

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Sheraton Atlantic Beach Oceanfront Hotel
Atlantic Beach, NC**

December 7, 2009

DRAFT MINUTES

Spiny Lobster Committee:

Mark Robson, Chair
George Geiger

Dr. Roy Crabtree
Rita Merritt

Council Members:

Duane Harris
Robert Boyles
Dr. Brian Chevront
Charlie Phillips
Tom Swatzel

David Cupka
Dr. Wilson Laney
Mac Currin
Lt. Charlie Gris

Council Staff:

Bob Mahood
Mike Collins
Dale Theiling
Kim Iverson

Gregg Waugh
Anna Martin
Myra Brouwer
Roger Pugliese

Observers/Participants:

Monica Smit-Brunello
Rod Dalton
Tom McIlwain
Otha Easley

Jennifer Lee
Phil Steele
Dr. Jack McGovern
Anik Clemens

Additional Observers and Participants Attached

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Atlantic Beach Sheraton Oceanfront Hotel, Atlantic Beach, North Carolina, December 7, 2009, and was called to order at 1:05 o'clock p.m. by Chairman Mark Robson.

MR. ROBSON: I call the Spiny Lobster Committee to order. The first order of business is approval of the agenda. Are there any changes or additions or deletions? Seeing none, we'll go forward with the agenda as we've got it posted. The next order of business is approval of minutes.

Are there any additions or corrections to the minutes from the September meeting? Seeing none, show the minutes approved as read. Item Number 3 on our agenda is to go through the results of the Gulf of Mexico Council Scoping Meeting dealing with the Spiny Lobster Amendment, and I let Gregg take us through that.

MR. WAUGH: This is Attachment 1. If you pull that up of the Spiny Lobster material, you get the scoping document and you can see the scoping summary minutes. If you click on that, that pulls the minutes up, and I'm just going to briefly review those starting with the Key West Public Hearing. We had 43 members of the public present.

The bulk of the comments focused in on who would do federal management. There were two individuals that spoke in favor of the state managing the fishery. There were three individuals that spoke in favor of the federal council's keeping control of the management. Then one individual felt that neither state nor federal would do a good job. We had the full range comments there.

We also had some comments about concern over the use of casitas, which are the habitats. There were a number of letters contributed at that hearing as well, and some of those go into more detail on the position of the Florida Keys Commercial Fishermen's Association, particular with respect to the tailing permit. Then also at the tail end of that are the recommendations about the Spiny Lobster Workgroup.

There has been an awful lot of work done by the state of Florida, and we'll talk about this later on how we utilize that information. They've worked on things like coming up with an allocation formula to use, and we've got their recommendations for that. Next, the Marathon Hearing was held the following night, September 22nd. We had 36 members of the public there.

These comments were a little diverse and not just focusing in on the federal management. Karl Lessard commented, representing the Florida Keys Commercial Fishermen's Association, again stating that he didn't want the councils to repeal the Spiny Lobster Plan and reiterated their support for that allocation of 72 percent commercial trap fishery, 22 percent recreational divers, 5 percent commercial divers and 1 percent bully net fishing. He felt that the mortality of short lobsters is estimated to be low on the order of 8 to 10 percent, which is much lower than other fisheries.

Tim Daniels pointed out that the fishermen are very concerned about catch limits on lobster, because in the more recent years you've had impacts from hurricanes and illegal fishing that are

affecting the landings' data. He would like to see a longer-term series of data used going back 20 to 30 years when setting the ACL.

Hal Osborne, representing the Florida Keys Commercial Fishermen's Association, pointed out that the social cultural information needs to be a focus of studies and that ACLs and AMs should be based on current assessments and not a future stock assessment. They felt that it should remain under federal management.

Gary Nichols, representing Nichols' Seafood and Organized Fishermen of Florida, stated that the long-term historical fishery can support 6 million pounds, and he would like to see an allocation or annual catch limits that's close to that 6 million pounds. He felt that the council should retain management authority. He is in favor of modifying the tailing permit to all tailed or all whole lobster.

