to change
13 your position, that you give us some rationale to go into the
14 section called Council Conclusions and it wouldn't hurt for some
15 of these that we got a lot of public comment on to help beef up
16 your rationale of why in the face of those public comments you
17 still think your current preferred alternative is the right one.

18
19 If the committee makes a motion and we have some discussion, the
20 discussion, the way we've done it in the past, can be jointly
21 done, so that we avoid some repetition, and then each committee
22 will vote separately.

23
24 **CHAIRMAN ROBSON:** In terms of Action 1, is there any desire to
25 change the preferred alternative from the current Preferred
26 Alternative 4, which is to remove those four species from the
27 FMP?

28
29 **MR. WAUGH:** Again, you've had pointed out that one of the
30 comments we received at a hearing and the DEIS, and it was from
31 Pew, and they are raising the issue of why these weren't
32 designated as ecosystem component species. I believe Sue said
33 the EPA also had that comment and so it would help if you all
34 developed a little bit more rationale as to why we shouldn't do
35 that.

36
37 To me, if you look at the Pew letter, it's very cursory and
38 merely parrots back what some of the requirements are. It would
39 have been nice if they had given us some suggestions for how one
40 might specify all the SFA parameters for those species, because
41 the document, as it's currently structured, lays out, in large
42 part, the reason we're excluding those species is we're having
43 enough difficulty coming up with these values for the Caribbean
44 spiny lobster, much less these minor species.

45
46 An unfortunate cost of the current requirements of the Magnuson
47 Act is some of these more minor species, we have to exclude them
48 because we can't come up with all the SFA-required parameters.

1 If you all could help beef up this rationale, it will help us as
2 we finalize the document.

3
4 **MR. GRIMES:** Just to cover a little bit of what the Gulf Council
5 has discussed, we came at it from a different direction. The
6 Gulf's decision wasn't based on avoiding having to specify
7 parameters for the stocks that we're talking about removing.

8
9 It's just that these species really didn't appear to be in need
10 of conservation and management at the federal level. There
11 weren't significant directed harvests of most of these critters.
12 We had some discussion, or actually we had considerable
13 discussion, relative to the ecosystem component classification,
14 but my recollection is most, if not every one, of these species
15 was retained every time it was actually encountered.

16
17 It didn't seem to be a good fit in the ecosystem component
18 classification and further, there didn't seem to be much benefit
19 or much purpose behind classifying them as ecosystem component
20 species. What was the difference between doing that and
21 removing them from the fishery management plan?

22
23 If a commercial harvester encounters them, we can already
24 require that they report them and we can monitor the landings
25 and we can keep an eye on these species in the same manner
26 whether they're ecosystem component or whether they're not part
27 of the FMP and so there didn't seem to be much benefit gained
28 from including them as ecosystem component species and then
29 clearly leaving them in as managed species, as already
30 mentioned, there didn't seem to be a whole lot of need for that.

31
32 As you mentioned, Mr. Waugh, there were a lot of administrative
33 complications associated with doing that. At least that's my
34 recollection of the Gulf discussion and if any of you all have
35 something to add, I would encourage you to do so.

36
37 **MR. TEEHAN:** That was a good summary. Go ahead, Dr. Crabtree.

38
39 **DR. CRABTREE:** I'm not a member of your committee, but I am a
40 member of Mark's committee. I think Shepherd is right and I
41 think in our guidelines we have a number of criteria that
42 species ought to meet to be included in a fishery management
43 plan.

44
45 Over the years, and I suspect this is because the guidelines
46 have changed and other things, we've ended up with an awful lot
47 of species in our fishery management plans that I don't think
48 ever merited being included if you went through the way the

1 current guidelines are laid out.

2
3 Both councils are removing a number of species from the fishery
4 management plans, but I think the main reason is we don't think
5 they meet the criteria laid out in the guidelines that are set
6 up to determine if there's a need for federal management.

7
8 **MR. TEEHAN:** Thank you, Roy, and further, and I think we've had
9 this discussion at the Gulf Council level, the other panulirus
10 species are not really targeted. They may be accidentally
11 caught and scyllarides nodifer, which is the prime bulldozer or
12 Spanish lobster of interest, there are minor commercial
13 fisheries and recreational fisheries for those.

14
15 When I say minor, I mean minor. Scyllarides nodifer was
16 traditionally caught in shrimp trawls and they don't go into
17 traps. The shrimp trawls that have an effective hard TED in
18 them will exclude nodifer and the other scyllarides are not
19 targeted for food, as far as we're aware of.

20
21 Nodifer is protected in Florida rules. Egg-bearing females are
22 protected and so I think that's a little bit more of the reasons
23 why we're removing them at this point. That's kind of piling
24 that on with what Gregg and Shep and Roy have said.

25
26 **CHAIRMAN ROBSON:** I think that provides a pretty good summary of
27 the discussions we've had about removing them from the FMP.
28 Bill, do you want to see -- If there's no further questions or
29 discussion, I guess you guys would vote on the action.

30
31 **MR. TEEHAN:** Does anybody else have any discussion on this
32 particular topic, Action 1? Does anybody oppose to Action 1?

33
34 **MR. GRIMES:** Just a point of order. I thought if you weren't
35 making changes that you weren't going to vote and you would just
36 move forward. I would suggest in the absence of a motion to
37 plow ahead.

38
39 **MR. TEEHAN:** Plow ahead. All right, Carrie. Plow ahead.

40
41 **DR. SIMMONS:** On page 7 of the decision document are modify the
42 maximum sustainable yield, the overfishing, and the overfished
43 threshold. These are divided up into three sub-actions. Action
44 2.1 is the maximum sustainable yield alternatives.

45
46 It should be noted, and in the amendment, it's on page 18, that
47 as you see in the decision document under Alternative 1, 2.1,
48 that we modified the Gulf's current preferred alternative to

1 what was approved and so that was noted in the amendment under
2 Action 2.1, 2.2, and 2.3. That did go out that way to public
3 hearings and so we reverted back to what was actually approved
4 there, but, again, that did go out to public hearings and that's
5 what you see in the decision document, but that was a little bit
6 different than what the Gulf committee saw at their February
7 meeting. I guess that concludes my quick summary.
8

9 **MR. GILL:** A procedural question. Mark, do I assume that the
10 South Atlantic didn't wish any changes on Action 1 as well? We
11 didn't specifically go through that and so it's almost like
12 we're rushing through the Gulf side and doing their thing and
13 ignoring the South Atlantic and it seems to me that we ought to
14 do it action-by-action together.
15

16 **CHAIRMAN ROBSON:** We can. I didn't see any desire on the part
17 of the South Atlantic committee to change their current
18 preferred alternative for Action 1.
19

20 **MR. TEEHAN:** We have a summary of Action 2 and is there any
21 comments or any discussion or any changes from the Gulf Council
22 side? All right and so we can plow ahead from the Gulf Council
23 and, Mark, you can discuss it with your folks.
24

25 **CHAIRMAN ROBSON:** I don't know if there's any discussion.
26

27 **DR. CRABTREE:** No changes, but just so we're clear, the way
28 we're laying out these things, the overfished threshold, we've
29 laid out the framework and the formula, but we really need an
30 assessment to be able to make a determination on that.
31

32 In the overfishing threshold, it's going to be based on the OFL
33 of 7.9 million pounds and so as long as landings are below that,
34 there's no overfishing going on, but if landings exceed that,
35 then we would have to deal with that as an issue and it would be
36 listed as undergoing overfishing at that point, until we
37 revisited it and made a change.
38

39 **CHAIRMAN ROBSON:** That's correct. I see no desire on the part
40 of the South Atlantic committee to change the current preferred
41 alternatives for Action 2. Mr. Chairman, I think we can move
42 on.
43

44 **MR. TEEHAN:** Thank you, Mr. Chairman. Carrie, do you want to do
45 sector allocation, Action 3?
46

47 **DR. SIMMONS:** I'll let Gregg do that one.
48

1 **MR. TEEHAN:** Gregg, would you like to do sector allocation?
2

3 **MR. WAUGH:** Yes, thank you, Mr. Chairman. The preferred
4 alternative is no action, do not establish sector allocations.
5 We also had Alternatives 2 through 6 that looked at various
6 percentages commercial and recreational. You had removed any
7 within commercial sector allocations to the considered but
8 rejected appendix.
9

10 **MR. TEEHAN:** Thank you, Gregg. From the Gulf Council committee,
11 are there any comments, recommendations, or changes? Seeing
12 none, Mark.
13

14 **CHAIRMAN ROBSON:** Any on the part of the South Atlantic Council
15 committee? Seeing none, Mr. Chairman, I think we can move on.
16

17 **MR. TEEHAN:** Thank you, Mark. Who is going to do Action 4, ABC
18 Control Rule?
19

20 **DR. SIMMONS:** The current preferred for the acceptable
21 biological catch control rule is to adopt the Gulf Council's
22 control rule. You looked at another range, establish an ABC
23 control rule where ABC equals the OFL, and you also looked at
24 specifying the ABC on various averages of landings.
25

26 **MR. TEEHAN:** Thank you, Carrie. Are there any comments,
27 changes, or suggestions from the Gulf committee?
28

29 **MR. GILL:** In Action 4.3, we have a current preferred of
30 Alternative 2, Option c, setting the ACT at 6.0 million pounds.
31 Are we doing just 4.1 and not the entire action, Mr. Chairman?
32

33 **MR. TEEHAN:** That might be the cleanest way to do it.
34

35 **MR. GILL:** In that case, I'll wait until we get to 4.3.
36

37 **MR. TEEHAN:** Does anybody have any comments on Action 4.1,
38 allowable biological catch control rule, on the Gulf side?
39

40 **MR. GRIMES:** I just have a question and I may be missing
41 something here, but I'm looking on page 26 of the document and
42 this is the ABC control rule and I guess it's the same as we
43 have in the Generic ACL Amendment and for Tier 3b, the
44 parenthetical that ABC is 75 percent of OFL, it says default
45 level for unassigned stocks. Isn't that supposed to be
46 unassessed? If not, I'm not sure I understand what unassigned
47 means.
48

1 **MR. TEEHAN:** I think it should say unassessed.
2
3 **MR. GRIMES:** Unassessed, yes. I don't have the ACL Amendment in
4 front of me right now, but I believe that's the verbiage we use
5 in it.
6
7 **MR. TEEHAN:** Steve Atran, can you address that?
8
9 **MR. STEVEN ATRAN:** Can you repeat the question?
10
11 **MR. GRIMES:** In the ABC control rule, Tier 3b --
12
13 **MR. ATRAN:** No, what that refers to is if you've already
14 determined for a given stock that you want to set ABC at 100
15 percent or 85 percent or 65 percent of OFL. They have been
16 assigned a percentage. Anything that has not been assigned a
17 percentage of OFL would go into the 75 percent bracket.
18
19 **MR. GRIMES:** Which is in and of itself assigning it a percentage
20 though, right?
21
22 **MR. ATRAN:** It's an assignment by default.
23
24 **MR. TEEHAN:** Shep, are you --
25
26 **MR. GRIMES:** I guess I don't really know what to say to that.
27 It seems to me we ought to just call it the default.
28
29 **MR. ATRAN:** That would be fine too.
30
31 **CHAIRMAN ROBSON:** Gregg, have we got the same language? It's
32 the same document, but have you looked at that?
33
34 **MR. WAUGH:** Yes, I think it is the same language and I think
35 what Steve has pointed out is how the Gulf has structured that.
36 It is a default and it applies for all those species that you
37 haven't gone through and had discussion and assigned a specific
38 percentage and so it is correct the way it's written of
39 unassigned, whether you want to add some more explanation to
40 clarify that.
41
42 **CHAIRMAN ROBSON:** I think Sue had a comment.
43
44 **MS. GERHART:** This was cut and paste from the SSC control rule
45 and so this was what the SSC developed. It's not something we
46 set up for this amendment. It was straight from their report.
47
48 **DR. CRABTREE:** I think we all understand it. It just isn't very

1 clear when you look at it and so I would just ask that staff
2 clarify the language in there so that whoever reads it can tell
3 what it means.

4
5 **CHAIRMAN ROBSON:** I think we have that guidance and that's good.

6
7 **MR. TEEHAN:** Are we ready to move forward? The next would be
8 Action 4.2, which was -- Mark, did your folks have any comments
9 or issues with 4.1?

10
11 **CHAIRMAN ROBSON:** If there are no comments from the South
12 Atlantic Council on the ABC control rule alternative, it's
13 current preferred is 2b. Seeing none, we can move ahead.

14
15 **MR. TEEHAN:** Let's move on to 4.2, which is annual catch limit
16 alternatives.

17
18 **DR. SIMMONS:** The current preferred alternative is to set the
19 annual catch limit for the entire stock based on the acceptable
20 biological catch and so ACL is equal to optimum yield is equal
21 to acceptable biological catch.

22
23 **MR. TEEHAN:** Thank you. Are there any comments or discussion
24 from the Gulf committee? Seeing none, Mark.

25
26 **CHAIRMAN ROBSON:** Any comments on the South Atlantic committee?
27 No comments and I think we can move ahead, Mr. Chairman. Wait a
28 minute. Go ahead, Roy.

29
30 **DR. CRABTREE:** We've got Action 4.2 that says ACL is equal to OY
31 is equal to ABC and I guess what's confusing there is then we
32 have an annual catch target. It seems that really the annual
33 catch target should equal OY, rather than the annual catch
34 limit. I wonder if there's something I'm missing or does staff
35 have an explanation for why it's set up that way? It seems like
36 the target is what we're trying to achieve and the ACL is what
37 we're trying to avoid.

