

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **SPINY LOBSTER COMMITTEE**

**Hilton Cocoa Beach Oceanfront  
Cocoa Beach, FL**

**June 16, 2016**

### **SUMMARY MINUTES**

#### **Spiny Lobster Committee**

Jessica McCawley, Chair  
Chester Brewer  
Dr. Roy Crabtree

Ben Hartig, Vice-Chair  
Jack Cox

#### **Council Members**

Dr. Michelle Duval  
Anna Beckwith  
Mark Brown  
Lt. Tara Pray  
Dr. Wilson Laney

Robert Boyles  
Zack Bowen  
Chris Conklin (via webinar)  
Doug Haymans  
Charlie Phillips

#### **Council Staff:**

Gregg Waugh  
Dr. Brian Chevront  
Dr. Kari MacLauchlin  
Kim Iverson  
Myra Brouwer  
Roger Pugliese  
Dr. Mike Errigo

John Carmichael  
Mike Collins  
Chip Collier  
Julie O'Dell  
Amber Von Harten  
John Hadley

#### **Observers/Participants:**

Dr. Bonnie Ponwith  
Dr. Jack McGovern  
Capt. Mark Gordon  
Jocelyn D'Ambrosio  
Tracy Dunn  
Dr. Marcel Reichert  
Dr. Andy Strelcheck  
Nik Mehta  
John Sanchez

Jim Estes  
Erika Burgess  
Iris Lowery  
Tom Matthews  
Jeff Radonski  
Dr. Mike Larkin  
Bruce Irwin  
Rick DeVictor

Other Participants Attached

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened at the Hilton Cocoa Beach Oceanfront, Cocoa Beach, Florida, Thursday morning, June 16, 2016, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: I am going to call the Spiny Lobster Committee to order. Let me go over who is on this committee. Myself, Ben Hartig, Chester Brewer, Jack Cox, and Roy Crabtree are the committee members. The first order of business is the Approval of the Agenda. Are there any changes or additions to the agenda? Seeing none, the agenda stands approved.

The next order of business is the Approval of the December 2015 Spiny Lobster Committee Minutes. Are there any edits or changes to those committee minutes? Is there any objection to the approval of those minutes? Seeing none, the minutes stand approved. All right. The next order of business is the Spiny Lobster Landings Review. Kari, are you going to do that for us?

DR. MACLAUHLIN: This is Attachment 1 in your briefing book, and it's just a review of spiny lobster landings over a long period. This is the information that we provided to the review panel, the APs at the joint AP meeting, and then also the SSCs will review this, and so we wanted to just give you a more comprehensive look at spiny lobster landings.

A little background on it, just to refresh everyone's memory, the stock assessment for spiny lobster was SEDAR 8, and it was completed in 2005 with an update in 2010, and the assessments were not accepted by the Gulf and South Atlantic SSCs, because they felt there needed to be a Caribbean-wide assessment.

The Gulf SSC designated spiny lobster as a Tier 3 of their ABC control rule and recommended that OFL be set at the mean of the most recent landings in the last ten years, which, at the time, was the 2000/2001 season through the 2009/2010 season, plus two standard deviations. Then the ABC be set at the mean landings of those ten years plus one-and-a-half standard deviations, and so that set the OFL at 7.9 million pounds and the ABC at 7.32 million pounds.

The council finished Spiny Lobster Amendment 10, and that was effective in January of 2012, and that put the ACLs and the ACT and accountability measures into place. The ACL was set equal to ABC at 7.32 million pounds, with an ACT set at 90 percent of the ACL, which was 6.59 million pounds. The accountability measure was that, if the landings exceeded the ACT, then a review panel would convene to assess whether or not corrective action was necessary.

In the 2012/2013 fishing year, the landings were not over the ACT. The following year, they were over 7.9 million pounds, and so this exceeded the ACT, ACL, and the OFL. The review panel convened in February of 2015. In the 2014/2015 fishing year, the landings went over the ACT, and so this triggered the review panel to meet again, which we met in March via webinar. This year, the landings are almost finalized. They have almost all of those in, but it is over the ACT and the ACL, and so that will at least trigger the AM, and the council also received a letter from NMFS in regard to this overage, which I will review after this.

This is a graph showing the landings. At the end of this presentation, there is a table, if anybody wants to see the numbers, but we have down here the recreational landings for spiny lobster. This light-blue line are commercial landings, and the green line is total landings. This just has a stock

ACL. There is no commercial and recreational allocation. The red-dotted line is the OFL. The purple is the ABC and ACL and then the ACT is this gray line.