He pointed out that we do need to protect coral and noted that he lobster fishes in deeper water and catches ridged slipper lobster. He felt that whatever is appropriate to protect spawning stocks such as egg-bearing females, it's important to keep that in place. Jeff Kramer, Organized Fishermen of Florida, talked about the current stock assessment should be used instead of an updated assessment.

Again, there is a lot of concern that doing the updated assessment you're going to be pulling in years when the catches are down due to hurricanes and the impacts of illegal fishing. Jeff Kramer also pointed out that fishermen have worked with a coral workgroup working with NOAA's Protected Species Division to identify areas where coral are located.

He pointed out some concerns with the trip ticket system and felt that the amount of fishing in federal waters was underreported and traps were moved between federal and state waters based on season and movement and we're not picking that up in our data. Richard Stiglitz, commercial fisherman, indicated that he has used shorts for 40 years. They take care of the lobsters and that the mortality is very, very low.

He felt that ACLs need to be set high on the spiny lobster because a number set too low would be devastating to the Keys community. He also pointed out that in the Northern Gulf there is a population of larger spawning females and that they should be protected and to keep federal management.

The next part of that attachment are the written comments, and we receive nine letters. In large part they focused in on who would do the management. It's interesting that the first seven commenters were in favor of the state managing. One individual, Roland Myers, was against catch shares and didn't want a change in management. One individual pointed out that they did not support repealing the FMP. There was one commenter that pointed out that without federal regulations, the state of Florida would have difficulty regulating fishing coming from other states. That's a brief overview of the comments that have been received, and I would be glad to answer any questions.

Then in terms of the Gulf Council actions, this is shown in the overview. On Page 2 of the overview the Gulf Council reviewed scoping input and approved a motion at their October 21-22 meeting. Their motion was to delete Action Item Number 3, which is to repeal the Spiny Lobster FMP. As you recall, our council, at the September meeting, provided direction to staff that we not work on alternatives that would partially withdraw or repeal the Spiny Lobster FMP.

The direction now that we've gotten from both councils is to remove the issue of repealing the FMP from the options paper, so that won't be analyzed. We still have the issue of delegation of authority and updating the existing protocol between the state of Florida and the councils that will be in there. I'll be glad to answer any questions about the Gulf's action.

MR. ROBSON: Okay, we've covered Items 3A and B on the agenda, so I think we can go ahead and move forward with Item 4, which is the presentation on the biological opinion by Jennifer Lee.

MS. LEE: I'm presenting for Andy, who was the primary author writing the 2009 Biological Opinion on the Continued Authorization of the Gulf of Mexico and South Atlantic Spiny Lobster Fishery. What I'm going to do is it has been a long time since we have had a biological opinion presented, so just super breeze what is a biological opinion, why do we do them, key terms, but then we're going to talk just about specific components of the biological opinion, specifically why one was done for this fishery, the species likely to be adversely affected.

We'll look at the future levels of take and some measures to minimize the impacts of the effects. That would require council involvement. For those of you who aren't familiar with biological opinions, they're just an analytical document that looks at a proposed action and what its effects are on listed species.

It ultimately determines if the action is likely to jeopardize the continued existence of a threatened or endangered species or that adversely modify critical habitat, and concludes the formal consultation process. If it is a non-jeopardy opinion, it authorizes incidental take and prescribes reasonable and prudent measures in terms and conditions.

I think all of you know, but just real quick to review take; to harass, to harm, pursue, et cetera; any of those things are considered take. Unauthorized taking of listed species is a violation of the ESA. An incidental take statement, as I said, if it's a non-jeopardy opinion, it authorizes incidental take of ESA-listed species. Take cannot cause jeopardy or adverse modification and must be incidental to an otherwise legal activity such as your authorized fishery.

