

OVERVIEW

Spiny Lobster Committee Meeting

June 9, 2009

Hutchinson Island Marriott

555 Northeast Ocean Boulevard; Stuart, Florida

The Spiny Lobster Committee needs to: (A) review the motions from the last Spiny Lobster Committee meeting and provide guidance as necessary; (B) receive a status report on lobster management actions in Florida; (C) discuss and approve Gulf Council's scoping document, approach for document preparation, and proposed timing for Amendment 6 (GMFMC Administrative Lead); and (D) review Options Paper and provide direction to staff.

A. Motions from the March Spiny Lobster Committee meeting

At their March 2009 meeting, the Spiny Lobster Committee and Council approved the motions shown below. The status of each item is shown and the committee should provide guidance as necessary.

MOTION #1: DEVELOP A SEPARATE AMENDMENT WITH THE GULF COUNCIL TO BRING THE SPINY LOBSTER PLAN INTO COMPLIANCE WITH THE NEW REQUIREMENTS FOR ACLS AND AMS.

Status: A Joint Spiny Lobster Amendment 6 is being prepared to address the new requirements.

MOTION #2: INCLUDE AN ACTION TO DELEGATE CERTAIN OPERATIONAL ASPECTS OF THE FISHERY OFF FLORIDA TO THE STATE OF FLORIDA WITH THE AGREEMENT OF THE TWO COUNCILS AND THE STATE OF FLORIDA.

Status: An action to accomplish this is included in the options paper for Joint Spiny Lobster Amendment 6.

MOTION #2A: INCLUDE THE FOLLOWING 10 ITEMS FOR CONSIDERATION FOR POTENTIAL DELEGATION:

Examples of items could include:

1. *Numerical specification of ACL and breakdown into sector-specific ACLs based on the definitions included in the amendment to the Spiny Lobster FMP.*
2. *Commercial quotas and recreational allocations based on the allocations specified in the amendment to the Spiny Lobster FMP.*
3. *Size limit modifications.*
4. *Bag limit modifications.*
5. *Trip limits.*
6. *Modifications to the length of the season.*
7. *Application of the AMs including closing the fishery when a sector reaches its quota and/or allocation.*
8. *Rules and regulations for possession of traps including gear marking, tagging, etc.*
9. *Data collection and reporting requirements.*

10. Closed areas – this may be difficult and Florida might need to have NMFS prepare an Environmental Assessment.

Status: These items are included in the options paper for Joint Spiny Lobster Amendment 6.

MOTION #3: DEVELOP THE FOLLOWING TAILING OPTIONS IN THE AMENDMENT:

1. CONTINUE TO ALLOW –“THE POSSESSION ABOARD A FISHING VESSEL OF A SEPARATED SPINY LOBSTER TAIL IN OR FROM THE EEZ IS AUTHORIZED ONLY WHEN THE POSSESSION IS INCIDENTAL TO FISHING EXCLUSIVELY IN THE EEZ ON A TRIP OF 48 HOURS OR MORE AND A FEDERAL TAIL-SEPARATION PERMIT SPECIFIED IN SECTION 640.4(A) (2) HAS BEEN ISSUED TO AND IS ON BOARD THE VESSEL.”
2. DO NOT ALLOW TAILING; THIS WOULD REQUIRE ALL LOBSTERS TO BE LANDED WHOLE. THIS WOULD HELP PREVENT THE USE OF HOOKS AND SPEARS TO HARVEST LOBSTERS.
3. ALLOW TAILING ON COMMERCIAL TRAP VESSELS AND SHRIMP VESSELS MAKING MULTI-DAY (OVER 48 HOURS) TRIPS.

Status: These items are included in the options paper for Joint Spiny Lobster Amendment 6.

MOTION #4: DEVELOP THE FOLLOWING SHORT OPTIONS IN THE AMENDMENT:

1. CONTINUE TO ALLOW AS SPECIFIED – “A LIVE SPINY LOBSTER UNDER THE MINIMUM SIZE LIMIT SPECIFIED IN PARAGRAPH (B)(1) OF THIS SECTION (FEDERAL 50-SHORT RULE) THAT IS HARVESTED IN THE EEZ BY A TRAP MAY BE RETAINED ABOARD THE HARVESTING VESSEL FOR FUTURE USE AS AN ATTRACTANT IN A TRAP PROVIDED IT IS HELD IN A LIVE WELL ABOARD THE VESSEL. NO MORE THAN FIFTY UNDERSIZE SPINY LOBSTERS, OR ONE PER TRAP ABOARD THE VESSEL, WHICHEVER IS GREATER, MAY BE RETAINED ABOARD FOR USE AS ATTRACTANTS. THE LIVE WELL MUST PROVIDE A MINIMUM OF ¾ GALLONS (1.7 LITERS) OF SEAWATER PER SPINY LOBSTER. AN UNDERSIZED SPINY LOBSTER SO RETAINED MUST BE RELEASED TO THE WATER ALIVE AND UNHARMED IMMEDIATELY UPON LEAVING THE TRAP LINES AND PRIOR TO ONE HOUR AFTER OFFICIAL SUNSET EACH DAY.”
2. PROHIBIT POSSESSION AND USE OF SHORTS AS ATTRACTANTS.