The landings that the OFL was based on and the ABC was this period here, and so it was under these different levels, but then, in the past few years, they have exceeded that, and this is a presentation that -- This is from a presentation that was made to the AP from Tom Matthews. It was an FWC presentation, and I liked this slide, and so I asked if I could include it in here, because he showed these three different time periods with the landings.

This was a period of high landings and then, in 2000, the landings dropped drastically, for probably lots of different reasons. There was a different period here where they were low, and that's what the ACL was based on and the OFL. Then, in more recent years, the landings have increased, and so it looks like there is a new type of period for this fishery.

I have, in this presentation, both the review panel recommendations from 2015 and 2016, just to remind you what the 2015 review panel said. We talked a lot about where the increase in landings were coming from. There is a live market now being sent to China, and so there are higher landings later in the fishing year, January and February. The review panel did not recommend a new stock assessment, but then they did conclude that the ACL is the wrong methodology to manage spiny lobster. They also recommended the OFL should be redefined as the MFMT and then no recommended changes to accountability measures.

The 2016 review panel met via webinar in March, and these were the recommendations, and they were not all unanimous. We made them via motions, but it was to calculate the ACL based on landings from the 1991/1992 season through the most recent years, to capture the dynamics of the stock and the fishery. Then another was to examine setting the ACL based on a rolling average to capture the dynamics and then examine setting the ACL trigger based on landings and the landings to effort index.

I also have in here the AP recommendations, but we're going to get into that, and we have our AP Chair here, who is going to review that, and so I will keep going. I just wanted to let you know the next steps are the councils are meeting in June and then we have, for the South Atlantic SSC, it's on their October agenda to evaluate that. However, the Gulf SSC met a week or two ago, and they did make this motion. The Gulf SSC approved this motion: To recommend to use the time series of 1991 through the 2015/2016 for an ABC/OFL calculation for spiny lobster.

Then, additionally, and we can provide this. We can send this out to the council, but we received a letter. The councils received a letter from NMFS notifying the councils that the landings has exceeded the ACT in this most recent year and that will trigger the accountability measures, but then that the councils should consider changes to management measures to constrain the stock below the ACL. They have also noted in here that the review panels have recommended recalculating the ACL based on this longer time period in the SSCs.

We are going to I think move into the AP recommendations. The Gulf and South Atlantic Spiny Lobster APs met in April and reviewed this information, and they made motions, and so I think we are going to let Bruce Irwin review those. This is Attachment 3 in your spiny lobster briefing book.

MR. IRWIN: My name is Bruce Irwin, and I'm a lifelong commercial fisherman. I'm also the Chair of the Lobster Advisory Panel for the South Atlantic. At our recent AP meeting, the focus of the meeting was basically because we were exceeding the ACTs and the ACL, the ACL for two years, consecutive years, and the ACT for three consecutive years.

Basically, the advisory panel unanimously agreed that the ACT was the improper tool to use for managing the fishery, because the fishery has been on an effort limitation program since 1991, the trap certificate program, and the advisory panel felt that it was -- When you use the ACL and you exceed it and there could be a closure, that it was penalizing the success of the fishery. Also, the advisory panel -- There was a lot of disagreement on the data that was presented to us over short mortality and trap debris and ghost trap fishing. A lot of the data is old and outdated and needs to be updated. We talked about several things to do with putting fishermen with managers and the scientists to come up with better data collection, so that we can properly manage the fishery.

Now, we came up with the same conclusion as the review panel, and what it was is we wanted to put the ACL at a high enough number to where we weren't reviewing it all the time, having these review panels, and it came out to basically 9.6 million. I think it was like 9.58 million, and we also -- That was one of the motions that we used. We used the 1991 to the 2015/2016 season, and that's how that number came about, and that motion was unanimous.

Also, another motion was that we make lobster a priority species in data collection, because, right now, it's not a priority species. Over the last like three years, it's been between like forty-two million and fifty-five million dockside sales. We feel like that probably should be a priority species, and we just need better information, so we can correctly manage the fishery.

We also came up with a motion that -- We felt that, because of the increase in the ACL, we wanted to make sure that there was something on the bottom end that we also could trigger a review panel. What we came up with was in two consecutive years -- We used the low landing tiers and the low landings, which is basically 2001 to 2004, and it came out to 5.3 million pounds. If we're below those landings for two consecutive years, the review panel would come back in session and review what needed to be done and reasons for it.

The reason we went with two consecutive years was you could have a hurricane or tropical storms, things that knock landings down with no control of the fishery or the managers, and so we felt two consecutive years was a good number to do, and we used those low landings years, and 5.3 million was, we felt, a pretty good number to review, since we're at about in the seven million range now, over the last years.