Reasonable and prudent measures are required to minimize the impacts of take and terms and conditions are specific requirements that outline how you'll accomplish that. Here are the four reasons why you can reinstate a consultation specific to the spiny lobster fishery. We had new information revealing effects of the agency actions. Essentially we hadn't done a biological opinion since 1989 on the spiny lobster fishery, so obviously a lot of change.

We also have new listed species, Acropora, elkhorn and staghorn corals, and we felt that they may be adversely affected, so that was another reason. Here you can see just all the listed

species in the action area, in the EEZ. Of these the only ones that we found might be adversely affected were sea turtles and coral and smalltooth sawfish, so those are one in red.

The other species primarily weren't affected because there wasn't much overlap with the fishery. In terms of what we found, adverse effects in trap gear are mainly through entanglements in the case of sea turtles and smalltooth sawfish. With sea turtles, obviously, they're air breathing so forced submergence is an issue if they're caught in a trap line and they can't reach the surface, and then the fragmentation and breakage of coral.

We did conclude that the continued authorization of the fishery is not likely to cause an appreciable reduction in the likelihood of survival or recovery of any listed species, and therefore are not likely to jeopardize the continued existence of any listed species. Here you can see the incidental take statement of loggerhead, green sea turtles and really all the sea turtles. We're not talking about a lot of take here based on our available data..

Then for Acropora, it's done by area you can see as opposed to individual animals, but again in the EEZ coral, there is not as big an area as in state waters because they are relatively shallow water corals. Here are the requirements for reasonable and prudent measures. The biological opinion includes the sea turtle and smalltooth sawfish handling requirements, the minimization of trap impacts to Acropora and monitoring the frequency and magnitude of incidental take.

Those are the general terms. There were 15 terms and conditions which are the specific implementing actions. In general they included outreach, working with industry in ways to avoid Acropora and how to handle and treat incidentally caught sea turtles and smalltooth sawfish so as to minimize the impacts; the sea turtle stranding network; continuing to monitor strandings reported and providing information to the stranding network on ways to identify spiny lobster trap gear; also collaborating with the state of Florida working to develop and implement ESA Section 10 permits.

Essentially the Section 7 process that we go through is only for federal actions, but there is a part of the Act called Section 10 which provides protection to states and other individuals for incidental take of protected resources you have to go through, and it involves a conservation plan and there are quite a few steps, but, anyway, we'll be working with.

Other requirements, these involve somewhat the councils; minimization of trap impacts to Acropora, NMFS must work with the Florida Keys National Marine Sanctuary and both councils to establish new closed areas or expand the size of existing closed areas and waters under their jurisdiction where Acropora is present to prohibit spiny lobster trap fishing.

We work with industry and the councils to explore allowing the public or other entities to remove line buoys and make unfishable any spiny lobster trap gear found in the water from April 1st to August 5th. A lot of the impacts to coral were the result not just of the fishing but it's actually the movement of the traps that I know that you're somewhat familiar with.

Other ones, NMFS must promote development of trap gear modifications that reduce trap impacts and work with the state of Florida, you and the Gulf Council to implement modifications

and monitoring of incidental take and work with the state of Florida; again, implementing trap line marking requirements within five years, and that's just because one of the things – a lot of this biological opinion used stranding data and obviously it's really hard to tell one rope from the other if there is not some type of marking, so it's getting a better sense of how to be able to better track this fishery in particular.

That was extremely brief, but that's what we were asked to do. The bottom line is if you want to really understand the biological opinion and the analysis was conducted and all that, you really should go to our website and check it out, and then, of course, we have a bunch of other information there.

MR. ROBSON: I just have one question. I was not just clear for the process when the indication was that there were no real interactions or impacts related to trap fishing particular for the two species of Acropora, and yet we're still going ahead and doing reasonable and prudent measures. I'm just wondering how that all works out in the biological.

MS. LEE: Well, we did find impacts. It's just they didn't rise to level of what they say is likely to jeopardize. We definitely did find impacts and those measures – anytime you have a biological opinion, you have to specify if you have takes, which would be any of the breakage that we are talking about, what you will do to minimize that impact and at least minimize it and reduce any mortality associated with it. So even it wasn't a jeopardy opinion, we still are required to follow with certain actions.