Status: These items are included in the options paper for Joint Spiny Lobster Amendment 6. Spiny Lobster Regulations are included as **Attachment 3**.

MOTION #5: DO NOT ADDRESS ANY CHANGES TO THE NORTHERN PORTION OF THE SPINY LOBSTER FISHERY.

Status: This item is not included in the options paper for Joint Spiny Lobster Amendment 6.

MOTION #6: UPDATE THE FMP MANAGEMENT PROTOCOL TO TRACK CHANGES IN FLORIDA’S MANAGEMENT PROCESS.

Status: This item is included in the options paper for Joint Spiny Lobster Amendment 6.

MOTION #7 (TIMING AND TASK MOTION): DIRECT STAFF TO:

1. PROVIDE THE SAFMC ACTIONS TO THE GULF COUNCIL AND DISCUSS THE GULF COUNCIL'S TIMING FOR WORK ON THIS AMENDMENT. REPORT BACK TO THE COMMITTEE IN JUNE 2009. **Done.** Work on this amendment and timing is discussed below under Item C.
2. CONTACT THE STATE OF FLORIDA REPRESENTATIVES CONCERNING THE SCHEDULE FOR A STOCK ASSESSMENT UPDATE. REPORT BACK TO THE COMMITTEE IN JUNE 2009. **Done.** The Spiny Lobster Assessment will be updated through the SEDAR process in mid to late 2010 with results presented to the SSC and Council at the December 2010 meeting.
3. DEVELOP A DETAILED DECISION DOCUMENT FOR USE AT THE JUNE 2009 COMMITTEE MEETING THAT BEGINS TO EVALUATE THE ALTERNATIVES TO BE INCLUDED. **Partially complete.** A very preliminary options paper has been prepared and presents the decisions to be made.

REQUIRED COMMITTEE ACTION:

1. Review the motions from the last committee meeting.
2. Provide guidance as may be necessary.

B. Status Report on Potential Changes from Florida

The committee will receive an update on potential actions and timing for changes being considered for management in the State of Florida.

REQUIRED COMMITTEE ACTION:

1. Receive report from Florida representatives.
2. Provide guidance as may be necessary for items to include in Amendment 6.

C. Joint GMFMC/SAFMC Spiny Lobster Amendment 6

The Gulf Council and the South Atlantic Council are preparing a joint amendment to address the new requirements of the Reauthorized-MSA. Rick Leard and Gregg Waugh discussed the two staffs' workloads and have proposed that Rick take the administrative lead for the Joint Mackerel Amendment and Gregg take the administrative lead for the Joint Spiny Lobster Amendment. Carrie Simmons, Gulf Council staff, is preparing a scoping document for the Gulf Council scoping meetings.

The South Atlantic Council has completed scoping as a part of the Comprehensive ACL Amendment scoping process. Scoping meetings were held as follows:

- (1) January 26, 2009 in Charleston, SC
- (2) January 27, 2009 in New Bern, NC
- (3) February 3, 2009 in Key Largo, FL
- (5) February 4, 2009 in Cape Canaveral, FL
- (5) February 5, 2009 in Pooler, GA

The following items were included in the SAFMC's scoping document:

1. Tailing permit

- a. Continue to allow – “The possession aboard a fishing vessel of a separated spiny lobster tail in or from the EEZ is authorized only when the possession is incidental to fishing exclusively in the EEZ on a trip of 48 hours or more and a Federal tail-separation permit specified in Section 640.4(a) (2) has been issued to and is on board the vessel.”
- b. Do not allow tailing; this would require all lobsters to be landed whole. This would help prevent the use of hooks and spears to harvest lobsters.

2. Federal 50-short rule

- a. Continue to allow – “A live spiny lobster under the minimum size limit specified in paragraph (b)(1) of this section that is harvested in the EEZ by a trap may be retained aboard the harvesting vessel for future use as an attractant in a trap provided it is held in a live well aboard the vessel. No more than fifty undersize spiny lobsters, or* one per trap aboard the vessel, whichever is greater, may be retained aboard for use as attractants. The live well must provide a minimum of ¾ gallons (1.7 liters) of seawater per spiny lobster. An undersized spiny lobster so retained must be released to the water alive and unharmed immediately upon leaving the trap lines and prior to one hour after official sunset each day.”
- b. Prohibit possession and use of shorts as attractants.