38
39 **MR. WAUGH:** The way we have discussed it on the South Atlantic
40 side is when you're setting your ACT -- For the most part, we
41 have set annual catch targets for the recreational sector,
42 recognizing the variability in the estimates of the recreational
43 catch.

44
45 You base your management measures on that target such that as
46 your estimates of the recreational catch go up and down, when
47 they're on an upswing, they don't exceed the annual catch limit,
48 which would result -- That is the optimum yield and you don't

1 want to go over it. You want to make sure that when you're
2 setting your management measures that you're keeping the sector
3 below that.

4
5 The commercial side, generally we should be in a better position
6 to track their landings and make sure that they don't exceed
7 their sector ACL, but that's how we've structured it on the
8 Atlantic side and the ACL in all our other amendments.

9
10 **DR. CRABTREE:** Let me try it from a little different
11 perspective. On average, you ought to be achieving optimum
12 yield and so if you were to come back over a decade or twenty
13 years and look at the average catches, they should be about
14 equal to optimum yield.

15
16 It seems like what you're saying is that's also what we're doing
17 with the ACT, but we're not trying, on average, to hit the
18 annual catch limit.

19
20 **MR. WAUGH:** I understand what you're saying. This is different
21 from how we've structured it up to this point and it's certainly
22 up to the committees and councils if you all want to change how
23 you're structuring your optimum yield now. You're certainly
24 free to do that, but just be cognizant that this would then
25 apply across all the amendments that -- It should apply across
26 all the amendments that we're working on, because up to now, we
27 have been structuring based on you all's guidance.

28
29 I'm speaking from the Atlantic side. I'm not that familiar with
30 all the Gulf amendments, but setting the optimum yield equal to
31 the ACL.

32
33 **MR. TEEHAN:** Having heard the discussion, Roy, do you have any
34 further comments on that?

35
36 **MR. GRIMES:** The alternative or the action is establishing the
37 annual catch limit and I guess I'm not familiar enough with this
38 plan to know -- We have an OY now, correct, and what does that
39 number represent?

40
41 It seems to me that we came in here and we're calculating or
42 establishing an ACL and then just equating that to the optimum
43 yield. Is this, in effect, changing what's in the FMP now or is
44 it just associating this new limit with an already established
45 parameter? I'm asking that legitimately. I have no idea of the
46 answer to that question.

47
48 **MR. TEEHAN:** Any staff want to jump in on that?

1
2 **MR. WAUGH:** I'm looking for the wording, but my recollection is
3 the optimum yield -- I'm not sure we have a numeric estimate for
4 the optimum yield and that it's the harvest associated with the
5 management measures, but I'll look.

6
7 **MR. GRIMES:** It's probably some SPR-based proxy or something
8 like that, correct?

9
10 **MR. WAUGH:** It might be. I'll take a look.

11
12 **MR. TEEHAN:** Does the Gulf committee have any comments,
13 suggestions, or recommendations on Action 4.2, annual catch
14 limit alternatives?

15
16 **DR. CRABTREE:** I guess I have a question for staff. If we
17 wanted to change and have the optimum yield equate to the annual
18 catch target, so we would essentially modify this action and
19 remove OY out from the ACL and move it into the ACT, how much of
20 a change is that to the document and how complex would that be
21 to do? I'm not sure who exactly I'm asking, because I'm not
22 sure who the principle author of this is.

23
24 **MR. GRIMES:** Keeping in mind with that that you're not changing
25 anything. You're not changing any number. All you're doing is
26 moving that OY abbreviation, whatever you want to call it, that
27 acronym, down to annual catch target, because you're still
28 setting your ACL at the formula specified there, a percentage of
29 ABC, and your ACT would still be based on some percentage of
30 ACL. It would just be calling OY or associating OY with ACT
31 instead of ACL.

32
33 **MS. GERHART:** In an earlier version of this document, we had a
34 separate alternative to set OY and it was requested by one of
35 the committees to remove that action and make OY equal to ACL
36 and so that's why it's where it is now. As Mr. Grimes just
37 said, I think it would be fairly easy to just change that,
38 because it's actually defining OY.

39
40 **MR. WAUGH:** Steve Branstetter just pointed out that the optimum
41 yield statement for the Spiny Lobster FMP is basically all that
42 can be harvested, basically consistent with the management
43 structure that's in place.

44
45 Just thinking about this quickly, if you do change and set your
46 OY equal to your ACT, then what does that mean when you exceed
47 your ACT? You're exceeding your OY and for the most part, when
48 we're setting ACT, it doesn't apply here, but I'm just looking

1 for consistency, because we like to have things consistent in
2 our thought processes across these various amendments.

3
4 What then do you do in a situation where you only have an ACT on
5 the recreational side and we are not setting an ACT on the
6 recreational side? I think we need to give this some thought.
7 It's certainly just moving OY on the print to a different place
8 is one thing, but just making sure we understand all the
9 ramifications of what we're doing, we just need to be sure.

10
11 **DR. CRABTREE:** OY you would expect to exceed in some years and
12 be under in some years. That's just the nature of nature, that
13 things fluctuate. I think where we started out with this is we
14 had an ACL and didn't have an ACT and so we set OY equal to ACL
15 and then later we came in and added in the ACT as the
16 accountability measure and never changed it.

17
18 I think that what happens when you go over OY and if we change
19 it as equal to the ACT won't be because you've gone over OY, but
20 it will be because you've exceeded your ACT and so if that's
21 your accountability measure, what then do you do? I think we'll
22 come to that when we get to the accountability measure.

23
24 I think you're exactly right, Gregg, that in the other
25 fisheries, at least in the South Atlantic, where we have an ACL,
26 then we have for one sector an ACT and that's a more complicated
27 process and I think we may decide to handle that differently
28 than we do here from spiny lobster.

29
30 I can't think of another one of these amendments where we have
31 just a single ACL/ACT for the whole fishery and so I think this
32 is somewhat different.

33
34 **I think that what we ought to do, and I'll make a motion, is**
35 **that we ought to shift the OY language down into Action 4.3 and**
36 **set OY equal to the annual catch target.** If I get a second,
37 I'll --

38
39 **MR. TEEHAN:** Procedurally, can you get a second from outside
40 your committee?

41
42 **CHAIRMAN ROBSON:** No, I think Roy would be making a motion on
43 part of the South Atlantic committee.

44
45 **DR. CRABTREE:** I guess I'm making a motion on behalf of the
46 South Atlantic, because I'm not on the Gulf committee.

47
48 **CHAIRMAN ROBSON:** We need a second from a member of the South

1 Atlantic. It's seconded by George Geiger. Discussion?
2

3 **DR. CRABTREE:** I think this is more consistent with what OY is
4 supposed to be, because the way it's currently set up, we aren't
5 really managing to achieve OY. We're in fact managing to avoid
6 OY. I think this shift means we are managing to achieve OY and
7 so it makes sense to me.
8

9 **MR. GRIMES:** I would echo the sentiments that Dr. Crabtree
10 expressed and I wanted to elaborate a little bit on some of the
11 things Mr. Waugh said relative to other fisheries. Keep in mind
12 that optimum yield is a stock or a fishery-based target. You
13 have that for the FMP. Everything, commercial and recreational
14 together, should be combined to approximate optimum yield.
15

16 If you guys have an annual catch target only for the
17 recreational sector and then you have harvest that occurs in the
18 commercial sector that's supposed to be constrained below your
19 annual catch limit, you should be able to add those together and
20 that should approximate the overall optimum yield for the
21 fishery.
22

23 As Dr. Crabtree mentioned here, you're not making any sector-
24 specific decisions. There's not a target for a recreational and
25 a target for commercial and so in this specific instance, it
26 seems to me a whole lot of sense, to me, to combine these and
27 equate your ACT with your optimum yield for the entire fishery.
28

29 **CHAIRMAN ROBSON:** We have a motion on the part of the South
30 Atlantic Spiny Lobster Committee. Is there any further
31 discussion on the motion from our committee? **Any objection to**
32 **the motion? That motion carries.**
33

34 **MR. TEEHAN:** Now we're a little bit out of sync, but the Gulf
35 Council committee, Mr. Gill.
36

37 **MR. GILL:** I make the same motion on behalf of the Gulf Spiny
38 **Lobster Committee.**
39

40 **MR. SAPP:** Second.
41

42 **MR. TEEHAN:** We have a motion and a second to adopt the same
43 item as the South Atlantic. Is there any discussion? Shep is
44 grinning and something must be going wrong.
45

46 **MR. GRIMES:** For all the same reasons, I presume.
47

48 **MR. TEEHAN:** Any discussion? No? **Is there any objection to the**

1 motion? Seeing none, the motion carries.
2

3 **DR. SIMMONS:** I would just ask or remind the committees again
4 that I agree. I'm remembering several drafts ago we did have
5 optimum yield and the approved definitions for each council of
6 optimum yield under Action 2 and then we removed them later to
7 the ACL action that Sue mentioned.
8

9 I'm assuming that that definition of optimum yield that is
10 currently on the books is now being modified in itself under
11 Action 4.3 now?
12

13 **DR. CRABTREE:** Yes, I think our intent is under Action 4.2 now,
14 where the preferred, and all of those alternatives, says ACL
15 equals OY equals ABC, OY would just be removed from all of those
16 options and then down under annual catch target, it would be
17 annual catch target equals OY equals six-million pounds and in
18 all of the other ones as well.
19

20 **MR. GRIMES:** I think what Dr. Simmons is asking though is that
21 you're correct though. After this is approved, assuming it's
22 approved, then the optimum yield in the FMP will be changed from
23 what it currently is to the -- If you stick with your preferred,
24 it will be six-million pounds associated with the ACT.
25

26 **MR. PERRET:** Where in this document do we have a value for the
27 ACL? The only place I find it is in the regulations and the ACL
28 in the regulations is 7.32 million pounds.
29

30 **MR. WAUGH:** It's also shown in -- If you're looking at the
31 decision document, it's on page 13. This table is shown in the
32 amendment as well and the ABC is the mean plus 1.5 standard
33 deviations and so you can find that value, 7.32, in Table 1 on
34 page 13.
35

36 We don't put it into the wording of the action and the
37 alternative because then if that should change in the future, if
38 you get an updated stock assessment, then you would have to come
39 back and change it here. You'll see when we get to mackerel
40 that there's a slightly different approach, but this does show
41 that value there and certainly we can add in the discussion that
42 the current estimate of that value is 7.32 million pounds.
43

44 **MR. TEEHAN:** Corky, does that answer your question?
45

46 **MR. GRIMES:** I was just going to indicate if you look at the
47 bottom of page 29 in the document itself, at least it talks
48 about the ABC of 7.32 million pounds, which is equal to ACL.

1
2 **MR. TEEHAN:** Thank you, Shep. Can we move on to Action 4.3? We
3 have about an hour-and-forty-five minutes to finish this
4 document and I think we would like to try to finish it in
5 committee. Carrie, 4.3, annual catch target.
6

7 **DR. SIMMONS:** Thank you, Mr. Chairman. We're setting an annual
8 catch target for the entire stock is the current preferred
9 alternative and that's equal to 6.0 million pounds, which is
10 now, based on your change in alternatives, also equal to the
11 optimum yield.
12

13 **MR. GILL:** We have public testimony arguing to change this
14 preferred. We have the South Atlantic AP who also made that
15 recommendation and I'm persuaded that we have an ACL of 7.32
16 million pounds and the ACT is 1.32 million pounds less than
17 that. That seems, to me, to be, for this particular stock, a
18 huge buffer that is somewhat perplexing, given that the
19 preferred is an arbitrary six-million pounds that's really not
20 based on anything substantial, other than okay, let's just set
21 one.
22

23 For this particular stock and this current landings rate, that
24 is higher than it has been traditionally. However, the
25 management structure is set to achieve that ACT and if per
26 chance landings go higher, then that suggests that we might have
27 to change management structure, which to me doesn't make a whole
28 lot of sense.
29

30 **I'm persuaded that the recommendations that we have heard are a**
31 **better alternative and as a consequence, I move that the**
32 **preferred alternative in Action 4-3 be Alternative 2, Option a.**
33

34 **MR. PERRET:** Second.
35

36 **MR. TEEHAN:** We have a motion on the board to change the
37 preferred to Preferred Alternative 2, Option a. Is there a
38 second? Second by Corky.
39

40 **MR. GILL:** Further discussion is that in round numbers, it's
41 about 6.59 million pounds, which is something on the order of
42 three-quarters-of-a-million pounds from the ACL and that seems
43 to be, given this fishery, a significant buffer in its own
44 right. I don't see any risk from that standpoint, not to
45 mention that the current landings are way below that.
46

47 Even if they do rise, you've got a three-quarter-of-a-million-
48 pound buffer between the ACT and the ACL and that seems more

1 than enough to me, so that this additional 600,000 pounds from
2 our existing preferred makes plenty of sense.

3
4 **MR. TEEHAN:** Thank you, Mr. Gill. Is there any further
5 discussion on the motion?

6
7 **MR. HARTIG:** Gregg, can you walk us back from the number we got
8 from the SSC to where the numbers we have in the document for
9 the catch levels -- Why they are what they are and where they
10 came from?

11
12 **MR. WAUGH:** If you look at page 13 of the decision document, and
13 I don't know if this can be projected, but it shows that the
14 mean plus two standard deviations, which we used as the
15 overfishing level, is 7.90 million pounds.