MR. ROBSON: Are there any questions for Jennifer? Gregg.

MR. WAUGH: So much not a question, but just to move this into the committee's – what we need to address from this – and I've exchanged some traffic with Andy Herndon this, and Jennifer just went over these four points that really give us some actions. What I've been able to glean from it is in Amendment 10 we look at establishing new or expanding the size of existing closed areas to protect coral. That's one action we need to consider in Amendment 10.

The second is implementing measures requiring all spiny lobster trap rope to be a specific color or have easily identifiable patterns and markings not currently used in other fisheries along its entire length. That can be phased in over five years. That's another action that we would add to the Amendment 10.

The one about working on exploring potential gear; that's something for the future. The one that's a little tricky in my mind was number nine, which is exploring allowing the public or other entities to remove trap line buoys and make unfishable traps. Florida does have an active trap retrieval program with funding now, and this gets into – you know, there are problems in the Keys with trap theft, and certainly this is during the closed season.

It just seems to me that's going to be a controversial issue exploring allowing the public or other entities to go out and remove trap gear, and that's one that will need some further discussion and guidance from the committee on as to whether or not we alternatives in Amendment 10 to address that. As I see it, that's the action items that come out of the biological opinion that we

need to address. I don't I've missed anything, Jennifer? Do you see anything that we've missed? Okay.

MR. ROBSON: Gregg, related to the item on trap retrieval and removal, that is a program that has been underway in Florida for many years, and it's kind of developed and evolved working with industry and also working more recently with some of the local organizations or environmental groups that are interested in doing ocean and coastal cleanup type activities.

We've come to a set of state rules that seems to be working pretty well. In addition to having an actual funded program for removal of traps after the close of the season, there are also provisions in the rule for doing derelict or trap debris type cleanup activities under a certain condition, and that has allowed the commercial trap industry to get comfortable with the fact that there are going to be safeguards against trap theft or molestation, and that's the key issue with the commercial industry.

I think if we look at that as an alternative at the federal level, we should certainly look at the state model for that and incorporate as much of that as we can and we won't have to reinvent the wheel with industry on that one. Are there any other questions or comments? Mac.

MR. CURRIN: I'm not remembering all the details, but it seems to me that another state that has a crab pot trap program where the public does enter in and help that out – I want to say Texas but I'm not positive of that and I may be thinking of Florida. It might be worthwhile checking into that and other states that might have other sorts of programs that give us some guidance.

MR. ROBSON: Any other comments or questions? If not, I think the next part of the agenda is to provide staff with any additional comments or direction on items to include in this joint amendment that's being worked on for lobster. I'll let Gregg speak to this, but one of the things that we've discussed is the fact that over the last three years in Florida we've been working real closely with an advisory group or working group to look at some changes or modifications to the spiny lobster program.

There has been an awful lot of work and data collected and information gathered for that process that could probably be included or incorporated by staff into the joint amendment as far as data or information that is provided. I will let Gregg speak to that a little bit more.

MR. WAUGH: In conjunction with the public hearings I met with John Hunt and his staff. It's really amazing the amount of work that the state of Florida has done over a two to three year period working with all sectors and not just the commercial industry. They've had a series of workshops. They've had workgroups that have come together and developed, for example, something that is very controversial, as you all well know, to deal with, allocation.

I guess the question I'm raising here is how do we go about using this two to three years worth of work that the state has done rather than starting cold at the federal level? Maybe it's as simple as working with John and getting someone to come to the next committee meeting and go through what they've done, because all of this information is available on the state's website. To me it just doesn't seem like a wise use of resources to go out and reinvent all of that. We just wanted

to surface that here and get some general guidance on how the committee would like to see us proceed.

MR. ROBSON: Any thoughts on that? I would like to suggest – I've seen some of that information that has been gathered at the state level, and I think a lot of it could be useful in developing the amendment. Perhaps it is a good idea at least to get some general summary of what is available, what of information would be helpful to include and bring that to the committee to make sure that you're okay with moving forward with that information.

