

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Savannah Hilton Desoto
Savannah, Georgia**

MARCH 6, 2012

SUMMARY MINUTES

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Dr. Roy Crabtree

Ben Hartig
Lt. Robert Foos

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Duane Harris
Dr. Wilson Laney
Tom Swatzel

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Observers/Participants:

Lt. Brandon Fisher
Martha Bademan
Anna Beckwith
Phil Steele
Monica Smit-Brunello

Dr. Marcel Reichart
Scott Sandorf
Dr. Jack McGovern
Bob Gill
Dr. Bonnie Ponwith

Other observers listed at end of document

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, March 6, 2012, and was called to order at 8:30 o'clock a.m. by Chairman Jessica McCawley.

MS. McCAWLEY: We're going to call the Spiny Lobster Committee to order here. Our first order of business is the approval of the agenda. Are there any changes to the agenda?

MR. HARTIG: I move to approve the agenda.

MS. McCAWLEY: Any objection? Seeing none, the agenda is approved. The next order of business are the minutes from the December 5 meeting. Any discussion of the minutes?

MR. HARTIG: I move to approve the minutes.

MS. McCAWLEY: Any objection to the approval of the minutes? Seeing none, the minutes are approved. Our next order of business, I'm going to turn it over to Kari to give the Gulf Council Report on Spiny Lobster Amendment 11.

DR. MacLAUCHLIN: Okay, the Gulf Council met at the end of January and beginning of February, and they reviewed Spiny Lobster Amendment 11. There was a motion to modify three of the areas and I'll go over those. In Action 1, that's the proposed closed areas, and then also committee and council approved for submission to the secretary. That's all.

They had two hearings for Spiny Lobster Amendment 11 in Key West and Marathon, January 23 and 24. The comments basically included splitting those areas that they approved at the last meeting; then in support of not marking the lines in Action 2; and then also a comment about the Gulf SSC did not review Amendment 11.

Continuing on with public comments on Spiny Lobster Amendment 11, we had our hearings at the end of January and beginning of February starting in Key Largo, and there we had the most people that were there for Spiny Lobster Amendment 11. We had a couple of people who commented on the record in Key Largo and then another individual in the Cocoa Beach hearing; and some written comments as well.

There is a summary, its Attachment 3B in there. Two of the commenters were in support of the closed areas under Preferred Alternative 3; that they appreciated the industry involvement. Then all the commenters noted that the anchors and divers also affect coral and the council should look into that. Then a couple of recommendations for modifications on Site 14, 15, and 30; and I will go over these in the Decision Document as well.

Then also talking about the closed areas and how they are kind of squeezed into the available fishing grounds that are still left for the traps. That's why if you can modify an area to give them some more available fishing ground; that would be great. One commenter opposed a closed area unless the closures were developed and supported by industry members. That was from our written comment, and that's how these closures were developed.

Then one commenter opposed any additional closed areas. For Action 2, all commenters were in support of Preferred Alternative 1, no action, and noted that requiring a trap line marking would be very expensive and time consuming for the fishermen. We also had three comments on the Draft Supplemental EIS that was published.

This period closes after this meeting – I think March 12 or something like that. If there are additional comments, then I'll make sure that those get to all of you. There were three comments. One was the comment that the Gulf SSC did not review Spiny Lobster Amendment 11. The South Atlantic SSC did review this document, and we can talk about that. Is that an issue? Monica.

MS. SMIT-BRUNELLO: Is what an issue?

DR. MacLAUHLIN: That the Gulf SSC did not review this amendment?

MS. SMIT-BRUNELLO: I think the SSCs advise the council; and so if the Gulf Council wanted their SSC to review it, they could certainly send it to them. I don't think it's mandatory that an SSC need to look at it. I think that's up to the council's decision as to whether they think they need the SSC's advice on an amendment.

DR. MacLAUHLIN: The second comment was in regard to the Goliath grouper population affecting the spiny lobster population. The third comment was about trap damage to reefs and recommended that no traps should be allowed around reef structures, and there should be areas reserved for divers only, no traps. That's all for the public comments at this time.

MS. McCAWLEY: Okay, we are going to be moving into the Decision Document that you see on the screen. I believe that that is Attachment 5, if you're following along.

DR. MacLAUHLIN: I'm starting on Page 3 of the Decision Document if you want to follow along in Attachment 5. Action 1 is limit spiny lobster fishing in certain areas in the EEZ off the Florida Keys to protect threatened staghorn and elkhorn corals. Just to remind everyone, these two actions in Amendment 11 were in Spiny Lobster Amendment 10.

The councils chose to take no action on the closed areas and the trap line marking to allow for further development in working with the industry. Since then Protective Resources staff has worked with industry and other stakeholders in the Keys to develop these closed areas based on different criteria, selected the areas and let the fishermen review them and provide suggestions for other areas.

Now under Alternative 3 we have 56 closed areas and possibly 60 with these modifications. We have Alternative 1, no action. Alternative 2 would close all known hard bottom in the EEZ off the Florida Keys where the acropora species occur and in water depths less than 30 meters, and then there are two options; Option A where spiny lobster trapping would be prohibited and Option B where all spiny lobster fishing would be prohibited; and then Preferred Alternative 3, which creates new closed areas in the EEZ off the Florida Keys with identified acropora specie

colonies inside straight-line boundaries; and the preferred Option A, which would prohibit just spiny lobster trapping.