16
17 The step down, if you will, for the ABC and what we're using for
18 the ACL is the mean plus 1.5 standard deviations. It's at the
19 bottom of Table 1 and that's 7.32 million pounds. Then when
20 we're looking at setting the annual catch target, and it might
21 be helpful to insert "currently six-million pounds" and if you
22 want to show the value for Option a, say "currently 6.59 million
23 pounds". That would give you what your target was, 6.59 million
24 pounds. Your ACL would be 7.32 and your OFL is 7.90.

25
26 **MR. HARTIG:** To that point, Mr. Chairman, what was the
27 formulation for going from the 7.32 to 6.59 or the 6.0 that we
28 originally had? What percentage decrease to get to the ACT did
29 we use?

30
31 **MR. WAUGH:** Under Option a, it would be 90 percent of the annual
32 catch target. As far as the Option c, which is six-million
33 pounds, there wasn't a percentage applied. As I recall, part of
34 the rationale was tying it to your accountability measure.

35
36 The accountability measure would use that value, six-million
37 pounds, and if catches exceeded that, then what would happen is
38 a scientific review would take place, similar to what we do with
39 our pink shrimp overfishing definition.

40
41 A scientific review would occur and determine if there was any
42 biological event or situation that needed to be addressed. If
43 it did, then that recommendation would go to the councils that
44 yes, there's a biological issue here that needs to be addressed.
45 Then it would be up to the council to take action.

46
47 It could also be that the scientific conclusion would be that
48 this is a natural variability in the catches and the catches

1 seem to be increasing and we have no evidence of there being a
2 biological issue and then the council would take no action.
3 We've done this with our pink shrimp overfishing level.

4

5 **MR. TEEHAN:** Ben, is that satisfied?

6

7 **MR. HARTIG:** Just one other thing. The exercise finally led to
8 the question that I had. Basically, we have a number of steps
9 we take to derive these values and all of a sudden, we have a
10 6.0 million pound in spiny lobster that doesn't seem to have any
11 basis in calculation. That was where the whole questioning of
12 this led to.

13

14 When the public looks at this, going how did you arrive at 6.0
15 million pounds for an ACT, basically it should be within some
16 kind of formulation, 90 percent, 85, 75, whatever we were going
17 to use. It should be in there, in that document, to show the
18 public where that was derived from and I couldn't figure out how
19 we got to that number in the first place and that's why I asked
20 that question. I think we should have, if we're going to use 90
21 percent, it should be a much higher number than what we have at
22 six-million.

23

24 **MR. TEEHAN:** We do have a motion. Are we still discussing the
25 motion?

26

27 **MR. GRIMES:** I wouldn't speak to the motion, but I think there's
28 a lot of merit to what I just heard, in that we do try to have
29 formulaic expressions of our parameters, ACT or ACL or whatever,
30 such that if we get a stock assessment or make some change, new
31 information is acquired down the road, then we can just
32 calculate the new number without having to come back in and
33 change what's in the FMP.

34

35 We just calculate the new number and specify the new value
36 without making that underlying change and so regardless of where
37 we go on this motion, if you do stick with the six-million
38 pounds, I think there's a lot of benefit to specifying the
39 formulaic expression of it rather than just six-million pounds.
40 Obviously if you go with this motion, you're going to resolve
41 the issue anyway.

42

43 **MR. TEEHAN:** Thank you. Mr. Gill had his hand up some time back
44 and so I'll recognize him.

45

46 **MR. GILL:** As has been noted in the past, in this particular
47 species, there apparently is a regime shift and the last ten-
48 year landings, which is used by the SSC for calculation of ABC,

1 was decidedly less than the previous ten years and the previous
2 ten years averaged somewhere around nine-million pounds as
3 opposed to five-and-a-half.
4

5 In the last ten years, whatever that cause is, which is not
6 understood is the way I see it, is four of those years were over
7 six-million pounds and so we would be exceeding our target.
8

9 If we get back to the previous landing rate of the average of
10 nine or whatever the number is million pounds, then we would
11 have a real problem, because we're over our OFL. The idea here
12 with this motion is to accommodate what appears to be where we
13 currently are with very little change, leaving plenty of buffer
14 between the ACT and the ACL so that we won't be tripping into
15 regimes that may create problems for the industry.
16

17 **MR. TEEHAN:** Go ahead, Roy, and then we're going to vote this up
18 or down, because we have a bunch of other substantive actions
19 that we have to go through.
20

21 **DR. CRABTREE:** I think Bob hit on a lot of things about the kind
22 of shift in productivity of the stock and I think the problem
23 that we're having here is that we really manage spiny lobster
24 through effort management and not so much by trying to manage
25 the numbers of pounds, but the statute kind of pushes us into a
26 pounds type of management now and that's a struggle with them.
27

28 I don't think there was any formula for the six-million pounds.
29 I think we came up with that in the Gulf Council, but what you
30 do see is if you look at the landings table for about the last
31 decade, we've never exceeded six-million pounds in any two
32 consecutive years. I think that was where it kind of came from.
33

34 I don't have a problem really with making this change to it. I
35 think we're still substantially below the OFL and that's really
36 significant. I think when we finish this discussion that we do
37 need to have a little bit of talk about the accountability
38 mechanism and what exactly happens if we exceed it.
39

40 **MR. TEEHAN:** Thank you, Roy. We're going to go ahead and vote
41 this up or down as the Gulf committee and the motion is in
42 Action 4.3 that the preferred alternative be Alternative 2, set
43 an ACT for the entire stock, Option a, ACT equals 90 percent of
44 the ACL. **Is there any opposition to this motion from the Gulf
45 committee? Seeing none, the motion passes.**
46

47 **CHAIRMAN ROBSON:** South Atlantic Council, on this action?
48

1 **MR. GEIGER:** I make a like motion to change the preferred to
2 Option 2a in Action 4-3, for all the reasons previously stated.
3
4 **CHAIRMAN ROBSON:** Is there a second to the motion?
5
6 **MR. HARTIG:** Second.
7
8 **CHAIRMAN ROBSON:** Second by Ben Hartig. Any discussion on the
9 motion, again, as George pointed out, for the reasons that we've
10 just been through in our previous discussion with both council
11 committees? **Any objection to the motion? The motion carries.**
12
13 **MR. WAUGH:** Just clarification to staff. We would insert
14 currently what those values are, to make it clear? Mr. Perret
15 had raised that as an issue and for all the alternatives under
16 4-3, we would insert the OY discussion from our previous
17 guidance under 4-2. I just wanted to make sure that was our
18 understanding.
19
20 **CHAIRMAN ROBSON:** That is my understanding.
21
22 **MR. GRIMES:** I would just note that according to what's in the
23 document, what you just switched it to is 6.59 million pounds.
24 Is that correct?
25
26 **MR. GILL:** I have a question for Gregg and I think my
27 understanding is right, but you had raised the point that
28 putting the numbers in the action locks you in, but what you're
29 really suggesting here is that you're identifying at this time
30 that's the number, but it's not the number for perpetuity and
31 changes by following assessments will go forward automatically
32 without council action required, correct?
33
34 **MR. WAUGH:** Yes, that's correct and that's some wording that we
35 have worked out on mackerel between the councils and NMFS and I
36 think it's applicable here as well.
37
38 **MR. TEEHAN:** Roy wanted to have a discussion about AMs, but I
39 believe the next action is accountability measures. Okay, Roy.
40
41 **DR. CRABTREE:** I think we need to have some more specific
42 discussion and beef this up in terms of what happens if we go
43 over the AM. We got some public comment on that, but what
44 worries me is if you look on page S-15, it says Alternative 1,
45 which is status quo, is not a viable option, because it doesn't
46 specify an AM.
47
48 Then if you go down to the bottom of that same paragraph, it

1 says the biological impacts of the preferred alternative would
2 likely be similar to the status quo and so effectively, our
3 document says our preferred doesn't do anything.

4
5 I think we need to beef this up some with some language about,
6 one, spiny lobster is somewhat unique in that the recruitment is
7 coming from other places. Landings have been below the OFL for
8 a long period of time and the stock is not believed to be
9 overfished or undergoing overfishing.

10
11 We manage through effort controls, traps, those types of things,
12 but I think we need to put some clear language in here that if
13 we exceed, and maybe it's in here now and I just haven't seen
14 it, but if we exceed the AM, then we're going to convene a
15 review of the fishery and take a look at it.

16
17 I think part of what we need to talk about is this shift in
18 regimes from a high-productivity regime about a decade ago to a
19 more lower productivity now.

20
21 It's most likely, if the catches go up and we exceed, it could
22 be because we've shifted back into a higher productivity regime
23 and recruitment has increased and that's what we would want to
24 look at. I definitely think we need some specifics in here
25 about what's going to happen if we exceed the ACT.

26
27 I don't know, Carrie or Gregg, right now if any of that is in
28 the document at this time. If it is already in there, then I
29 would have an issue with the analysis, because I would argue
30 that it's not the same as status quo.

31
32 **MR. TEEHAN:** Roy, I think there's some language in the document
33 that addresses your issue, but it's not clear as to the
34 timeline. It's on page 33 of the amendment and it looks like
35 it's on page 16 of the decision document.

36
37 It says as part of the performance standard, and this is on page
38 16, if the landings exceed the ACT repeatedly, a review of the
39 ACL/ACT and AM would be triggered. Furthermore, if the catch
40 exceeds the ACL more than once in the last four consecutive
41 years, the entire system of ACLs and AMs would be reevaluated as
42 required by National Standard 1 Guidelines.

43
44 **MR. WAUGH:** The analysis does need to be corrected and so there
45 is some verbiage that needs to be changed in here and some of
46 this became evident when we were putting together the summary to
47 go out to public hearings and that's why if you look at the page
48 that Dr. Crabtree was referencing, S-14, there's a block there

1 that says if landings are greater than six-million pounds, the
2 councils will determine if regulations need to be changed.

3
4 What we need to beef up is the level of detail for that process
5 and certainly we have used a scientific review for our pink
6 shrimp. I'm sure the Gulf has some other example that we can
7 put in and so we can take that as guidance from the two
8 committees that you all want this fleshed out some more, as to
9 how and what type of scientific review would take place. We
10 will also go through and make sure the analysis is sorted out.

11
12 **DR. CRABTREE:** I thought I heard you say, Gregg, that if it's
13 exceeded repeatedly that we would look at it. Did you?

14
15 **MR. WAUGH:** There are two spots. If you look at S-14, there's a
16 block on the right that summarizes the preferred alternatives,
17 where it talks about just if landings exceed. At that point,
18 our ACT was six-million pounds.

19
20 The councils would look at determining if regulations are needed
21 and so if it exceeds it, the council would look at it,
22 regardless of how often. There's another block that goes into
23 the requirements that are included in the guidelines.

24
25 **DR. CRABTREE:** I would suggest we put some language in here
26 about the kinds of things we're going to look at. One, I think
27 we would want to bring in some of the State of Florida
28 scientists.

29
30 I would think we would want to look at did we exceed because of
31 either one sector? Was it the recreational catches went up or
32 the commercial catches? I would think we would want to look at
33 effort. Is there any sign that effort is increasing?

34
35 What I'm getting at is if you go through this exercise and
36 conclude we don't have any reason to think effort has increased,
37 then it would seem that the reason you've exceeded is because
38 recruitment is up. Then that brings you back to the notion of
39 are we shifting back into a high recruitment scenario, which is
40 a good thing for everybody and a good thing for the fishery and
41 the ecosystem if that happens.

42
43 There's been issues with disease and other sorts of things that
44 somehow play into this, but I think a key part of it should be a
45 review of the effort situation and if we see that yes, we've
46 exceeded the ACT and it's because the number of traps has gone
47 way up or effort has gone way up, then I think we have cause to
48 come in from a management perspective and do something, but if

1 effort stayed level and the catches have gone up, then I think
2 that's a good thing and a positive thing and we would be okay.
3
4 **MR. TEEHAN:** I think another thing we need to think about for
5 the ACT, it says if the landings exceed the ACT repeatedly. We
6 might want to narrow down what repeatedly means as far as a
7 year.
8
9 **DR. CRABTREE:** I think what we just talked about is if we go
10 over it, we're going to do this.
11
12 **MR. TEEHAN:** Just one year?
13
14 **DR. CRABTREE:** That's my take on it right now. I think if you
15 were back at six-million that you could argue if you go over it
16 two consecutive years or something, but I think as you increase
17 it and get it closer to the ACL, the need to be more vigilant is
18 there and so I would suggest if we go over, we take a look at
19 it.
20
21 **MR. TEEHAN:** With a review panel? Do we need to take any action
22 on that?
23
24 **CHAIRMAN ROBSON:** There's no motion yet on changing the
25 accountability measures that we have.
26
27 **DR. SIMMONS:** I think I understand what you want us to do and
28 this would go under the accountability measure action and it
29 would be discussed based on the change in the preferred
30 alternative for the annual catch target. Is that correct?
31
32 **MR. GRIMES:** Yes, I think that's correct. That would be my
33 understanding and we're not adding any new alternatives. It's
34 just discussion that goes in the discussion section of the
35 document to clarify exactly what process we'll follow.
36
37 **MR. TEEHAN:** Do we need a motion to do that?
38
39 **MR. GRIMES:** I don't think so, no.
40
41 **MR. GEIGER:** The Gulf preferred is Alternative 4, beefed up
42 Alternative 4? Okay.
43
44 **MR. TEEHAN:** Does the Gulf committee have any comments on
45 Preferred Alternative 4, the beefed-up version, recommendations
46 or changes? No?
47
48 **CHAIRMAN ROBSON:** I don't see any additional comments or desire

1 to change that preferred alternative on the South Atlantic
2 Council.