I don't know if we need a motion on that or do you want some direction from the committee to make that happen. Is that acceptable to everybody as sort of direction to staff to work that state of Florida data? I know Gregg has already been communicating a lot with our lobster folks in research and in management so he has got a pretty good handle on what is available. I don't think we need a vote but we'll go with that direction for him to look at that information. Is there anything else, Gregg, on Amendment 10 as far as what your needs are?

MR. WAUGH: No, other than the points I raised with respect to the biological opinion. We will add those as actions to be considered. We do an IPT team meeting scheduled for next week, so we'll start working on the analysis for some of these alternatives and start generating an options paper for you to look at. Our intent would be to incorporate what came out of the biological opinion with respect to areas to protect coral, trap protection and then looking at retrieval of traps during the closed season.

MR. ROBSON: It might be good, too, just to reinforce the schedule as far as that joint amendment and let know everybody know where that's headed and when we think we'll be looking at some final products.

MR. WAUGH: Look at the overview document. Towards the end of it, that lays out the schedule and I'll put this up on the board now. As I indicated, we've got a planning team appointed. We're waiting for the Southeast Fishery Science Center to appoint someone. That's the last remaining appointment.

Then a rough timeline is laid out here. Scoping has been completed. As I said, the IPT will meet next week. The Gulf Council's rough timing they're looking at was faster than ours, and we hope to go back to them with an explanation that we want to be able to incorporate the new stock assessment, and those results won't be available until towards the end of 2010.

That matches into this timeline that we have laid out here before you. We hope to get input from our SSC; they would be reviewing the new stock assessment. Our intent would be to go forward developing options based on the previous stock assessment so that we can start looking at questions like allocations and looking at all the various decisions that you have to make, but then approving for public hearing either at our December 2010 meeting or March 2011 meeting. Hopefully, it will be the December 2010 if we can get the SCC to review the stock assessment prior to our December 2010 meeting.

MR. ROBSON: Thank you, Gregg. The next item of business is to talk about appointments for that upcoming SEDAR Process. It's in Attachment 4 in the folder for the Lobster Committee. I'll let Dale walk us through.

MR. THEILING: The Spiny Lobster Update will be one of four updates that the South Atlantic will receive from SEDAR during 2010. The other three are in the Snapper Grouper Complex. Spiny Lobster will be conducted for a joint assessment for the Gulf of Mexico and the South Atlantic, as you know.

The last full benchmark assessment was conducted under SEDAR in 2005, and today what we want to do is talk to you briefly about the schedule that is intended for the spiny lobster update and seek your input, if any, on the terms of reference that have been drafted and improved by the SSC yesterday, and then to talk about appointments by this committee or by the council for the update.

On the board is the proposed assessment update schedule for spiny lobster. Keep in mind that SEDAR has kind of taken on a new set of scheduled steps for both benchmarks and updates. What you see is proposed. It includes a series of webinars for data identification and qualification and then also more webinars for development of the assessment model, and included then would be a single update workshop, not a three-workshop process like a full benchmark.

At this point for spiny lobster that is proposed for August 23rd through 25th in Marathon in 2010. Then there would be a follow-up webinar in early September to conclude the model. Then for the review, it would be done jointly by the two SSCs, Gulf and South Atlantic, so that will require that there will be a joint SSC meeting for the formal review of this update.

I've pointed out in red here that scheduling is going to be required between the two SSCs. Presently the South Atlantic SSC likely will meet at the very end of January and early February 2011. That's just to be considered for that joint meeting. For your information, this schedule is provided, and I'll be glad to take comments on that before we move into the terms of reference and appointments.

MR. WAUGH: We talked about this some at the SSC meeting yesterday, but what we would like to see happen is the assessment report is available October 18th – and you are being asked to approve this as a schedule – to then have our SSC appoint a subcommittee of the SSC that could meet with the Gulf Council's Special Spiny Lobster SSC so that they would review the new SEDAR Update prior to our December meeting.