The waypoints and the maps of all the proposed closed areas are in Attachment 1, which is the whole Amendment 11, so you can review that. Alternative 2 would close approximately 71 square miles, and Preferred Alternative 3 would close approximately 6.7 square miles of which about 2.5 square miles is anticipated to be fishable habitat.

I went over the public comments. There is general support from the industry because there was a lot of industry involvement in development of the areas, and then also that there are other impacts such as divers and anchors that affect the corals. At our public hearings we had recommendations to modify Areas 2, 14, 15, and 30; but at the Gulf Council they approved modifications to Areas 2, 15 and 30. This would create 60 proposed closed areas and modify the estimated closed area to 5.9 square miles.

Let me go over the areas that came up. This is Area 2 here, and the recommendation and how these have been modified that the Gulf has approved is to split this one into two smaller areas. This is Area 14. This was brought up by a commenter in the public hearing. It was a public hearing suggestion to modify this one.

This Area 15, which was approved by the Gulf Council, this breaks it up into three smaller areas. Then Area 30, this was split into two smaller areas, and this one was also approved by the Gulf Council. The committee action would be to change the preferred alternative and option if necessary, and then review and discuss the suggested modifications for the proposed closed areas and approve if necessary.

MS. McCRAWLEY: Okay, thinking about the action that the Gulf Council took to split Areas 2, 15, and 30; does the committee agree with that or want to modify what we've done to match what the Gulf has done? Ben.

MR. HARTIG: Yes, Jessica, I move that we accept the Gulf Council's changes for location 2, 15, and 30 as modified at their last meeting.

MS. McCRAWLEY: Second by David Cupka. Are you second or are you commenting?

MR. CUPKA: No, I'm not a committee member, I can't second, but I did want to point out that there was discussion at the Gulf Council meeting about this other Area 14 and whether or not that was an industry recommendation, and Mr. Kelly was there and indicated that it was not part of the areas that they had suggested. It was considered but industry clearly indicated that was not an area that they had included in their recommended changes. It was just 2, 15, and 30.

MS. McCRAWLEY: Thanks; that's helpful information. Do we have a second for this motion? Second by Phil Steele for Roy Crabtree. Anymore discussion on that motion? Any objection to that motion? Seeing none, **the motion is approved.** Still on Action 1, we've now modified Preferred Alternative 3 to match what the Gulf Council did. Is there any will of the committee to

change our preferred alternative from Option 3A? Okay, seeing none, we'll stay with Preferred Alternative 3A as modified.

DR. MacLAUCHLIN: Okay, moving on to Action 2, required gear marking for spiny lobster trap lines in the EEZ off Florida; the preferred alternative is no action; do not require trap line markings for spiny lobster. Alternative 2, require all spiny lobster trap lines in the EEZ off Florida to have a white marking along its entire length such as an all white line or a white tracer throughout the line.

The markings must be visible at all times when traps are in use. All gear must comply with marking requirements no later than August 6, 2017. Alternative 3; require all spiny lobster trap lines in the EEZ off Florida to have a permanently affixed white marking at least four inches wide, spaced at least every 15 feet along the trap line or at the midpoint if the line is less than 15 feet. The marking must be visible at all times when traps are in use. All gear must comply with marking requirements no later than August 6, 2017.

All commenters were in support of Alternative 1 and noted that requiring the trap line marking was very expensive and time consuming. The Gulf Council did not make any changes in this action and didn't change the preferred alternative. The required committee action here is to change the preferred alternative if necessary and then to modify the amendment as appropriate and approve for formal review and deem the codified text as necessary and appropriate.

MS. McCAWLEY: Just to give you a little bit more information, since our last council meeting FWC's Fish and Wildlife Research Institute has started a study. They will be working with Bill Kelly's group and looking into additional trap line marking requirements such as the spray paint and some other options that they didn't look at the first time. I wanted to let you know that we are working on a study. Just because we're choosing no action, it doesn't mean that this is disappearing. The FWC is still moving forward with looking into this action.

MR. HAYMANS: Madam Chairman, I'm not on your committee but I had a question maybe for Phil or somebody on that side. If this committee and this council stay with no action, what is the realistic possibility of Protected Species or somebody in the Regional Administrator's Office is going to come back and require something other than a plan?

MS. SMIT-BRUNELLO: Well, it's a good question. If you choose no action, that doesn't mean that the requirement goes away, because the biological opinion states that, as you know, NMFS must work with the councils and the state of Florida to implement this requirement. We do have this five-year period.

It's difficult to say what I think will happen next. I think the Service will have to decide whether they should reinstate consultation. They could require it under the Endangered Species Act that the lines be marked. I was actually going to ask a question of Jessica kind of to that point, is that could you give me some more information on the study if you have it and when that is projected to be finished with some final work product and that sort of thing. I think that would help for the record.