3
4 **MR. TEEHAN:** Let's move on to Action 6, Framework Procedure and
5 Protocol.

6
7 **DR. SIMMONS:** You currently, both councils have two preferred
8 alternatives for this framework procedure. Preferred
9 Alternative 2 would update the protocol for the enhanced
10 cooperative management and that's updating language from the
11 State of Florida regulations.

12
13 The other preferred alternative would revise the amendment
14 procedures to create an expanded framework and you have selected
15 the base framework procedure.

16
17 In the amendment, there were some changes that are highlighted
18 that we wanted to bring to your attention. On page 43, from the
19 old framework, and I'm not sure exactly what year that was
20 established and maybe Shep could help us out, but there were
21 four items that were added and they were previously in the old
22 framework and that was the gear marking requirements, vessel
23 marking requirements, restrictions related to the use of
24 undersized attractants, and restrictions relating to tailing.
25 Those were added on page 43 and 44 as well and so under the base
26 and the broad.

27
28 **MR. GRIMES:** I would just point out that we added these from the
29 last version that you saw and the only reason -- We adopted this
30 or the framework that appeared in this amendment was adopted
31 from the Generic Amendment that we had and it was a generic
32 framework. It did not include some of these provisions, frankly
33 because we don't have a lot of gear and vessel marking in some
34 of our other fisheries. It was just added here because these
35 are issues that specifically come up in spiny lobster.

36
37 It will be slightly different than what you see in the Generic
38 ACL Amendment, but it's just to address the uniqueness of the
39 spiny lobster fishery.

40
41 **MR. TEEHAN:** I just wanted to say, real quick, that the intent
42 here is to get through this document by 11:30 and so if any
43 committee members or other council members have to have a
44 comfort break, please do it at your own schedule. Does that
45 Gulf committee have any changes or recommendations to Action 6?
46 Seeing none, Mark.

47
48 **CHAIRMAN ROBSON:** Any desire on the part of the South Atlantic

1 committee? Seeing none, we can proceed, Mr. Chairman.

2
3 **MR. TEEHAN:** The next one is Action 7, use of shorts as
4 attractants.

5
6 **DR. SIMMONS:** I apologize, Mr. Chairman, but there's a few more
7 editorial changes on Action 6. Also in the full amendment, on
8 my printed page 41 or on Table 2.6.2, for your current preferred
9 alternative under the base, my understanding is in the third box
10 down under actions that can be taken, we need to eliminate that
11 italicized language about representative lists of actions and
12 say list of actions that can be taken under the abbreviated and
13 standard open frameworks are given.

14
15 **MR. TEEHAN:** Thank you, Carrie. Let's get back to Action 7,
16 which is the use of attractants.

17
18 **DR. SIMMONS:** Your current preferred alternative is to allow
19 undersized spiny lobster, not exceeding fifty per boat or one
20 per trap, aboard each boat if used exclusively for luring,
21 decoying, or otherwise attracting non-captive spiny lobsters
22 into the trap. This is consistent with the State of Florida's
23 regulations.

24
25 **MR. TEEHAN:** Thank you, Carrie. Does anybody on the Gulf
26 committee have any changes or recommendations to Action 7, use
27 of shorts as attractants? Seeing none, I will ask Mark to poll
28 his people.

29
30 **CHAIRMAN ROBSON:** Comments?

31
32 **MR. GEIGER:** Of course, I have a philosophical problem with
33 allowing the use of undersized anything as bait. We don't allow
34 it in any fishery and the use of allowing an undersized animal
35 is somewhat an oxymoron, to me.

36
37 We've had extensive discussions of this and I might add that our
38 AP, our Spiny Lobster AP, had a lot of discussion reference the
39 use of shorts in their meeting and two committee meetings prior
40 to this, two Spiny Lobster South Atlantic Committee meetings
41 prior to this, we came up with a compromise thirty-five short
42 alternative, which is Option 3b.

43
44 During the course of the discussions in our last committee
45 meeting, it was pointed out that there may be a reduction in
46 effort if we allowed for the fifty shorts, but I was never able
47 to ascertain or get a total explanation as to how the fact that
48 we would allow fifty shorts would in fact get traps out of the

1 water sooner during the course of the lobster season.

2
3 I was wondering if anybody would be able to explain that in some
4 more detail, to help ameliorate the problems I have with the use
5 of shorts. I'm asking that generally. I think Dr. Crabtree
6 made that comment at the meeting.

7
8 **DR. CRABTREE:** I don't think, personally, that the preferred
9 alternative that's in here now will result in any substantial
10 additional use of shorts, but I know the discussion was a
11 general one about the use of shorts and if you significantly
12 curtailed or eliminated shorts.

13
14 I think the logic was that there are studies that show that the
15 catch rates of traps with shorts is two-and-a-half, something in
16 that neighborhood, higher than the catch rates of traps that
17 just have bait but don't have shorts.

18
19 The logic was given there's, on average, we're now saying 6.6
20 million pounds of lobster to be harvested, if you reduce the
21 catch rate per trap, they're going to leave the traps in the
22 water longer to catch those.

23
24 By leaving the traps in the water longer, you're going to have
25 increased bycatch of things like Goliath grouper and other
26 species that are caught in those traps periodically. Again, I
27 don't think there's much difference between the status quo and
28 our preferred.

29
30 I think our preferred is consistent with the Florida regulations
31 now and so probably what most of the fishermen are doing are
32 federal regulations and are along the line with Alternative 1,
33 but I suspect most of the fishermen are working under the
34 Florida regulations as it sits now and so in my estimation,
35 there's not much difference between the preferred and the status
36 quo.

37
38 **MR. GEIGER:** If we're allowing them to catch 6.6 million pounds
39 and it's taking them an entire season to do that, based on the
40 landings data that we have, what's the difference whether -- The
41 traps are going to be in the water the same amount of time
42 whether they have the allowable shorts that we've allowed here
43 or a lesser number. They're going to keep the traps in the
44 water during the entire season to catch what they can catch.

45
46 **MR. GILL:** The problem with that argument, George, is that this
47 fishery is front-loaded. Everything is caught on the frontend
48 and so they don't stay in the entire season to catch the

1 landings that are done. They're all done, at least in the
2 commercial industry -- It's also true in the recreational, but
3 in the commercial, a lot of folks take their traps out by
4 Thanksgiving, because it's all done already.

5
6 That's one of the problems with trying to do in-season changes
7 in management. They don't stay there the entire time and so if
8 they're catching the entire catch on the frontend, then the
9 entire season is not utilized and the traps are not in the water
10 for the entire time.

11
12 **MR. GEIGER:** I hear what you're saying, Bob. The problem is I
13 don't see any hard data that indicates that. Is that a belief
14 on the part of people or what we're hearing from where? Is
15 there any hard data, verifiable data, that indicates they are
16 removing the traps by Thanksgiving or is it by Christmas or is
17 it by the New Year? I don't know and that's what I'm asking
18 for.

19
20 Is there a study that's available that indicates when the trap
21 fishery ends and when the majority of the traps are taken out of
22 the water?

23
24 **CHAIRMAN ROBSON:** George, if you would like, John Hunt may be
25 able to answer some of those questions for you in more detail.

26
27 **MR. JOHN HUNT:** George, for a number of years, six or seven or
28 eight years, we routinely surveyed the commercial fishing
29 industry as part of our regular activities and asked them how
30 many traps they fished month-by-month.

31
32 Each individual fisherman is different, but on average, the
33 number of traps in the fishery stay approximately constant for
34 two or three months and then start to decline fairly rapidly
35 with the coinciding of the stone crab season. That is one of
36 the first drops, because a fair number of folks start to shift
37 effort.

38
39 As soon as they start to shift their effort to stone crabs, they
40 start removing lobster traps and by the time you get to November
41 or December, the number of traps are considerably lower, at
42 least by half of the total number that are in the fishery at the
43 beginning. That's from our surveys.

44
45 I'm doing this from memory and so I can't give you any more
46 details than that, but we do have those figures that we have
47 presented and they're probably in our overall summary report
48 that we provided to the state level advisory board and I can

1 find that for you, but there's no doubt that the number of traps
2 fished drop during the fall and then get to lower levels and
3 then stay approximately constant until the end of the season.

4
5 **CHAIRMAN ROBSON:** George, do you have any other questions for
6 Mr. Hunt? Thank you, John. Any further discussion from the
7 South Atlantic committee on Action 7? Seeing none, we can move
8 on.

9
10 **MR. TEEHAN:** This moves us into Action 8, which is modify the
11 tailing permits.

12
13 **DR. SIMMONS:** Currently, there are two preferred alternatives,
14 one that would revise the regulations to clearly state the
15 vessels must be commercial. It would eliminate some of the
16 recreational fishers that are using this permit.

17
18 Alternative 4 would require that all lobsters must be landed
19 either all whole or all tailed. We should note something that's
20 not exactly stated correct in the decision document as far as
21 the Florida restricted species endorsement and that some
22 language needs to be added that's consistent with the State of
23 Florida regulations.

24
25 **MR. TEEHAN:** In our regulations, to be a commercial lobster
26 fisherman, you have to have a crawfish endorsement, an RS, and
27 an SPL, or a saltwater products license. I believe in the
28 decision document the reference to crawfish endorsement was left
29 out and it's in the amendment document and I think we just need
30 to make sure that it's in all documents across the board.

31
32 I would also suggest that the word "valid" be used with each one
33 of those, a valid restricted species endorsement, a valid
34 crawfish endorsement, and a valid saltwater products license.

35
36 **MR. WAUGH:** It wasn't left out of the decision document. This
37 is a situation where we have what the two councils approved to
38 go out to public hearing is what's shown in the decision
39 document and that's what we took out to the public hearings we
40 conducted.

41
42 As the DEIS was being finalized, this is some wording that was
43 added, I believe at the direction of the State of Florida
44 representative, but as I understand it, it changes the impact of
45 this requirement and so I think we need to have some discussion
46 and clarify what your intent is and how you want this to go
47 forward.

1 **MR. TEEHAN:** I'm sorry, Gregg. I didn't mean to imply that it
2 was left out. That was a poor choice of words. In my mind, it
3 needs to be in there, because that is what defines, in state
4 rule, a commercial lobster fisherman.
5

6 When this initially came before us, and this tailing permit
7 issue has been around for several years, the concern was that
8 individuals who are not full-time commercial fishermen or
9 commercial fishermen at all could obtain some of these licenses
10 and be able to get or qualify for a tailing permit,
11

12 The restricted species endorsement, I somewhat agree with you
13 that the restricted species endorsement is the one that is the
14 big stick as far as this is concerned, because you cannot get
15 one of those unless you qualify with a certain amount of
16 landings or percentage of your income a year. There are some
17 exceptions for age for that, but that's nothing that we need to
18 be concerned about.
19

20 My intent was to just try to bring the language of the federal
21 regulation into consistency with what the state language is,
22 which requires a crawfish endorsement in addition to the other
23 two items.
24

25 **MR. GILL:** Gregg, you indicated that putting the crawfish permit
26 changes the context of what the preferred alternatives are.
27 Would you explain what those differences are, as you understand
28 them?
29

30 **MR. WAUGH:** Perhaps Mr. Teehan can help with this, because when
31 we were doing our run through, my understanding was that adding
32 the crawfish endorsement makes this more restrictive than what's
33 the wording that is included in the decision document.
34

35 In other words, if you just require either the federal spiny
36 lobster permit or the Florida restricted species endorsement,
37 that would qualify a certain number of people. If you also add
38 the requirement that you have the crawfish endorsement, my
39 understanding was that would further restrict it to a fewer
40 number of people. Is that correct?
41

42 **MR. TEEHAN:** No, I believe the crawfish endorsement, anybody can
43 get one of those. There's no qualification for that or
44 financial consideration. You can also, anybody can get a
45 saltwater products license if they want to pay the money for it.
46 Like I said earlier, the restricted species is what the big
47 stick is in this regulation, but I don't think the crawfish
48 endorsement makes it any more restrictive.

1
2 **MR. WAUGH:** Then I guess I was confused when we were going
3 through it. Then the impact of making clear that that
4 requirement is there, you're not restricting it any further and
5 so the net effect of both alternatives are the same.

6
7 **MR. GILL:** As Bill mentioned, the intent here is to mirror the
8 state regulations and so being consistent there is where we're
9 trying to go and I think that's what achieves that.

10
11 **CHAIRMAN ROBSON:** I had a question from a member of our
12 committee, Ben Hartig.

13
14 **MR. HARTIG:** I had the same concerns Bill did and we got those
15 answered, but, Bill, you can't just apply for a lobster
16 endorsement and get one, that I remember.

17
18 They had a series of landings histories that you had to meet in
19 order to qualify for that endorsement and I know because I was a
20 diver and then I didn't dive for a period of years and didn't
21 have enough to qualify and I was eliminated from that program.
22 You can't just go and get a lobster endorsement from the State
23 of Florida, because that was a limited entry system that was
24 enacted ten or so years ago.