That's what we're trying to effect; and if you think that's something that should happen, it would be good to have some direction from the committee. That would save us basically a council meeting. The annual catch limits and accountability measures for spiny lobster are supposed to be implemented during the 2011 fishing year that starts by late July 2011. I think waiting until our March meeting is going to put us a little bit behind ball. If we can get the SSCs to review that assessment, then we could approve it for public hearing at our December meeting and it would help move things along more quickly.

MR. ROBSON: Any thoughts or comments? If there are going to be some regulatory changes, we always are looking to give enough advance notice and they start working on that fishery. It opens in July or early August commercially.

MR. WAUGH: Then I take it as direction to staff that you would like us to work with our SSC and the Gulf SSC and see if we can get that reviewed prior to our December meeting so that you have the SSC review of the SEDAR update at our December meeting.

MR. SMIT-BRUNELLO: And that's December 2010. Gregg, I was just going to ask – and I agree with everything you said about when this should be implemented at the start of the fishing year and all that – was this in line with the timeline the Gulf Council would like to see, too, or have they not – I understood there was some discussion before this meeting that the South Atlantic might be in a slightly different timeline; and if you took the action that you were just discussing and moving it up a little bit, would that put it then in line with the Gulf timeline, because they have the lead on this I believe administratively.

MR. WAUGH: It doesn't. Their current timeline is – and I can pull up the e-mail, but it's faster than ours, and this change would not bring us into align with spiny lobster. Remember the Gulf does have administrative lead for spiny lobster and mackerel, and what the two councils have agreed to is that the Gulf is going to take administrative lead on mackerel and we're going to take administrative lead on spiny lobster.

There have already been some discussions at the staff level about how do we reconcile this time difference. We'll be getting our guidance from our committee and council here, and then we'll have the IPT meeting and then this will come up at the next Gulf Council meeting to get their guidance on timing.

MR. ROBSON: Unless there are any other comments, I think the direction is to try to work that out with the schedule that we can potentially look at this for December 2010 to get a hearing document out. All right, we were talking about the appointments.

MR. THIELING: On the board is shown the planning document for participants at this 2010 workshop. What we're asking for is for the council to make some appointments – first, to acknowledge or agree with the appointments suggested by the SSC. From among their membership is Sherry Larkin and an expert not a member of the SSC, but approved and recommended would be David Eggleston, who is from NC State.

MR. GEIGER: Dale, these are volunteers from the SSC; correct?

MR. THEILING: Sherry Larkin is a volunteer and David is strongly promoted by the SSC. He's not a member of the SSC.

MR. WAUGH: Dave Eggleston has done extensive research on spiny lobster. I guess, Dale, I wasn't in there or wasn't paying attention during this part of this discussion, but I guess our SEDAR process allows the SSC to make appointments for individuals who are not – recommend appointments for individuals who are not SSC members.

MR. THEILING: Yes, they do.

MR. GEIGER: And to that point, I guess that's my concern is we don't have the sense that he will in fact do it; so if we leave here assuming that he will but he can't and has a schedule conflict, we're then left with a blank hold. Perhaps we need to have an alternate prepared to go in the event that either one of them should have a problem.

MR. THEILING: The SSC is meeting, still, and I can go over and make that point, but they did not offer a third name or an alternative to Eggleston.

MR. GEIGER: I think we ought to ask for a third name just in case.

MR. THEILING: Mr. Chairman, I'll be happy to do that in time.

MR. ROBSON: Okay, sure. You know, another alternative would be to see if the SSC would have the capability to communicate with this gentleman to see if he is in fact available. And if they could do that, then we're covered.

MR. GEIGER: To that point, I agree with you that is a plan of attack. The problem is that in the past – and we've run into this problem just recently primarily with fishermen in that they've signed up and agreed to attend; and as late as the Friday before the Monday the SEDAR is to commence have reneged on their commitment to support the SEDAR.