We also had a -- There was kind of an agreement about the same type of two-consecutive-year trigger, because the panel really wanted to make sure that we weren't just raising it up to where it looked like we were just trying to get more. We wanted triggers to ensure that the fishery was being protected. There was agreement that if the average size and age decreased for two consecutive years that we would also, but we didn't put it in a motion, because we felt that there's not sufficient data to do that.

I want to talk about the state of the fishery a little bit. We're seeing something significant in a fishery that I've been doing this my whole life, and the landing trends are trending upward. Also, over the last three to five years, the lobster has increased in size, and I know the data doesn't show

that, which, again, I get back to lack of sufficient data. We need more, and that's why I didn't understand why they hadn't seen that, but we've definitely seen an increase in size of lobster, all the way from the little ones -- Like we used to never catch pretty much over two-pound lobster in the Gulf and up in the Marathon area, and we've had a lot of three to four-pound fish now that have showed up in the last three to five years, and so you definitely are seeing an increase.

Some of the reasons that I think that this is happening is, one, the trap certificate program and the fine work that the Caribbean Council is doing. Basically, we get most of our recruitment, almost all of our recruitment, from the Caribbean. Like Tony Iarocci, he has been working down there and they do the closed season now, where they used to fish year-round. The people have bought into the premise of they want to be stewards of their own fishery. They don't scrub the eggs and they don't take the shorts, and it has really increased their landings also, and I think it has helped our fishery a lot, too.

Now, I want to get back into this we need better data collecting, and mainly size and age. We feel that -- I am going away from the panel a little bit and talking about our organization, Florida Keys Commercial Fishermen's Association, because, after this meeting, we got together and we decided on a few things also, and I thought that you needed to hear this.

We need better data collecting, and so we want size and age to be the main factor in how we manage this fishery, and the reason we want that is that is fact-based science. It's not speculation. It's fact-based science, and we're trying to work with -- Many of you may know her. Her name is Yang from FAU, and we're working on a program. When she gets back in August, we're going to put together a data collection on the boats, where she puts people on our boats and we start collecting, and it's not going to happen overnight, but, over a period of time, we're going to have better ways to manage this fishery. We're going to have more information, and we need more information, and I'm hoping that the state and the federal people also get into sizing the lobster and aging them at the dock.

I wanted to tell you a little bit about like this year what happened, how good the lobster fishery is. This year, at our fish house, and our fish house is one of the main producing fish houses in the Keys, but, this year, we were on a thousand-pound limit until October, and the reason was every place was catching a lot of lobster, every place, and we were catching the thousand pounds. There were days we only pulled 200 to 240 traps to get it.

Until the month of probably right at the end of September, we were pulling 500 to get our thousand, and, I'm telling you, that's unprecedented. That's as good as it gets, as good as the lobster fishing gets. One of the things about the data that I don't think that we're working closely enough with Tom and his staff was he didn't really know that, and he didn't know that the effort was actually lower this year, and yet the landings were way high, and so I think that better coordinating with him also, where they know that. Effort went down this year, because 250 traps a day pulled instead of 500 for the first seven weeks of the season. That's basically all I have, and I am definitely open for any questions.

MS. MCCAWLEY: Thanks, Bruce. Great report. Are there any questions?

MR. BREWER: I don't have any questions, but I was privileged to attend the meeting down in Key Largo, and I just want everybody here to know how really impressive this AP was and the

amount of deliberation that went into the findings that they are putting before us, the recommendations that they're giving us. It, quite frankly, made me feel good to hear people discuss this particular resource when it was so obvious that they were concerned about the sustainability, so concerned about the future, and they were having to deal with what Luiz referred to yesterday as the fog, because the data is not there.

I'm very, very happy to hear that the commercial association down there, the Florida Keys Commercial Fishermen's Association, wants to take a hand in essentially doing some citizen science. I am also very happy to hear that your CPUEs have gone up like that. It sounds like they've gone up about 100 percent or so. That's great. Thank you.

MR. HARTIG: Bruce, you mentioned that in 2016 the 200 to 240 traps you were catching your thousand pounds and then it went down later in the season and it's 500. In that normal season when you were pulling that gear, is it usually about 500 to catch your thousand pounds, about 500 traps?

MR. IRWIN: If you're real lucky. Some years you don't break a thousand pounds. You catch a steady 600, 700, or 800 or 400, but this was very unusual to catch that many out of that low number of traps, and so it was very unusual. Since I've been doing it, it was probably just as good as I have ever seen it.

