

FINAL
SUMMARY REPORT
SPINY LOBSTER COMMITTEE
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Jekyll Island, GA
March 5, 2018

The Committee approved minutes from the December 2017 meeting and the agenda.

Status of Spiny Lobster Catch vs. ACL

Council staff presented an overview of 2016/2017 landings (commercial and recreational) for spiny lobster. The landings from the 2016/2017 fishing season are 6,889,543 pounds, which exceeds the current annual catch target of 6.59 million pounds. Accountability measures for spiny lobster require the South Atlantic and Gulf Councils to arrange a review panel when the ACT is exceeded. The National Marine Fisheries Service (NMFS) sent a letter to both Councils stating that given Regulatory Amendment 4, which would increase the ACT to 8.64 million pounds, is currently in rulemaking, therefore a review panel is unnecessary at this time.

Status of Amendments Under Formal Review

Spiny Lobster Regulatory Amendment 4 was approved for formal review by the South Atlantic and Gulf Councils in June 2017 and was transmitted for formal review on July 12, 2017. The proposed rule published on February 2, 2018, and the comment period closed March 4, 2018.

Spiny Lobster Amendment 13

Staff presented an updated options paper for Spiny Lobster Amendment 13 which contains actions that would update federal regulations to align with State of Florida spiny lobster regulations, including: bully nets regulations, trip limits for bully nets and divers, degradable panel specifications, and artificial habitat definition and restrictions. The amendment also contains an action that would update the enhanced cooperative management procedure between Florida Fish and Wildlife Commission and the NMFS. The Committee reviewed discussion from the Gulf of Mexico Fishery Management Council at their January 2018 meeting and approved actions and alternatives to be analyzed.

The following motions were approved:

MOTION #1: APPROVE THE IPTs RECOMMENDATIONS FOR PURPOSE AND NEED.

The purpose of this action is to align federal regulations for spiny lobster that apply to the exclusive economic zone off Florida with Florida state regulations, re-establish the procedure for the protocol for an enhanced cooperative management system, and update management measures to aid law enforcement.

The need for this action is to effectively manage and enforce the harvest of spiny lobster to prevent overfishing while achieving optimum yield.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

MOTION: APPROVE THE PURPOSE AND NEED AS MODIFIED:

The purpose of this action is to align federal regulations for spiny lobster that apply to the exclusive economic zone off Florida with Florida state regulations, re-establish the procedure for the protocol for an enhanced cooperative management system, and update management measures to aid law enforcement.

The need for this action is to effectively manage and enforce the harvest of spiny lobster to prevent overfishing while achieving optimum yield.

APPROVED BY COUNCIL

MOTION #2: APPROVE THE IPT'S RECOMMENDED CHANGES TO ACTION 1

Action 1 –Require a Florida State bully net permit, marking requirements, and gear prohibitions for bully net gear in the exclusive economic zone (EEZ) off Florida

Alternative 1: No Action. Do not require a Florida state commercial bully net permit for bully net gear or regulations related to bully nets for spiny lobster commercial harvesters in the EEZ off Florida in the Gulf of Mexico (Gulf) and the South Atlantic.

Alternative 2: Align federal regulations to be consistent with Florida regulations for spiny lobster commercial harvesters *using bully net gear* by implementing the following:

- Require commercial bully net vessels in the EEZ off Florida to have a bully net permit from Florida.
- Require that the vessel be marked with the harvester's Florida bully net permit number using reflective paint or other reflective material.
- Prohibit commercial bully net vessels from having trap pullers onboard.
- Prohibit the simultaneous possession of a bully net and any underwater breathing apparatus (not including dive masks or snorkels) onboard a vessel used to harvest or transport spiny lobster for commercial purposes.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

***DIRECTION TO INCLUDE A DISCUSSION OF OTHER SPINY LOBSTER PERMITS REQUIRED AND DISCUSSION ON HOW THE UPDATED REGULATIONS UNDER ACTION 1, ALTERNATIVE 2 WOULD AID LAW ENFORCEMENT EFFORTS. ***

MOTION #3: ACCEPT THE IPT'S RECOMMENDED WORDING FOR ACTION 2, ALTERNATIVES 1 THROUGH 3.

Action 2: Commercial spiny lobster bully net and dive gear trip limits in the EEZ off Florida

Alternative 1. No Action. Do not establish a commercial daily vessel harvest and possession limit for spiny lobster harvested by bully net or dive gear in the EEZ off Florida.

Alternative 2. Establish a commercial daily vessel harvest and possession limit of 250 per day/vessel for spiny lobsters harvested by bully net in or from the entire EEZ off Florida.