25
26 **MR. TEEHAN:** I'm going to have to check on that, Ben. I was
27 always under the assumption that the crawfish endorsement was an
28 anybody can get one. I'm getting some no from the industry in
29 the audience that say no, that anybody cannot get one. Can I
30 get -- Mr. Kelly, can you --

31
32 **MR. KELLY:** Doug Gregory just took a personal break there, but
33 he's got the answer to that. Do you have to have an RS?

34
35 **UNIDENTIFIED MALE:** You have to have a restricted species to get
36 a lobster permit. That stops everybody in the world from
37 getting a lobster license and having more than their
38 recreational limit.

39
40 **MR. TEEHAN:** Then given that, it still doesn't make it any more
41 restrictive, because the restricted species is required within
42 the regulations and so I think we're on good ground here. Where
43 are we at here? Mark, did your folks vote on the tailing
44 permit?

45
46 **CHAIRMAN ROBSON:** Any questions or comments?

47
48 **MR. HARTIG:** I have a nagging question. I would like to have

1 that answered before we vote on that and if it does make it more
2 restrictive, then how does that play into the hearing comments
3 and things?
4

5 **MR. TEEHAN:** Ben, let me go ahead and email our licensing people
6 and we can get back to this. I would really rather not take a
7 break if we can help it to do that, because we've only got an
8 hour left and we've got several more issues.
9

10 I guess with the committees' indulgence, maybe we'll come back
11 to Action 8 and go on to Action 9 right now. Sue, I think
12 you've been volunteered for this one.
13

14 **MS. GERHART:** The closed areas, we have some changes that I need
15 to go over with you and let me start by explaining how these
16 areas were developed. Originally, our Protected Resources group
17 used data from both NOAA and FWC to identify Acropora areas that
18 needed protection.
19

20 That was from a dataset from 1999 to 2008 and those areas were
21 put on a map and then some boxes were drawn around those to
22 protect those from the normal movement of traps and those boxes
23 sort of correspond with your alternative that is referred to as
24 the small areas right now.
25

26 Originally, if you recall, in this amendment, we did not have
27 these boxes. We just had the areas identified and then
28 alternatives for setting buffers around those and the committees
29 asked that we actually draw boxes rather than put those buffers
30 and so that's what was done and in order to have a range of
31 alternatives, we created what we're calling medium and large-
32 sized areas as well. That's where we are with our current
33 alternatives.
34

35 Part of the goal in setting those boxes was to have some
36 standard sizes and make them nice and square coordinates, to
37 make it easy for enforcement and for the fishermen. However,
38 something that was discovered recently is that in creating those
39 boxes, there was some overlap with state waters.
40

41 Of course, we can't regulate in state waters and so we've had to
42 redraw those maps to cut out the areas that overlap state waters
43 and so we no longer have nice, regular-sized boxes anymore.
44

45 We've also decreased the area of coverage for these closed areas
46 and some of those areas no longer contain Acropora and you have
47 Tab H-8(b) that shows those new closed areas. I do want to
48 point out in that tab there's a list of coordinates. That is

1 the old coordinates without the cutoff areas and so those need
2 to be updated and our Protected Resources people, I think just
3 two minutes ago, emailed me some of those updated coordinates
4 and so those are going to be available certainly by full council
5 time.

6
7 What we wanted to show you here is some of these changes. What
8 I want to show you is some of the things that happened. These
9 are some of the small areas and these are just cut out from the
10 bigger maps, but I can identify those on the larger maps if you
11 want.

12
13 What happened with a couple of the areas, those two in the
14 middle, 14 and 19, when we cut off the state waters area, that
15 was the area where there actually was Acropora and so all we're
16 left with in federal waters are sort of the buffer area and in
17 other words, there's no Acropora in those areas.

18
19 The ones on either side, Numbers 1, 32, and 36, those are areas
20 where after FWC updated the data, when we compared it, we found
21 that there actually was no living Acropora left in those areas
22 and so these five areas that are identified here do not have any
23 Acropora in them and so our recommendation is to remove them
24 from the list of closed areas that we have in that alternative
25 for the small areas.

26
27 **MR. GEIGER:** Sue, has this been coordinated with the Sanctuary
28 and the fishing community? Do we have some general approval on
29 this?

30
31 **MS. GERHART:** When we originally drew these boxes, they were
32 provided to the Sanctuary staff and this was quite a while ago,
33 at least a year ago or probably two years ago. They were
34 provided to Sanctuary staff. The Sanctuary staff reviewed them
35 and they told us that they did not need to be involved in this
36 because it was a fisheries action.

37
38 I think the recent issue that has come up during public hearings
39 has to do with the Sanctuary Advisory Board rather than the
40 Sanctuary staff themselves and that is really the Sanctuary
41 staff didn't inform their advisory board that we informed the
42 Sanctuary and we feel we did what we thought we could do with
43 the Sanctuary.

44
45 **MR. GEIGER:** Thank you and that is accurate.

46
47 **MR. PERRET:** It seems to me defining small, medium, and large is
48 very subjective. What's the rationale? For example, Number 36

1 looks large to me compared to Number 1. Who or how did we get
2 small, medium, and large? Is there any definition of that?

3
4 **MS. GERHART:** In retrospect, that probably wasn't the right
5 terms to use, because none of these are really large areas
6 anyway and they aren't uniform.

7
8 The large areas roughly are about one-minute of latitude and
9 longitude and the medium areas are about thirty seconds. The
10 small areas, like I said, they were what we originally
11 developed. Basically, they took the coral heads and in some of
12 these areas, there is a single coral head and in some there are
13 multiples. You can see those dots on the map. That represents
14 the actual coral heads.

15
16 The boxes were drawn around what was there and that's why
17 they're different sizes and, again, they were drawn in such a
18 way that our Protected Resources people felt there was enough of
19 a buffer around them to protect them from normal trap movement,
20 if traps were put down just outside that area.

21
22 They are perfectly okay with these small areas. They do not
23 need a larger buffer such as in the medium and large areas.
24 Those again, were put in there to provide a range of
25 alternatives for the document.

26
27 **MR. PERRET:** If I may, you say the dots are the coral areas. I
28 see more dots above 36, for example, than I see within 36, if
29 the map depicts what you're saying. The black dots are the
30 coral?

31
32 **MS. GERHART:** The larger circles there and there are different
33 qualities. I can't speak to this very well. Our Protected
34 Resources people have identified some of those as higher quality
35 colonies that are more in need of protection and I'm sorry that
36 I don't remember the criteria for that, but they're not all of
37 equal quality.

38
39 **MR. PERRET:** Again, if I may, 15 looks like an easy one. I see
40 lots of dots, yet I see very few in some of the other areas that
41 are proposed.

42
43 **MS. GERHART:** For example, in 36, there aren't very many, but
44 they're more spread out and so that's why the box is larger.
45 It's not because there's more in there. There may be only a
46 few. You could draw a small box around each one, but there's a
47 point where you get so small that it's not really practical.

48

1 **MR. PERRET:** I understand all that, but I heard the explanation
2 for ease of enforcement and I'm tired of hearing about ease of
3 enforcement. Our enforcement guys have been equipped with the
4 finest equipment we can buy them and I'm sure they can enforce
5 things pretty well.

6
7 Also, for the fishermen too, yes, it would be easier to have
8 larger boxes certainly, but what's the impact on the fishing
9 community, if indeed we're not protecting coral and we're simply
10 trying to make it easier for enforcement?

11
12 **CHAIRMAN ROBSON:** Mr. Chairman, there were a couple of questions
13 from the Atlantic committee. I had Roy and then George Geiger.

14
15 **DR. CRABTREE:** Just responding to Corky, because I did spend a
16 fair amount of time down here in a meeting with a number of the
17 fishermen and also folks from the Sanctuary.

18
19 I guess, Corky, the large closed areas, which is the current
20 preferred, would make it easier on enforcement, but where
21 everybody seems to be going to are the small closed areas, which
22 means there will be more of them and they will be smaller. That
23 will be a little more challenging for enforcement, but I think
24 that's where everything is coming.

25
26 I think we all had a letter from Bill Kelly and Monroe County
27 Commercial Fishermen's Association distributed to us, in which
28 they say they're willing to go along with the small closed
29 areas. I think in some, if we remove some of these, we're
30 talking less than four square miles and so it's not much area.

31
32 The meeting I was at, they all seemed to be willing to go along
33 with the small closed areas. Now, the Sanctuary is interested
34 in going through their process and kind of revisiting some of
35 this, because there were people who told me there are areas with
36 Acropora out there that we aren't capturing in this and I'm sure
37 that's true.

38
39 There's also some interest in some of these in prohibiting other
40 types of activity, anchoring by non-fishing boats and things
41 like that, which are things the Sanctuary can do but we really
42 don't have authority.

43
44 What seemed to make sense in the discussion is that we would go
45 ahead and reconsider our preferreds here, but put this in place
46 so that we're in compliance with the biological opinion, but
47 then the Sanctuary would come in, over the period of the next
48 two or three years, and revisit this and look at potentially

1 changing some of their rules and look at potentially prohibiting
2 other uses in some of these and what they want to do and then
3 come back to the council, probably in two or three years, with a
4 recommendation to revamp this through a joint rulemaking with
5 the Sanctuary.

6
7 Where I am on this right now, Corky, is I tend to agree with you
8 and think that our best move is to go down to the smaller closed
9 areas. I think that has a minimal impact on the fishermen and I
10 think it will be a little more difficult for enforcement, but
11 remember because of the Sanctuary, there are additional
12 enforcement assets in the Florida Keys, particularly with the
13 FWC.

14
15 They also are used to having lots of small areas, with the SPAs
16 and all the other restrictions that the Sanctuary has. I think
17 if there's anywhere we manage that can deal with this sort of
18 thing, it's probably here in the Keys and in the Sanctuary.

19
20 **MR. GEIGER:** I was just going to ask Dr. Crabtree to do what he
21 just did and so he's covered all my concerns.

22
23 **MR. GILL:** A question for Sue and relative to the letter that
24 Roy just mentioned, at that meeting on the 25th of May, the
25 Commercial Fishermen's Association in the Florida Keys expressed
26 concern about the accuracy of the maps and changes in area.

27
28 In response to George's question, where he asked if both the
29 Sanctuary and industry has signed off and notified of these
30 changes, it sounds to me like, from the letter, that industry
31 has not agreed with the existing changes and they're looking for
32 a more updated map to eliminate the areas that encompass no
33 Acropora, et cetera.

34
35 My sense is, and I'm asking you to confirm or deny whether I'm
36 right, is that industry is not in agreement in the areas yet, so
37 that all the changes that they asked for two weeks ago have not
38 yet been incorporated. Is that correct or incorrect?

39
40 **MS. GERHART:** I'm not clear on what exactly all the changes they
41 requested were. I know Dr. Crabtree suggested to them if they
42 had specific areas they knew of that didn't contain Acropora
43 that were part of these areas, that they let us know that and we
44 could look into it.

45
46 We haven't gotten that information from them, but we did do this
47 review, as I'm presenting to you, to look back at the updated
48 data to see if there were areas that didn't contain Acropora and

1 that's where these five, for the small areas, came from, was
2 that review that defined where those areas might be.

3
4 **MR. GILL:** What you're saying, Sue, is probably where we're at
5 is that these changes that you've just outlined on the screen
6 probably incorporate some of their concerns, but all of their
7 concerns on areas have not yet been addressed and identified and
8 so at this point, industry, and perhaps Mr. Kelly can clarify
9 for me, industry is not in agreement with the maps as they
10 currently exist.

11
12 Now, Roy has pointed out that they have philosophical agreement
13 with the concept and that's good, but it seems to me that we've
14 still got a disconnect as to what the maps really are and my
15 sense is that we have not gotten to industry agreement with the
16 maps as they're going to be and that's a concern that I have.

17
18 **MS. GERHART:** Dr. Crabtree just handed me the letter that we
19 received dated June 1. I'm not sure if our Protected Resources
20 people have reviewed this. Some of this matches up to what
21 you're seeing up there. The rest of it is a tightening of
22 boundaries and so I guess they're wanting to draw small boxes in
23 the areas is what I'm seeing for most of this.

24
25 If we have this information, and I'm sure we can pass it along
26 and review that this week with our Protected Resources, if
27 that's what you would like to do.

28
29 **MR. WAUGH:** In looking at the alternatives that we have, the
30 preferred alternative, at least when we took it out to public
31 hearing, was twenty-five large areas and that's what the
32 councils voted on.

33
34 One was removed because I believe when the points were looked
35 at, it was found to just be a dot. To me, I think one of the
36 things we need to do is revise these numbers so we know how many
37 areas we're considering.

38
39 In other words, now I believe the correct number of large areas
40 would be twenty-four. I don't know what the numbers are for the
41 medium and the small in the alternatives. At the very least, we
42 need to update this information so we know what's on the table.

43
44 **MR. GILL:** I guess where I'm getting to is this seems to me to
45 be a work in progress. We're not at an endpoint. We've still
46 got things going on and we've got a similar issue with Action
47 10, I guess.

48

1 The question I would raise is does it not make more sense to
2 take this action out of this amendment and put it in a
3 subsequent amendment and develop it and get the agreement and
4 get it done, much as I think we probably ought to do with the
5 colored line thing, to get that resolved, rather than proceed
6 ahead not knowing really where we're going or what we're going to
7 end up with. That's the question I raise, Mr. Chairman.

8
9 **MR. PERRET:** I was going to ask Gregg or Roy or whomever,
10 Document H-5(b), if the motion that was passed by the South
11 Atlantic Advisory Panel would suffice for now. That motion
12 would be to go Alternative 1 and then request that industry
13 representatives, along with NMFS, NOAA, and Sanctuary
14 representatives work together to define areas and so on and so
15 forth.