MR. COX: Bruce, that's an encouraging report. I will tell you, when you hear of a commercial fishery in the South Atlantic that's robust and you guys are doing good, I am mighty envious of you, but that's great. You guys have got a really good group, and it sounds like you're really well organized. I was just going to ask you, how is your price per pound doing with the increase in the fishery?

MR. IRWIN: This year, it was a little down from the previous say like three years. The market wasn't quite as strong in China, where we sell most of our lobster now, but, actually, there was a really good cooked market, and it did keep the price up there. I think we averaged -- I have seen Tom's report on it, and it was pretty accurate. It was just under \$8.00 for a pound. Like the two or three previous years, it was between \$10.00 and \$11.00, and so it was down this year, but the production was so good that I don't think anybody really cared.

MS. MCCAWLEY: Anybody else? All right. Thank you, Bruce. Tom, we have you muted right now, Tom Matthews, but I don't know if you have anything that you want to add. Now you're unmuted.

MR. MATTHEWS: Thank you. No, I appreciate Bruce's work with us. He is a great representative for his organization. I would suggest most of the things he mentioned were going on, with better management in the Caribbean, was more optimism than data. We do have a lot of data collected from the international FAO management for the region, and landings are actually still declining in the rest of the Caribbean. Most of that is likely due to that the fisheries have been fully exploited for a decade now, and there is still a fair amount of landing of undersized. It's better than it was, but there is still an awful lot of fishing pressure going on in the rest of the Caribbean.

We do measure size quite well in the Florida Keys. We would love more information on local areas, for example the area in the Gulf, very close to where Bruce is fishing. Those lobsters have always been bigger. It represents about a million of the six-million pounds, and so you have to take that into consideration, that those Gulf lobsters north of the lower Keys have always been bigger, for whatever reason, and we believe those are the stocks that are probably going to the Tortugas as they continue to grow and move.

Absolutely the fishery had a great year. That's why we broke the ACL. The last five or six years, landings have recovered about halfway of the 35 percent drop in landings since 2000. In 2000, landings dropped 35 percent. The last five years, they have recovered about half that distance, and so about 15 percent.

I would never characterize the spiny lobster fishery as being in trouble. I would characterize it as a fishery that could be better. There is a long-term management effort to reduce undersized mortality. That's due to the baiting practices. We believe just shy of a million lobsters die due to the confinement in traps.

A previous source of mortality was exposure in live wells. Very long ago, in the 1980s, fishermen carried around the bait in boxes dry. Partially on their own accord, with the help of some regulations to make everyone in the fishery do it, live wells went into place. Those live wells were a huge boom to the fishery, and probably responsible for that extra million pounds of landings we saw in the 1990s. We think the effect of live wells largely eliminated what we called exposure mortality, but that still meant there was confinement mortality for baits in traps. It's not that they can't get out and that they're starving, but mostly probably that predators can get to those lobsters. The lobster in a trap can't defend itself as well or escape immediately when something like a triggerfish comes into the trap, and so that's still a considerable source of mortality.

We have recently done work that was actually just published last year on ghost fishing mortality. With the increased number of boats, recreational boats, in South Florida, there is a lot more buoys cut off, particularly in the near-shore waters of the Florida Keys. When this buoy gets cut off, if the trap is not found, that trap probably continues to fish for about over a year, probably fifteen or sixteen months, and we think, over the course of the year, that trap will kill about ten lobsters.

Again, we think that total cost to the fishery is about three-quarters-of-a-million lobsters, and so there is two huge sources of mortality that certainly the fishermen don't want. They clearly don't want to lose their gear, but, when that gear is lost, it generally continues fishing for over a year, and so those are what we still think are the two biggest sources of loss that no one wants in the fishery, and much of our efforts in management have been to take those lobsters out of the loss column and put them into the win column. Thank you.

MS. MCCAWLEY: Thanks, Tom. The next item on the agenda is -- I'm sorry. Go ahead, Ben.

MR. HARTIG: Tom, that information on ghost trap fishing, I mean I have dove in the Keys a lot over my lifetime, and when I have run across traps that have been cut off by buoys that have been there for a long time, those traps fill up with all kinds of sponges and grass, and I rarely see a lobster in a trap like that, I mean to the point where an animal really couldn't even get into the trap unless it had to burrow down into the different refuge that was in the trap. How did you arrive at

that number? I mean have you done videos and things of that nature for periods of time, to see what happens to those traps over time?