I think we should be prepared for that in the future as we move forward and have alternates prepared to go in the event that these people should not attend. Now, I understand that we're embarking under a new process here where there are going to be webinars and it might not be as difficult – at least that the intent – for people to attend, but until we find out that's the case I think we should be prepared with at least one alternate.

MR. THEILING: I'll do that and report back to the chairman before this meeting is finished. For your purposes today we're asking for some other appointments; specifically, two spiny lobster AP members from the South Atlantic. We'll also be asking the Gulf for two. We'd like to have one South Atlantic Council member appointed, and again we're asking for one from the Gulf.

MR. GEIGER: Are you ready for recommendations for names?

MR. ROBSON: Yes, go ahead.

MR. GEIGER: Well, the first person I would like to see approached is Tony Iarocci to see if he would participate in this process; and as a backup or the second choice for the commercial sector I would propose Bruce Irwin. For the recreational sector I would propose as the primary Bob Burton with the backup of Mike Adams.

MR. ROBSON: Could you repeat those two recreational?

MR. GEIGER: Bob Burton and Mike Adams. In addition to that, I would request that the staff would notify all the members of the AP as to when this SEDAR is going to take place and that we have this new process where webinars will be used and they can participate probably not as a voting member of the panel, but they could certainly view it and weigh in and get their druthers known to the people who are in fact representing their particular sector.

MR. WAUGH: And we did do that last week. The briefing tab was sent out to all AP members and we alerted them to this process and asked them to contact us and let us know if they are willing to participate. We'll follow up regardless of whether they get appointed or not to make sure they're aware that they can participate through the webinar at least.

MR. ROBSON: I believe Bruce is a member of the Lobster AP. Tony is not, I don't think.

MR. GEIGER: Yes, Tony is the only name that I proposed who is not a member of the AP, but certainly as a past council member and his involvement as chairman of the committee, I think his involvement in the process would be very beneficial in this.

MR. ROBSON: Do we need to make this in the form of a motion or is this just direction to staff?

MR. WAUGH: At least by full council, we need to vote on it at full council. You can do it as a motion here or you can do it as direction to staff and we can try and clarify some of these appointments and draft the committee report as directions to staff and then vote on it at the council level. That may give us a chance to contact some of individuals and make sure they're able to participate.

MR. ROBSON: That sounds like a good plan. George, if you're okay with that, we'll just provide this as direction and then hopefully we'll nail these names down and be able to vote on it or make the recommendation to council. Now they're still looking for a member of the council to participate as well.

MS. MERRITT: Mark I think as the chairman of the committee, I think you would be the obvious choice of at least one I would nominate.

MR. ROBSON: Okay, I don't mind doing it. George, did you have a comment?

MR. GEIGER: I kind of thought that was going to be default. I would nominate you as the council member if you wanted to do it.

MR. ROBSON: Well, I'm more than willing. If somebody else really had a burning desire, I don't mind doing it, but I don't want to close the door on anybody else to do it. Okay, I guess I'll be the council member to participate.

MR. THEILING: In addition to that, the council and the committee could appoint other observers if you care to, but that covers those that are funded by the SEDAR process.

MR. ROBSON: Okay, I think that will work. I have been kind of keeping close tabs on what the staff is doing right now and getting ready for that assessment. George.

MR. GEIGER And if something happens in the event that you can't make it and your state duties impinge upon your availability, I'll certainly serve as your alternate and backup.

MR. ROBSON: Okay. I think that covers our participation. Again, we'll nail down a couple of these names to make sure they're available and report back to full council. The next item is to go through the terms of reference that have been laid out for that SEDAR and see if there is any comments or suggestions or changes.

MR. THEILING: Mr. Chairman, the terms of reference have been prepared in a draft form based on the terms of reference from the previous assessment from 2005; and with the SSC's review yesterday, some changes have been made which are going to be shown on this presentation in red.