Alternative 3. Establish a commercial daily vessel harvest and possession limit of 250 per day/vessel for spiny lobsters harvested by diving in or from only the EEZ off Broward, Dade, Monroe, Collier, and Lee Counties, Florida.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

MOTION #4: ACCEPT THE IPT's RECOMMENDED WORDING FOR ACTION 3, ALTERNATIVES 1 THROUGH 2.

Action 3: Specification of degradable panels in spiny lobster traps in the EEZ off Florida

Alternative 1. No Action. In the EEZ off Florida, a spiny lobster trap constructed of material other than wood must have a panel constructed of wood, cotton, or other material that will degrade at the same rate as a wooden trap. Such panel must be located in the upper half of the sides or on top of the trap, so that, when removed, there will be an opening in the trap no smaller than the diameter found at the throat or entrance of the trap.

Alternative 2. In the EEZ off Florida, a spiny lobster trap constructed of material other than wood is required to have a degradable panel no smaller than 6 inches by 4 inches or no smaller than the dimensions of the throat or entrance of the trap, whichever is larger, and shall be constructed of cypress or untreated pine slats no thicker than $\frac{3}{4}$ in (0.6 cm). This degradable panel must be located on the top horizontal section of the trap.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

MOTION #5: ACCEPT THE IPT's RECOMMENDED WORDING FOR ACTION 4, ALTERNATIVES 1 THROUGH 2.

Action 4: Harvesting restrictions near artificial habitat in the EEZ off Florida

Alternative 1. No Action. Federal regulations have no formal definition developed for artificial habitat and there are no restrictions for harvest and possession of spiny lobster in the EEZ off an artificial habitat as defined by Florida Administrative Code (FAC).

Alternative 2. No person shall harvest any spiny lobster from artificial habitat in the EEZ off Florida. The harvest and possession in the water of spiny lobster in excess of the recreational bag limit is hereby prohibited within 10 yards of artificial habitat as is consistent with FAC. For spiny lobster, "artificial habitat" means any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster. Such material may be constructed of, but is not limited to, wood, metal, fiberglass, concrete, or plastic, or any combination thereof, and may be fabricated for this specific purpose or for some other purpose. The term does not include fishing gear allowed by rule of the Florida Fish and Wildlife

Conservation Commission (FWC), legally permitted structures, or artificial reef sites constructed pursuant to permits issued by the United States Army Corps of Engineers or by the state regulatory agency.

APPROVED BY COMMITTEE
APPROVED BY COUNCIL

DIRECTION TO DISCUSS SEPARATING THE DEFINITION OF ARTIFICIAL HABITAT AND HARVEST RESTRICTIONS INTO TWO SEPARATE ACTIONS WITH THE IPT

MOTION #6: ACCEPT THE IPT's RECOMMENDED WORDING CHANGE FOR ALTERNATIVES 1 THROUGH 2.

Action 5: Establish an enhanced cooperative management procedure for federal and Florida state agencies for the management of spiny lobster

Alternative 1: No Action. Do not establish an enhanced cooperative management procedure for the management of spiny lobster. The Councils must develop an amendment to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (Spiny Lobster FMP) to establish new federal regulations consistent with new Florida regulations.

Alternative 2. Establish an enhanced cooperative management procedure that allows Florida to request changes to the spiny lobster federal regulations through NMFS rulemaking. Following is the proposed language (adapted from Amendment 2 to the Spiny Lobster FMP) for the procedure to be added to the existing protocol (established in Amendment 10 to the Spiny Lobster FMP):

APPROVED BY COMMITTEE
APPROVED BY COUNCIL

MOTION #7: DO NOT REQUIRE REVIEW OF REGULATIONS AND ANALYSES BY THE SSC AND ADVISORY PANELS THROUGH THE ENHANCED COOPERATIVE MANAGEMENT PROCEDURE
APPROVED BY COMMITTEE
APPROVED BY COUNCIL

Note: Council staff drafts the timing and task motion based on Committee action. If points require clarification, they will be added to the draft motion. The Committee should review this wording carefully to be sure it accurately reflects their intent prior to making the motion.

Timing and Task(s)

MOTION # 8 ADOPT THE FOLLOWING TIMING AND TASKS:

1. Develop draft Spiny Lobster Amendment 13 with approved actions and alternatives to be approved for public hearings at the June 2018 meeting.
2. Work with FWC to identify how artificial habitat regulations are enforced in Florida state waters.

3. Combine the enhanced cooperative management procedure and protocol into one cohesive document
 4. Work with NOAA GC and FWC to ensure the enhanced cooperative management procedure meets NEPA and APA guidelines and reflects the federal rulemaking timeline.
- APPROVED BY COUNCIL