MS. McCAWLEY: I'm not 100 percent sure on the completion. I want to say that it's a year-long study. I don't know if it's going to start in July, so by the time it gets done we are probably realistically into, say, the fall of 2013. As I pointed out at the previous council meeting, the FWC, our commission did not support the trap line marking. However, we are hoping that these additional research options will be other options that could be supported by industry since we are working with industry.

We will continue to look into it. We are doing the study. We are looking at the spray paint, which is one of the things we talked about last time; the possibility of the tag, which is something that we talked about last time, and anything else that we think might work with that particular type of rope that we're using that's different than the rope that they're using in the other fisheries that already have trap line marking.

MS. SMIT-BRUNELLO: To get back to Doug's question; I can't speak for the Service, but I'm certain that they would take that information into account because they would probably want the results of that information. We do have a little bit more time to work on this, until 2017, I think. That's the date, August 6. I'm not certain exactly what would happen, but I would assume they would want the results of this study before they moved further, but I can't speak for the Service.

MR. HAYMANS: I just know from other groups having sat on that if they want gear marking, we are going to get gear marking. Do we want to build – do you really want to put it into somebody else's hands to decide or do we want the council to make a decision on what to do? Whether it's tape or paint or whatever else; the difference that I saw was in the hardness of the line, right? I mean that's the primary difference between that and the other crab fisheries.

MS. SMIT-BRUNELLO: Maybe it's appropriate for some discussion at this point as to whether the committee would recommend to the council to begin work at some point on another spiny lobster amendment. It might be a little premature because the study is not finished, but at least have that on the record that you would be working on another amendment to implement the trap line markings in some manner.

MR. STEELE: Well, that is up to the committee if they want to go that route, but it is our intent, I think, from the Fisheries Service is to follow up with this study, work with industry, and come up with a reasonable way of marking these lines if there is one to comply with the biological opinion. We've got a little bit of time with this. We've always been on record this is the route that we're going to go, getting with our colleagues in the state of Florida; get this information, see if it will work, and then come up with some realistic alternatives to have this line marking so we can comply with the due date on the biological opinion of 2017.

MS. McCAWLEY: Doug, do you have anything else on that?

MR. HAYMANS: No, I'm good. Again, I'm not on your committee, but I see it as a reality that we're going to mark gear in some way and this pushing it off, pushing it off; the argument now is how expensive it is. We've got five and a half years now to absorb that cost. If you're going to wait another year and half, that just lessens the amount of time that multi-million dollar cost is going to have to be felt. Hey, I was just hoping we were going to do something, but that's okay.

MS. McCAWLEY: I think we had some discussion last time that ultimately we are going to need the FWC to help with this, because we are going to need this in the spiny lobster fishery, which we've turned over to the state of Florida. I think that maybe this is the first step in getting where we want to go. Just because the council is not doing it at this moment, it doesn't mean it's going away is what I'm trying to say.

MS. SMIT-BRUNELLO: Jessica, you meant the stone crab fishery, right?

MS. McCAWLEY: Yes, that's what I meant; what did I say?

MS. SMIT-BRUNELLO: Spiny lobster.

MS. McCAWLEY: Sorry, I meant stone crab.

MS. SMIT-BRUNELLO: Just for the record.

MS. McCAWLEY: Is there anything else from the committee or people not on the committee on the trap line marking? Does the committee want to change the preferred alternative for this trap line marking item? Okay, seeing none, we will stick with the no action alternative on trap line marking. I think we need a motion from the committee to send this to the secretary and deem it as necessary and appropriate.

MR. HARTIG: So moved.

MR. STEELE: Second.

MS. McCAWLEY: Ben, do you want to read your motion?

MR. HARTIG: The motion is send Amendment 11 to the secretary and deem the codified text as necessary and appropriate.

MS. McCAWLEY: That was seconded by Phil Steele. David.

MR. CUPKA: You ought to ask Gregg or somebody should we also include some verbiage in there about editorial license for the staff and council chairman.

MS. McCAWLEY: Ben, would you like to modify that motion?

MR. HARTIG: Yes, I'd modify it to David's suggestion to add editorial license of staff to change – how much editorial license do we need, David? Do you want to give me some wording there?

MR. CUPKA: Well, it ought to be give staff and council chairman editorial license to make changes as necessary. That's what we usually use for the verbiage. I think that would cover it.

MS. McCRAWLEY: Do you need the motion read again? One more time, Ben.

MR. HARTIG: Send Amendment 11 to the secretary and deem the codified text as necessary and appropriate and give staff and council chair editorial license to make changes as necessary.

MS. McCRAWLEY: Is there any objection? Do we have to have a special vote on this – only in the full council, okay. Is there any objection to this motion? Seeing none, **the motion is approved.** Is there any other business to come before the spiny lobster committee? Do we need a timing and task? Okay, seeing no other business, the Spiny Lobster Committee will stand adjourned.

(Whereupon, the meeting was adjourned at 9:00 o'clock p.m., March 6, 2012.)

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Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions Inc.
April, 2012

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2011 - 2012 Council Membership

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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 MEETING
 March 6, 2012
 Savannah, GA 31401

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