16
17 **MR. TEEHAN:** Is that in the form of a motion, Corky?

18
19 **MR. PERRET:** I would be glad to make the motion if indeed that's
20 going to get us where we need to go. **I move that we adopt**
21 **Alternative 1 for Action 9 and request that industry**
22 **representatives, along with NMFS, NOAA, and Marine Sanctuary**
23 **representatives work together to define the areas of important**
24 **habitat to protect Acropora coral.**

25
26 **MR. TEEHAN:** We have a motion on the board. Do we have a
27 second?

28
29 **MR. GEIGER:** On behalf of the South Atlantic Council and moving
30 forward, I'll second it for our committee.

31
32 **MR. TEEHAN:** I don't think you can, even though it is your last
33 meeting. I need a second from the Gulf. I've got one from Mr.
34 Sapp. Do we have any discussion?

35
36 **MR. GILL:** Perhaps Roy can comment, but what concerns me about
37 that approach is there's nothing that gets the action done,
38 effectively. It seems to me that what we really have to do is a
39 similar intent, which is remove it from this document and move
40 it into a separate amendment and proceed in exactly that manner,
41 so that the endpoint is reached and the regulations can be
42 crafted appropriate, whereas yours is open-ended.

43
44 **MR. SAPP:** Roy, a point of clarification. Since we're dealing
45 with ESA concerns and timelines, moving it out of the amendment
46 that we're working on now, will we even be able to meet those
47 requirements of ESA if we do this like we're talking about?

48

1 **DR. CRABTREE:** The biological opinion didn't give us a date
2 certain that you must do this by this time and so I think if
3 this is what we want to do, provided we can have some meetings,
4 and I think we can, with our Protected Resource people and the
5 industry down here over the course of the summer and then come
6 back in at the September and October meetings, because I think
7 we're loaded up in August and aren't going to be able to deal
8 with this then, but if we could come in September and October
9 and make the changes to this document and then vote it up
10 hopefully by the end of the year, with both the rope and
11 defining these areas, and get it done in that kind of timeframe,
12 that we would be okay. I think if this becomes one of those
13 things that just languishes on, then we're heading for trouble.

14
15 **MR. TEEHAN:** Roy, are you suggesting that we not move forward
16 and finalize this action until these two items are resolved or
17 are you suggesting that we take them out and move them into
18 another amendment and move that along as fast as we can?

19
20 **DR. CRABTREE:** My read of them is I'm not suggesting that, but
21 you folks seem to be suggesting that and what I'm telling you is
22 that if you do that, provided you come back to this in a very
23 timely fashion and wind this up in the fall, I think you would
24 still be in compliance with the biological opinion.

25
26 **MR. TEEHAN:** Don't forget, Roy, that you're one of you folks.

27
28 **DR. CRABTREE:** I'm not on your committee, Mr. Chairman.

29
30 **MR. TEEHAN:** But you are on the South Atlantic.

31
32 **MR. GILL:** My question for Roy or Shep is does this motion
33 effectively do that? It seems to me it does not and that the
34 better motion would be to remove Action 9 from this document and
35 put it into an amendment by itself.

36
37 That would accomplish what Roy is suggesting. If this works,
38 then I'm fine with it, but if it doesn't work, I would like to
39 go ahead and offer a substitute.

40
41 **MR. GRIMES:** I don't really think it matters that much. If you
42 intend to move forward with it, procedurally it's more of a
43 technical issue as to whether or not you leave it in this
44 document or whether you actually physically remove it from this
45 document and have it proceed on a separate track. Obviously
46 there's some interest in continuing to move forward with this.

47
48 I guess I would not be inclined to take it out of this document,

1 just because I think procedurally taking everything out and
2 editing this document will slow down the process, which is not
3 something I would be in favor of.

4
5 It's great to hear you say that you want to see it move forward
6 and so it seems to me if you wanted to encourage that, then
7 after you're done looking at this document, you could make a
8 motion that staff begin to develop the next iteration of changes
9 to this FMP that included the closed areas and whatever else.

10
11 **MR. HARTIG:** I share all of Bob's concerns and I appreciate his
12 bringing this up. The problem I have with the whole thing is we
13 have a Sanctuary process and it's proved to be very fruitful and
14 we've got a lot done with that process in the past and it
15 doesn't seem that NOAA has learned anything from that.

16
17 The thing is that we should have used this process and got the
18 fishermen together and identified the areas, with their input,
19 and gone ahead with this and we haven't done that. That's what
20 I think we need to do. I think we need to get together. Yes,
21 there was consultation with the Sanctuary, but not with the
22 industry as far as do you think the Sanctuary process should be
23 used in this fashion. That's my comments.

24
25 **DR. CRABTREE:** I don't agree with you, Ben, that the fishermen
26 weren't involved with it. We had discussions and meetings with
27 fishermen down in the Keys quite a while back. We can't go
28 through the Sanctuary process on this.

29
30 The Sanctuary process will likely take three years. We're
31 talking about doing something and finishing this whole thing up
32 in six months or so and so the Sanctuary process can go through
33 and happen and replace all this, but we can't wait on that.
34 That, I do not believe, would be in compliance with the
35 biological opinion.

36
37 I don't have any problem with involving Sanctuary folks in the
38 discussions over the summer on this and the ropes and get this
39 done, but we're going this through our Magnuson process.

40
41 These closed areas have been in a DEIS and they've been
42 available for a long time and at any rate, we certainly have the
43 fishermen's attention right now, but we can't take the time to
44 go through the Sanctuary process, because it's just too lengthy
45 and open ended.

46
47 **MR. HARTIG:** Just to that point. If we had done that in the
48 beginning, Roy, it would have been a timely process and we would

1 have got this done and that's all.

2
3 **DR. CRABTREE:** I don't know if that's the case or not, because
4 that timing and process is determined by the Sanctuaries and I
5 don't know when that would have happened. We've talked to the
6 Sanctuaries about this for a long time and they've understood
7 what we're doing, but their timing and their process is
8 something that we don't control and can't control and so we've
9 got to do it this way.

10
11 **MR. PERRET:** It's not often I disagree with Mr. Gill, but I will
12 in this case, but to use his own comment, we've got a work in
13 progress. We've got a unanimous vote from an advisory panel to
14 do this and we've got the industry willing to sit down at the
15 table and we've got, from what I see in this motion, the players
16 that are involved into this thing and why pull it out and put it
17 in another amendment to get it going? I think we should leave
18 it just where it is and pass this motion and go forward and I
19 would like to call the question.

20
21 **MR. TEEHAN:** The question has been called. We have a motion on
22 the board from the Gulf Council in Action 9 to adopt Alternative
23 1 and request that the industry representatives, along with
24 NMFS, NOAA, and the Marine Sanctuary representatives, work
25 together to define areas of important habitat to protect
26 Acropora coral. **Do I have any objections to this motion from
27 the Gulf Council? Seeing none, the motion passes.**

28
29 **CHAIRMAN ROBSON:** For the South Atlantic Council committee?

30
31 **MR. GEIGER:** I would make a like motion on behalf of the South
32 Atlantic Fishery Management Council Spiny Lobster Committee, for
33 all the aforementioned rationale and reasons.

34
35 **CHAIRMAN ROBSON:** Thank you, Mr. Geiger. Is there a second?

36
37 **MR. HARTIG:** I'll second it as long as it gets done.

38
39 **CHAIRMAN ROBSON:** We have a second.

40
41 **DR. CRABTREE:** I'm okay with this, but I think let's all be
42 clear that, and we're letting the industry know this now, but
43 we're talking about doing this over the course of the summer and
44 winding this up this fall. That's the timeline we're looking at
45 on it.

46
47 **CHAIRMAN ROBSON:** Is that clear to everybody on our committee,
48 as far as the timeline that we're expecting with this motion?

1
2 **MR. WAUGH:** This is now in the context of the South Atlantic
3 committee. Our process for determining staffing, workload, and
4 priorities would be addressed by our Executive Committee and so
5 I would presume then this would go to our Executive Committee,
6 although spiny lobster, the Gulf Council is administrative lead
7 and so we would be looking to the Gulf Council to be taking the
8 lead on this, but just for our committee members, I wanted to
9 just remind them that that's our process for dealing with this.
10 We've got quite a number of other statutory deadlines that we
11 are struggling to meet.

12
13 **DR. CRABTREE:** I understand that, Gregg, and I'm willing to
14 offer up some of my Protected Resources staff to take the lead
15 on coming down to these meetings and working through redoing
16 these maps and figuring out something on the rope issue, so that
17 council staff doesn't have to spend an inordinate amount of time
18 dealing with this.

19
20 **CHAIRMAN ROBSON:** Thank you, Roy. Is there any other discussion
21 from the South Atlantic committee? **Any objection to the motion?**
22 **The motion carries.**

23
24 **MR. TEEHAN:** Thank you, Mark. Steve Bortone, given the comments
25 that Gregg made, are we in agreement with this, as far as taking
26 the lead? Do you want to say anything else? Okay. Let's move
27 on to Action 10.

28
29 We've got two more actions and then we have to come back to
30 Action 8 and we have a half-hour. I would really like to get
31 this all done and not have to take it to full council and so
32 let's go through the Action 10, require gear markings on trap
33 lines. Who is going to take that one?

34
35 **MS. GERHART:** Action 10 is to require markings on trap lines.
36 This is from the biological opinion that was published in 2009.
37 The current preferred is Alternative 2, to require spiny lobster
38 trap lines to be of a specific color or to have a color along
39 the entire length of the line.

40
41 We have had some conversations with members of industry. There
42 have been comments on this in terms of the cost and labor
43 requirements. One of the things to note is that the five year
44 effective date, the 2014, was from the biological opinion. They
45 originally said five years from the date of publication of the
46 bi-op and that's where 2014 came from.

47
48 We are in the process of working on modifying that certain term

1 and condition from the bi-op to allow this to happen five years
2 from the effective date of a rule, when it goes into place.
3 That is something that the council may want to have a discussion
4 about as well, in terms of changing the timing on there.

5
6 We've also had some perhaps different opinions on how this
7 marking could take place. Our Protected Resources people are
8 not terribly concerned about how the markings occur.

9
10 The current requirement for the entire length of the line was
11 originally working with industry, who recommended a tracer line
12 through the black line. However, I think that they've since
13 changed their mind on that in terms of what's going to be
14 resistant to UV degradation.

15
16 The Alternative 3 has some very specific things about four-inch
17 markings and fifteen feet along the buoy line. Our Protected
18 Resources people are also flexible in that, in that there just
19 should be some sort of minimum requirement for the size of those
20 markings and the distance between them.

21
22 **MR. TEEHAN:** Thank you, Sue.

23
24 **MR. GILL:** There's been a lot of discussion over this action and
25 clearly whether it's \$6 million or \$12 million, it's a
26 significant cost to the industry, not to mention time
27 constraints.

28
29 It seems to me that this is another work in progress and not
30 very clear as to where the ending point will result and I'm not
31 convinced that this does anything for anybody, for a number of
32 reasons, and we spent a lot of time and money.

33
34 Given what we just did in Action 9, it would seem that a similar
35 motion for Action 10 would be appropriate, that we don't take
36 action at this time and continue discussions and see where this
37 one winds up and frankly, I hope it ends up in the trash heap.

38
39 **I make a motion that the preferred alternative be Alternative 1**
40 **and encourage industry/agency discussions to determine ultimate**
41 **resolution.**

42
43 **MR. TEEHAN:** We have a motion on the board. Do we have a second
44 from the Gulf committee?

45
46 **MR. SAPP:** Second.

47
48 **MR. TEEHAN:** Second from Ed Sapp. Any discussion on this

1 motion? Seeing none, we have a motion in Action 10 that the
2 preferred alternative be Alternative 1, no action. **Does anybody**
3 **object to this motion from the Gulf Council? Seeing no**
4 **objections, the motion passes.**

5
6 **MR. GEIGER:** I would like to Mr. Gill for all of his cogent
7 arguments here reference these motions. It makes it easier. **I**
8 **would make a motion on behalf of the South Atlantic Council to**
9 **use Preferred Alternative 1, no action, as our preferred, with**
10 **the exception that I hope it doesn't just end up in the trash**
11 **heap.** I hope we come up with a real solution to this issue,
12 based on the need in the biological opinion.

13
14 **MR. HARTIG:** Second.

15
16 **CHAIRMAN ROBSON:** It's seconded by Ben Hartig.

17
18 **MR. GRIMES:** I was going to wait until full council to make this
19 comment and Mr. Gill and I have been round and round over this
20 and I can see it's going to continue, but this is not going in
21 the trash heap. It's something that's in the biological opinion
22 that we'll be revisiting and considering delaying, but most
23 assuredly this issue will continue.

24
25 **CHAIRMAN ROBSON:** Any further discussion on the South Atlantic
26 Council committee motion? **Any objection to the motion? The**
27 **motion carries.**

28
29 **MR. TEEHAN:** Thank you, Mark. Now we'll move on to the final
30 action, Action 11, and then we've got to revisit Action 8, but
31 Action 11 is to allow the public to remove derelict or abandoned
32 spiny lobster traps in the EEZ off of Florida.

33
34 **MS. GERHART:** The council has picked a preferred alternative
35 already for this. It's Alternative 6, to delegate authority to
36 the Fish and Wildlife Conservation Commission.