As this meeting began, we also got some advice by e-mail through Dr. Barbieri at Florida from Dr. Muller who will be the lead analyst. Those suggestions have not been incorporated in this, but what we're asking for is for you to acknowledge the SSC's changes and then to approve, from your point of view, the terms of reference that are here before you as changed. Gregg has got a plan for how this is going to be worked out with the Gulf. Of course, the Gulf SSC and council will have a shot at these terms of reference. Do you want to explain to them what your plan is?

MR. WAUGH: What we've done, just like we did with the king and Spanish mackerel terms of reference, is rather than getting into a situation where each council has to approve each other's terms of reference, we will have each council approve a terms of reference and then those will be blended together.

If there is something that is out of sync where you've got one recommended term of reference going against another one, then we'll have to resolve those, but we'll just have each council compile their terms of reference. What we approve will be provided to the Gulf. Their SSC will be looking at it, I think, in January; and so if there are any problems, we'll look at it again in March. Otherwise, we'll just go forward with a combined terms of reference.

MR. THEILING: Mr. Chairman, this has been made available to the committee; do you want me just to go through the changes proposed by the SSC?

MR. ROBSON: Yes, please.

MR. THEILING: Well, the first one is just a date change for the terminal year of data to be considered in the update assessment. These updates are going to start roughly in June. Understandably, the 2010 data won't be ready; the season ends in March. There is an obvious need to correct that. Based on the discussion at the SSC yesterday, the two changes you see before you are offered.

MR. ROBSON: It has been suggested that what we could do is provide these changes to you as an attachment to the committee report, and we can take a final vote on that at the council when the committee report is submitted since you've just been able to take a look at these.

MR. THEILING: Just for the verbal record, the one I mentioned first was a change in the terminal year, which is Term of Reference Number 1. The next term proposed for change by the SSC is Item Number 7, and it in full would read: "Update measures of uncertainty and provide representative measures of precision for stock parameter estimates. If time, resources and available information permit, conduct a P-star analysis as needed to determine ABC."

Item Number 8 also was changed and in full it would read: "Update estimates of stock status and SFA parameters; provide declarations of stock status relative to current SFA criteria; provide clear statements of stock status relative to overfishing and overfished. If a status of overfished or overfishing is determined, run the standard range of projections."

Also modified is Term Number 10, reading in full: "Evaluate and project future conditions for 11 years, 2009-10 through 2019-20 inclusive beyond the terminal year of the update, 2008-2009. Run at least these three projections scenarios, F equals current, F equals Fmsy, and F equals Foy." The new term added is "at least", "run at least three projections". No other changes are recommended by the SSC.

MR. GEIGER: My question is for Gregg. Gregg, are you in agreement with the changes that were recommended by the SSC or do you have any other items that you think should be added to those terms?

MR. WAUGH: No, these address some of the concerns that I raised at the SSC meeting yesterday, so we're in concurrence with these recommendations.

MR. GEIGER: I'll go ahead and make a motion to approve the terms of reference, including the changes as outlined.

MR. ROBSON: There is a motion to go ahead and approve these terms of reference with the changes as shown and described here. Is there a second? Seconded by Rita. Any further discussion or questions about the terms of reference as we've just gone through them? Okay, the motion is to approve the Spiny Lobster Terms of Reference as modified by the SSC. Any objection to the motion? Seeing none, the motion is approved. Okay, that takes care of the SEDAR.

MR. THEILING: I'll try to get that confirmation on the SSC recommended appointment.

MR. ROBSON: That will be good. The committee report will also reflect those changes in the terms of reference just so we have it clear. Is there any other business to be brought before the committee? Okay, no other business, then we stand adjourned.

(Whereupon, the meeting was adjourned at 2:03 o'clock p.m. December 7, 2009.)

Spiny Lobster Committee
Atlantic Beach, NC
December 7, 2009

Certified By: _____ Date: _____

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January 17, 2010

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

SPINY LOBSTER COMMITTEE Atlantic Beach, NC Monday, December 7, 2009

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