*[**Note:** After the March Council meeting, there was a question about whether “or” should have been “and”. The Spiny Lobster Regulations are included as **Attachment 3** and show “or”.]

3. The northern fishery

- a. Continue to allow two lobsters per person recreational and commercial year-round.
Note: Possession of berried lobsters is prohibited; stripping of eggs and/or clipping of fins is also prohibited.
- b. Allow a larger commercial harvest.
- c. Others???

4. Updating the Council/State of Florida process

- a. No action – this would leave the current out-dated process in place.
- b. Modify the process to reflect the changes in the State of Florida.

5. Annual Catch Limits, Management Measures to Limit Sectors to their Annual Catch Targets, & Accountability Measures – beginning January 1, 2011 the Councils must specify annual catch limits for spiny lobster that will prevent overfishing. This will need to be done in conjunction with the State of Florida.

The following list of items, as they apply to species not undergoing overfishing, will be in the ACL Comprehensive Amendment. Annual crops that are not in an overfished state are exempt from these requirements.

- 1. Annual Catch Limits

2. Annual Catch Target
3. Accountability Measures
4. Allocations between the commercial, for-hire, and recreational sectors
5. Regulations to limit total mortality (landings and discards) to the Annual Catch Target. Management regulations may include, but are not limited to, the following:
 - a) Commercial quotas and recreational allocations
 - b) Trip limits
 - c) Vessel limits
 - d) Size limits
 - e) Bag limits
 - f) Closed areas
 - g) Closed seasons
 - h) Permit endorsements

Gregg Waugh will review the Gulf Council's draft scoping document (**Attachment 1**; available in 2nd Briefing Book).

An Inter-Disciplinary Team (IPT) has been formed:

- (i) SAFMC – Gregg Waugh (SAFMC & Council Lead) and Kate Quigley.
- (ii) GMFMC – Rick Leard (GMFMC Lead) and Carrie Simmons.
- (iii) NMFS SERO – [REDACTED] (NMFS Lead); Denise Johnson (Economist); David Dale (HCD); Kate Michie, Karla Gore, and Nik Mehta (NMFS); Otha Easley (OLE); jennie Lee and Andy Herndon (NMFS PR); and David Keys (NEPA).
- (iv) NMFS SEFSC – [REDACTED]
- (v) NOAA GC – Monica Smit-Brunello.

A very rough timeline is proposed as follows:

- (i) SSC provides ABC – The South Atlantic SSC may provide some initial recommendation for a process to set values by December 2009. Their final OFL and ABC recommendations will be provided by December 2010 after the stock assessment update is available. The Gulf SSC will also need to provide their recommendations.
- (ii) Scoping – The SAFMC conducted scoping in January/February 2009. The GMFMC will approve their scoping document in June (SAFMC will also approve) and complete scoping prior to their next Council meeting.
- (iii) Options paper considered by Councils – during 2009 and 2010.
- (iv) Stock Assessment Update by staff working for the State of Florida – The spiny lobster stock assessment Data Workshop and Assessment Workshop were conducted by the State of Florida; the Review Workshop was conducted by SEDAR in 2005. An Update will be conducted by staff working for the State of Florida in mid to late 2010 and reviewed by the Councils' Scientific & Statistical Committees by December 2010. This will provide the OFL and ABC recommendations which the Councils will use to develop the Annual Catch Limits (ACLs).
- (v) Draft Amendment prepared by South Atlantic and Gulf Council staff with assistance from NMFS staff – by March 2011.

- (vi) NMFS determines whether EA or EIS and prepares appropriate notices and analyses – by December 2010.
- (vii) Draft Amendment/DEIS or EA ready for public hearings – March or June 2011.
- (viii) Public Hearings – April/May or July 2011.
- (ix) Review public comments and provide final guidance on document – by September 2011.
- (x) Review and approve final document – by South Atlantic Council’s September or December 2011 meeting _____.

REQUIRED COMMITTEE ACTION:

1. Review scoping document, approach for documentation preparation, and proposed timing.
2. Approve scoping document, approach, and timing.

D. Options Paper

The committee will review the draft Options Paper (**Attachment 2**) and provide guidance to staff on items to be included.

REQUIRED COMMITTEE ACTION:

1. Review options paper.
2. Provide guidance to staff on items to include.