37
38 **MR. TEEHAN:** Is there any changes, any proposed changes,
39 recommendations, from the Gulf Council committee?

40
41 **MR. PERRET:** With all of the Gulf states having joint
42 enforcement authority, why would not say a JEA off of Alabama in
43 the EEZ on that borderline area not have the authority to remove
44 a derelict trap?

45
46 I've got a lot of comments when we get to the proposed
47 regulations, because they're inconsistent in that they talk
48 about the EEZ off of Florida and they talk about the EEZ off the

1 Atlantic and the Gulf Coast in places and so on and so forth.
2 I've got a lot more comments about that then, but why would we
3 only want to allow one group of law enforcement personnel to do
4 this when we have certainly others that are out there in other
5 areas of the EEZ?
6

7 **MR. TEEHAN:** I think the short answer to that, Corky, is I don't
8 think you're going to find any lobster traps off of Alabama.
9

10 **MR. PERRET:** I have learned one thing in forty-five years.
11 Expect the unexpected. It's going to happen.
12

13 **MR. SAPP:** The way I read this preferred alternative, it
14 actually says that this applies to lobster traps occurring in
15 the EEZ off of Florida to FWC and so the way I read it, if
16 Alabama wanted to go into the federal waters off of their state
17 and remove derelict traps, they would still be able to do it.
18

19 **MR. PERRET:** What if that Alabama officer was a little to the
20 east, off, quote, unquote, Florida's EEZ? Why would we not want
21 that person to do the same?
22

23 **MR. TEEHAN:** I really don't have a good answer for that, other
24 than to say that the likelihood of a spiny lobster trap at the
25 border of Alabama and Florida is probably nil.
26

27 **CHAIRMAN ROBSON:** For Corky, we're talking about enforcement
28 actions, but this discussion is really about a -- It's a
29 regulatory program for removal that's not based on enforcement
30 and we have that existing program in Florida and I think that's
31 why it's referenced the way it is in Preferred Alternative 6.
32

33 **MR. PERRET:** Yes, I understand all that, but each state has a
34 derelict blue crab trap removal program and so all I'm saying is
35 if an agent from wherever is out off the EEZ off of Florida and
36 there's derelict traps, why would we not want any legitimate law
37 enforcement authority or individual to have the authority to
38 remove derelict traps? That's all.
39

40 **MR. TEEHAN:** Tracy is not here, is he?
41

42 **MR. GEIGER:** Are we having joint discussions now?
43

44 **MR. TEEHAN:** Certainly. Just anything to move this along.
45

46 **MR. GEIGER:** I've got a real issue with this and I'm extremely
47 disappointed and dismayed that at our last Lobster Committee
48 meeting we were informed that we were going to have a

1 presentation from the FWC on the trap removal program.

2
3 This has been an issue for a while and certainly it made it into
4 the document based on scoping and comments from the public that
5 there's a problem with the amount of derelict gear that remains
6 in the water at the end of the season or at the end of the
7 Florida-controlled trap removal program.

8
9 Certainly the easiest thing this body could do is we could just
10 kick the can down the road and let Florida take care of it, but
11 the point is I'm not sure Florida is taking care of it and I'm
12 not sure Florida can take care of it in a period of austere
13 budgets.

14
15 I understand the program was under a threat of being cut this
16 year. There's nothing to say that with the current leadership
17 at the state level that it won't be cut next year. This is a
18 federally-managed program.

19
20 I don't know that just turning it over to Florida is really the
21 best way to do it and certainly based on the fact that I don't
22 know how that trap removal program works and based on maybe
23 unguarded comments that I've been informed that there's not
24 enough money to do it all and there's too much to do with the
25 amount of money that's available to do it.

26
27 I'm not convinced that this is the best way to go. Florida does
28 have a blue crab trap, derelict trap, removal program that it
29 took years, years and years, to get implemented, but in fact
30 they did it and it's a workable solution and it works by county
31 and it's controlled by the state.

32
33 The fact that we're allowing the public to remove derelict gear
34 would occur during the non-fishing season, certainly during the
35 period that the state would be operating under its derelict gear
36 removal program that's being paid for by the taxpayers of the
37 state, which is another issue, who should pay for this, the
38 taxpayers of the state or should industry step up to pay for the
39 removal of their own derelict gear?

40
41 This is a bigger issue than just kicking the can down the road
42 and saying let's let Florida handle it, because I'm going to say
43 it again. I don't know that Florida is handling it and there's
44 nothing at this meeting that indicates that they are. I've got
45 an issue and I'm going to make a motion when we get to our
46 particular committee actions pertaining to this.

47
48 **MR. TEEHAN:** George, let me respond. First off, the taxpayers

1 are not paying for the trap retrieval program. Each endorsement
2 in the three of our trap fisheries has a \$25.00 component
3 attached that comes out of the licensing money and goes into a
4 dedicated trap retrieval program.

5
6 As far as our efficiency in what we've done, last year the FWC
7 collected 2,326 lobster and stone crab traps during their
8 efforts down here in the Keys and in southwest Florida. I can't
9 break those out as to lobster or stone crab at this point, but I
10 can get you those numbers if you want to have them.

11
12 The County, Monroe County, in an additional trap retrieval
13 program, picked up another 2,720 stone crab and lobster traps,
14 for a grand total between the two entities of over 5,000 traps.
15 One of the problems that we have with the traps is a disposal
16 bottleneck. Where are we going to put them?

17
18 They go to landfills, generally. The landfills in Monroe County
19 are no longer accepting traps that are pulled out of the water
20 and so they have to be trucked upland, to Dade County and
21 sometimes further north.

22
23 We have issues with how many traps are in the water and how many
24 personnel we can put on those. I can tell you that our division
25 at FWC, Marine Fisheries, dedicates quite a few FTE hours to
26 going down into Monroe County to do trap retrieval during the
27 closed seasons.

28
29 **MR. GEIGER:** Bill, is that being reimbursed from the \$25.00 fee
30 for the trap permit?

31
32 **MR. TEEHAN:** Yes.

33
34 **MR. GEIGER:** Those hours are being reimbursed from that program?

35
36 **MR. TEEHAN:** Yes and we contract with commercial fishing
37 organizations to supply the vessels. We have to have trap
38 pullers on those vessels in order to get the traps out of the
39 water.

40
41 **MR. GEIGER:** During the course of your justification for doing
42 this, how many traps do you identify being in the water as
43 needing to be removed? We've got 5,000 traps being taken out
44 and how many are there? Are they getting them all?

45
46 **MR. TEEHAN:** There's about 450,000 lobster traps in the fishery,
47 give or take a few. I'm not -- I don't have the number of stone
48 crab traps off the top of my head. The issue there is that we

1 issue trap certificates and tags for traps and we can give you
2 that number, but that doesn't necessarily equate into the number
3 of traps in the water.

4
5 **MR. GEIGER:** Is there an annual loss estimate, based on 450,000
6 traps in the water?

7
8 **MR. TEEHAN:** An annual loss estimate?

9
10 **MR. GEIGER:** How many people apply, theoretically, for new tags?
11 If they lose a trap, they have to get a new tag for a new trap.

12
13 **MR. TEEHAN:** They have to get a new tag every year. As far as
14 with in-season trap tag replacement, I don't have that number
15 off the top of my head. We can get it for you if you want to
16 know. The other question that you had was -- There was another
17 one.

18
19 **MR. GEIGER:** You talked a lot about traps, but there's also
20 gear, the buoys and the ropes, the lines.

21
22 **MR. TEEHAN:** That comes under the heading of debris, which is a
23 different retrieval program. You asked about what constitutes
24 an illegal trap and that is if the season is closed and the trap
25 is in the water, it is not legal. That gives us authority as an
26 agency to pick them up.

27
28 **MR. GEIGER:** Right and how would it be different than the blue
29 crab trap removal program that's just been recently instituted,
30 I think within the last two years? Why couldn't we have the
31 same type of a program?

32
33 **MR. TEEHAN:** Let me address that then. The blue crab does not
34 have a season in Florida, a commercial season. They're open
35 year-round and so in order to accommodate that particular
36 fishery, we had to establish temporary rolling closures
37 throughout the state and they're set up by region.

38
39 I think there's five regions and we have recently gone over to
40 doing two regions one year and three regions another year.
41 Everybody has to get their traps out of the water during that
42 ten-day closed season. During that period, any trap that is in
43 the water is considered illegal and is subject to removal.

44
45 **MR. GEIGER:** In the blue crab fishery, we overcame a huge
46 obstacle, whereby we don't have any period of the season
47 commercially closed and you had to implement a closed period.

48

1 In this fishery, we have a closed period where a trap removal
2 program administered by the state is currently in progress. I
3 don't understand why the public could not participate in that
4 derelict gear removal, the same as they do in the blue crab trap
5 gear removal, during the closed period.

6
7 **MR. TEEHAN:** The mechanism for trap retrieval are the same in
8 all three industries. The public can participate in these
9 programs. They have to submit a plan to the agency and get
10 approval from the agency, but the public can participate in this
11 and they do.

12
13 Several areas of the state have a volunteer program, trap
14 cleanups, that they do on annual basis. We cannot apply the
15 same rolling method to lobster and stone crab that we use for
16 blue crab because of the fact that the blue crab has no closed
17 season and stone crab and lobster do.

18
19 During the closed season for stone crab and lobster, we can do
20 the trap retrieval. In blue crab, we set up, if you will, an
21 artificial closed season by region, for about ten days, and then
22 do our trap retrievals during that period.

23
24 **MR. GEIGER:** Okay and so you've really answered my problem and
25 that is that the public can participate in a lobster gear
26 removal program if they submit a plan to do so, just like they
27 do with the blue crab fishery.

28
29 **MR. TEEHAN:** That's correct.

30
31 **MR. GEIGER:** God, that would have been helpful to have that
32 presentation. I have no problem.

33
34 **CHAIRMAN ROBSON:** May I comment? I apologize to George and to
35 the South Atlantic Council members for not getting that set up,
36 because I think we could have addressed a number of questions
37 and I think we could put a lot of people's minds at more ease if
38 you did hear the full accounting of the program that we have in
39 place.

40
41 I have mentioned this in previous council meetings. It is a
42 two-part program. What you're talking about is the industry-
43 contracted program to remove traps after the closed season for
44 lobster. The same program exists for stone crab and also now
45 for blue crab.

46
47 It's administered exactly the same way. It requires industry
48 contracts to go out and help remove these things after the

1 season is over. Staff participation is mandatory, because we
2 keep very detailed records on the material that's removed, in
3 part not just to document the program and the amount of material
4 that's removed, but also because that information is used for
5 civil penalties and assessments for traps that are left after
6 the season is closed and those assessments are attached to those
7 people that have over a certain number of traps that are left in
8 the water.

9
10 There's a recordkeeping process. The public process that is
11 also a different kind of program does allow for public and civic
12 organizations or counties or environmental organizations to
13 submit a plan for removal of derelict material and it does allow
14 them to do that during the closed season or during the open
15 season, but only under a plan that's submitted and approved by
16 the Commission.

17
18 That doesn't require staff participation or the industry, but
19 it's also much more limited. It typically doesn't occur off in
20 the EEZ, although it probably could.

21
22 Again, I apologize for not having that presentation. We could
23 do it. I understand it's a little late for that now, but we do
24 have an active program. It's not nearly as effective as it
25 could be, simply because of the sheer volume of water that has
26 to be covered and the limited amount of time during closed
27 seasons to effect those trap retrieval programs, now, because of
28 the blue crab program, at a state-wide level, as well as for the
29 areas we used to focus on for just stone crab and lobster.

30
31 **MR. GEIGER:** The fact is the public can participate and they can
32 do it under an organized system of providing a plan on how
33 they're going to participate.

34
35 The second question is Bill indicated there's a \$25.00 fee
36 that's taken out of the permitting for the commercial industry.
37 Is that sufficient to cover or -- Is the funding sufficient for
38 the trap removal program as it currently exists or do you guys
39 need to look and how do you look at doing additional funding to
40 make it a more effective program?

41
42 **CHAIRMAN ROBSON:** George, I would say the funding level is
43 adequate at this time. The main constraint, as we've kind of
44 alluded to, is the amount of time available and the staffing and
45 the contract arrangements that are available to go out on the
46 water and cover enough ground to do it.

47
48 With the addition of the blue crab trap retrieval money, of

1 course, that's the same \$25.00 additional fee on the
2 endorsement. That goes to support the blue crab program
3 statewide and so the addition of blue crab did not affect the
4 money available for stone crab or lobster.

5
6 In addition to that, the small amount of monies that are
7 retrieved from the civil penalties and assessments on abandoned
8 stone crabs is also available to support the retrieval program.

9
10 The primary limitation is on contract time and on staff time to
11 administer the program and there was another point that I was
12 going to make on the funding, but it just escaped me, but I
13 don't see that as a shortage right now.

14
15 In addition to that, there's actually language in the -- Not in
16 the additional \$25.00 that's earmarked specifically for trap
17 retrieval, but we can also use a portion of the actual -- Let's
18 say if it's \$125.00 endorsement for lobster, we can actually use
19 a portion of the \$100.00 endorsement fee also to support trap
20 retrieval.

21
22 The long answer to your short question is I don't see that as
23 being a constraining issue right now. There's other factors
24 that constrain the ability of the program to do its job.

25
26 **MR. TEEHAN:** All right. Let's get back on voting up or down
27 Action 11 from the Gulf committee. Does anybody have any
28 changes to Action 11? Seeing none, Mark.

29
30 **CHAIRMAN ROBSON:** Is there any discussion, any interest, in
31 modifying our preferred alternative for Action 11? Seeing none,
32 we can proceed, Mr. Chairman.

33
34 **MR. TEEHAN:** Thank you, Mark. That completes the actions, with
35 the exception of Action 8, which is the tailing permit
36 requirements. I have an answer and so if we could all just page
37 back to Action 8. That is on page 22 of the decision document.

38
39 The question was adding the endorsement requirement to Preferred
40 Alternative 3, whether that would make things more restrictive
41 than just having the restricted species and the saltwater
42 products license. The answer that I received confirms or is
43 consistent with what we heard from industry, is that you need to
44 have a saltwater products license and a restricted species
45 endorsement in order to qualify for a crawfish number.

46
47 Once again, the big stick in that whole equation is the
48 restricted species endorsement, because you have to have \$5,000

1 or 25 percent of your annual income devoted to the sale of
2 saltwater products. That is verified generally through the trip
3 ticket system or, if need be, through tax returns.

4
5 Where we're at is I think we're back to the question of adding
6 the requirement for a crawfish endorsement number into Preferred
7 Alternative 3, just to make it consistent with Florida
8 regulations. Do I have any comments or changes to the preferred
9 alternatives in Action 8 with the Gulf Council committee? Bob,
10 did you have anything on the tailing permit?

11
12 **MR. GILL:** No, Mr. Chairman. I'm satisfied with the way it is.

13
14 **MR. TEEHAN:** The discussion was as far as adding the crawfish
15 endorsement to the language in Preferred Alternative 3. It
16 appears that it's more of a cosmetic issue that brings this
17 language into conformity with Florida definitions of a
18 commercial lobster fisherman.

19
20 The restricted species endorsement is required with a saltwater
21 products license to apply for and qualify for a crawfish number
22 and so you have to jump that RS hoop in order to get a crawfish
23 number, which should solve the problem of eliminating
24 recreational and non-commercial interests from getting tailing
25 permits and so what is your pleasure? Do you want to add that
26 or are you happy with the way it looks?

27
28 **MR. GILL:** Just for clarity, to be consistent with the state, it
29 would seem that adding the crawfish permit requirement would be
30 helpful and therefore, do you want a motion to do that?

31
32 **MR. TEEHAN:** We need one.

33
34 **MR. GILL:** I move that we modify Preferred Alternative 3 to
35 read, after the word "or" "a crawfish permit and a Florida
36 restricted species endorsement". It would read, after the word
37 "or" "a valid crawfish permit".

38
39 Let me try this again. **The Preferred Alternative 3 should read:**
40 **Revise the current regulations to clearly state that all vessels**
41 **must have either 1)a valid federal spiny lobster permit or 2)a**
42 **valid Florida restricted species endorsement and a valid**
43 **crawfish endorsement associated with a valid Florida saltwater**
44 **products license to obtain a tailing permit.**

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

1 **MR. LARRY SIMPSON:** I second.
2
3 **MR. TEEHAN:** Larry seconds it and so we have a motion on the
4 board. It looks like Mr. Gill is going to do some editing and
5 so hang on a second and I'll read the motion and then we can
6 vote it up or down.
7
8 **MR. GRIMES:** For the sake of clarification, and I'm looking at
9 Tab H-8, basically we're just adding "valid" in a number of
10 places to the existing alternative that's specified in the
11 document now, correct?
12
13 **MR. TEEHAN:** We're adding crawfish endorsement also.
14
15 **MR. GRIMES:** It's already in there.
16
17 **MR. TEEHAN:** It's not in the decision document and we didn't go
18 to public hearing with that and so we're just trying to correct
19 that at this point.
20
21 **MR. GRIMES:** This is all well and good, but the document, the
22 Draft Fishery Management Plan Amendment, is what controls and it
23 has it already. It is in there, except for the valid language,
24 but you guys go ahead and do as you see fit.
25
26 **MR. TEEHAN:** Are you mocking us, Mr. Grimes?
27
28 **MR. GRIMES:** Absolutely not, sir.
29
30 **MR. TEEHAN:** Shep, if what you're saying is correct and the
31 crawfish endorsement is already in there, do we need to make a
32 motion to add "valid"? Is that just editorial?
33
34 **MR. GRIMES:** I would view that as editorial, but that's entirely
35 up to you. Since you've gone through all the trouble, you might
36 as well go ahead and vote on it.
37
38 **MR. TEEHAN:** We have a motion on the board to modify the
39 Preferred Alternative 3 to read: Revise the current regulations
40 to clearly state that all vessels must have either 1)a valid
41 federal spiny lobster permit or 2)a valid Florida restricted
42 species endorsement and a valid crawfish endorsement associated
43 with a valid Florida saltwater products license to obtain a
44 tailing permit. Is there any further discussion on this? **Any**
45 **objections to this from the Gulf people? No? The motion**
46 **passes.**
47
48 **MR. HARTIG:** Basically, the way that's worded, what do you do

1 with people from other states?
2
3 **MR. TEEHAN:** They would get a federal endorsement or apply for a
4 Florida license and restricted species. Mark, it's all yours.
5
6 **CHAIRMAN ROBSON:** What's the pleasure of the committee?
7
8 **MR. GEIGER:** To the point, Ben's question was an issue that was
9 discussed pretty much during the AP meeting. There were
10 concerns about the states, North Carolina in particular.
11
12 Without that information in front of you -- I know they talked
13 about it extensively and came up with the recommendation that
14 they eliminate tailing permits because they thought it was a --
15 I don't quote what they said, but it was not a good thing.
16
17 **MR. HARTIG:** I would move the motion, as long as it doesn't
18 preclude people from other states being able to get a tailing
19 permit.
20
21 **CHAIRMAN ROBSON:** You're suggesting you would make the motion
22 that the Gulf Council committee just made? The concern would be
23 in terms of what the decision document says. You either have to
24 have either a federal spiny lobster permit or the Florida stuff.
25 That's how I read it.
26
27 **MR. HARTIG:** That answers my question, my concern.
28
29 **CHAIRMAN ROBSON:** I don't know if you would like to hear
30 specifically from NOAA General Counsel on that, but I think
31 that's how it would read, that if you were from out of state,
32 you would just have to have the federal spiny lobster permit to
33 get the tailing permit. Is that correct, Shep?
34
35 **MR. GRIMES:** Yes, I would agree with that.
36
37 **CHAIRMAN ROBSON:** We have a motion basically to adopt the Gulf
38 Council motion regarding changing the language on Preferred
39 Alternative 3 for the tailing permit. Is there a second to the
40 motion?
41
42 Roy, did you hear the motion? We don't have a second. Roy
43 seconds. Is there any discussion on that motion? **Is there**
44 **objection to the motion? We show one objection and the motion**
45 **passes.** Mr. Chairman, I think from the South Atlantic Council
46 committee's perspective, we are completed.
47
48 **DR. CRABTREE:** No, I move we recommend to full council to submit

1 **Spiny Lobster Amendment 10 to the Secretary of Commerce for**
2 **approval and to deem the accompanying regulations as appropriate**
3 **and necessary.**
4
5 **MR. PERRET:** We are going to take up the regulations, aren't we?
6 I'll second the motion, Roy.
7
8 **MR. TEEHAN:** You can't. We're getting a little ahead of
9 ourselves here. Do we have to vote as separate committees on
10 recommending moving this forward? Yes? All right.
11
12 **CHAIRMAN ROBSON:** We have the motion from Roy to do just that
13 for the South Atlantic, to move this to a recommendation for
14 approval of Amendment 10 and the accompanying rules. Is there a
15 second?
16
17 **MR. HARTIG:** Second.
18
19 **CHAIRMAN ROBSON:** We have a second by Ben Hartig. Is there any
20 discussion?
21
22 **MR. WAUGH:** Mr. Chairman, you said "and accompanying rule", but
23 we have not done the rule yet. This is just the amendment.
24
25 **CHAIRMAN ROBSON:** Okay, just the amendment. Roy, is that how
26 you understand your motion?
27
28 **DR. CRABTREE:** Yes.
29
30 **CHAIRMAN ROBSON:** Let's go ahead and just -- This is just the
31 motion to approve Amendment 10 and recommend it as a committee.
32
33 **DR. CRABTREE:** Do you want to go through the regulations first
34 and then come back to this?
35
36 **MR. TEEHAN:** We're out of time and so we're going to probably
37 have to do that, unless Chairman Shipp gives us a --
38
39 **DR. CRABTREE:** **Drop that and let's load it up. That's my**
40 **motion.**
41
42 **CHAIRMAN ROBSON:** We have a second from Ben. Any comment? **Any**
43 **objection to the motion? The South Atlantic Council committee**
44 **approves the motion.**
45
46 **MR. TEEHAN:** I would have ruled it out of order because we're
47 out of sequence, but we'll let it go at this point. Gulf
48 Council, you see a motion on the board and what do you want to

1 do?
2
3 **MR. GILL:** I move the same motion as the South Atlantic, for all
4 the same reasons.
5
6 **MR. TEEHAN:** Do we have a second? Second by Mr. Simpson and Mr.
7 Sapp. Is there any discussion on this?
8
9 **MR. PERRET:** This motion is a little different. He doesn't have
10 the accompanying regulations with it.
11
12 **MR. TEEHAN:** We will do that at a later time.
13
14 **MR. PERRET:** I've got a number of comments I want to make when
15 we get to the regulations. I think we need to have some
16 modifications made, but this I can support.
17
18 **MR. TEEHAN:** Thank you. **Is there anyone opposed to this motion**
19 **as it stands? With no opposition, the motion passes.** We're six
20 minutes over and so we'll have to bring the discussion of the
21 proposed rule for Joint Spiny Lobster Amendment 10 to the full
22 councils. I believe that will be on Friday. Is there any other
23 business?
24
25 **DR. CRABTREE:** We would come to the Gulf Council on Friday and
26 then to the South Atlantic next week, but it seems if we've got
27 concerns with the regulations that we need to talk about them
28 while everybody is here, don't we?
29
30 **MR. TEEHAN:** I will defer to Chairman Shipp to see if we can eek
31 into his time.
32
33 **DR. CRABTREE:** Is it a joint full council meeting on Friday that
34 we're doing? All right. That's fine then.
35
36 **MR. TEEHAN:** Is that all right? All right.
37
38 **MS. GERHART:** We can modify those regulations as well to reflect
39 what those actions could be or would you like to leave them how
40 they are? For example, taking out the closed areas and the trap
41 line markings?
42
43 **MR. TEEHAN:** If you can modify them, that would be great. It's
44 not going to solve Corky's problems, I don't think, but --
45
46 **MR. PERRET:** Are we going to talk about the regulations or are
47 you shutting me off?
48

1 **MR. TEEHAN:** With that, the Joint Spiny Lobster Committee
2 meeting is adjourned.

3
4 (Whereupon, the meeting adjourned at 11:40 a.m., June 7, 2011.)

5
6 - - -

7

TABLE OF CONTENTS

1
2
3 Adoption of Agenda.....2
4
5 Approval of the March 2011 South Atlantic Spiny Lobster
6 Committee Minutes.....3
7
8 Approval of the February 2011 Gulf Council Stone Crab/Spiny
9 Lobster Committee Minutes.....3
10
11 Approval of the June 2010 Joint Gulf Council and South Atlantic
12 Council Stone Crab/Spiny Lobster Committee/Advisory Panel
13 Meeting Minutes.....4
14
15 Scientific and Statistical Committee and Advisory Panel
16 Recommendations.....4
17
18 Public Hearing Summaries.....10
19 South Atlantic Council Public Hearing Minutes and Written
20 Comments-April 2011.....10
21 Gulf Council Public Hearing Summary.....14
22 DEIS Comment Summaries.....15
23
24 Review of Joint Spiny Lobster Amendment 10.....16
25
26 Adjournment.....70
27
28 Table of Contents.....71
29
30 Table of Motions.....72
31
32 - - -
33

TABLE OF MOTIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

PAGE 27: Motion to shift the OY language down into Action 4.3 and set OY equal to the annual catch target. The South Atlantic Council motion carried on page 28. The Gulf Council motion carried on page 29.

PAGE 30: Motion in Action 4.3 that the preferred alternative be Alternative 2, set an ACT for the entire stock, Option a, ACT equals 90 percent of the ACL. The Gulf Council motion carried on page 33. The South Atlantic Council motion carried on page 34.

PAGE 51: Motion in Action 9 to adopt Alternative 1 and request that the industry representatives, along with NMFS, NOAA, and the Marine Sanctuary representatives, work together to define areas of important habitat to protect Acropora coral. The Gulf Council Motion carried on page 54. The South Atlantic Council motion carried on page 55.

PAGE 56: Motion in Action 10 that the preferred alternative be Alternative 1, no action. The Gulf Council motion carried on page 57. The South Atlantic Council motion carried on page 57.

PAGE 65: Motion to modify the Preferred Alternative 3 to read: Revise the current regulations to clearly state that all vessels must have either 1)a valid federal spiny lobster permit or 2)a valid Florida restricted species endorsement and a valid crawfish endorsement associated with a valid Florida saltwater products license to obtain a tailing permit. The Gulf Council motion carried on page 66. The South Atlantic Council motion carried on page 67.

PAGE 67: Motion to recommend to full council to submit Spiny Lobster Amendment 10 to the Secretary of Commerce for approval. The South Atlantic Council motion carried on page 68. The Gulf Council motion carried on page 69.

- - -