MR. MATTHEWS: The study we did, and that's published under Butler and Matthews, the new traps were put out in September, and we simply left those traps. That study was done in Florida Bay, near shore on the ocean side and out at the reef. Just like a normal trap, as soon as the lobster went in it, that trap began to fish more effectively.

Occasionally, the traps did go empty, and they would stay empty, but, generally, at some point, a lobster would enter that trap again and they would start fishing again, and so the fishing was in waves. A handful of traps did catch most of the lobsters, but, no, when a trap did quit fishing, that is didn't have anything in it, a short while later, that trap started catching again, and so there was a wave going on. That study was done for three years. We examined 300 traps weekly over the course of three years.

MR. HARTIG: A follow-up. Did you see the same things that I did about traps filling up with debris over time?

MR. MATTHEWS: Absolutely. A trap would generally have what the fishermen call the rolling moss or grass would cover that trap. Unfortunately, when that happens, everything in it usually dies, because of the lack of oxygen. That algae, that rolling grass, uses up the oxygen, but, when it went away a couple of months later, the trap would start fishing again.

MR. HARTIG: Thank you.

MS. MCCAWLEY: Any more questions for Tom?

MR. IRWIN: It's not really a question, but it's kind of a -- I wanted to give you a different outlook on the ghost traps. Technology has brought us a long way in recovering our traps. I can tell you that I used to lose about 250 traps a year. That was my total loss, what I lost, and now we have such good electronics that we can actually mark the individual trap when we know there's a gap in our line, and we can come back to it, on slack tide or when the water clears, and we can get it back. This year, I lost 116 traps out of almost 3,500. Like I said, I used to lose about 250, and so technology has really helped in that, and so I think it's less of a problem than it used to be.

MS. MCCAWLEY: Thanks for that clarification. Any more questions? All right. The next item on our agenda is for committee action to discuss and take action, as necessary, and provide direction to staff. You know who you are, if you're on the committee.

Something you might want to consider here is, since there is an issue with the ACL, I think that we could entertain a motion to start an amendment to change the way the ACL is calculated. You have, as one of your documents, the motions that the AP made, which actually the Gulf Council SSC approved for the recalculation of the ACL, and so if someone on the committee would like to initiate that.

MR. BREWER: **So moved.**

MS. MCCAWLEY: Let us get that on the board, about that motion looks like.



MR. BREWER: Jessica, you said their SSC has approved it, but it hasn't gone to their full council yet though, right?

MS. MCCAWLEY: Correct. It will at their meeting next week in Clearwater. Okay. Chester, I believe that's your motion on the board. **It's to direct staff to start work on an amendment to revise the ACL, based on the review panel recommendation, starting with the 1991/1992 year through the 2015/2016 year.** Ben, was that a second? Okay. Now it's under discussion.

MR. HARTIG: I think that graph that Kari put up earlier that has the recreational landings on it, it shows that the recreational landings, during the years when the commercial fishing was going up, was going up as well, pretty much in concert with those increases, and so I think that's what sold me.

There was a lot of discussion at the meeting about the market, the Chinese, the later fishing of the commercial fishermen, because the fishery had become worth so much money, but I think what sold me was that the recreational landings were keeping pace with the increases in the commercial, except for the last year. I see that has gone down in the last year, but I thought this new productivity might be real and that we could take advantage of it.

DR. CRABTREE: I don't have any problem really with the motion, but it is sort of anticipating what our SSC is going to do, and they will take this up in October. Of course, our ability to do this is going to depend on what comes out of that meeting, but if they agree with the Gulf SSC and then give us a new ABC, it seems like it could be a pretty simple amendment that we just update the ACLs based on a new ABC.

MS. MCCAWLEY: Any more discussion on this? Once again, just to add a little bit more here, the time period that was used to set the ACL originally for lobster was a period when the fishery was at a lower period than it is now. It's not at the highest period that it's ever been, but this is a longer time series that might better capture, better reflect, what's been happening in the fishery and be a positive change, so that we're not hitting this number that was put in place during a down time in the fishery.

MR. BREWER: Does this motion, as worded, capture sort of the intent of the AP that there be an accountability measure that would be this lower number that was a trigger that would then trigger an action to come in and review and find out what the devil is going on?

MS. MCCAWLEY: It doesn't. Why don't we dispense with this motion, and then we'll come back to exactly what you're talking about right now.

MS. LOWERY: I would just -- Because here you're referencing -- I think the review panel made a couple of recommendations regarding looking at how to revise the ACL, and so I might suggest that you keep this motion a little bit more general if you're moving forward with it and just looking at options as far as revising the ACL and how to do so.

MS. MCCAWLEY: All right. Is that general enough now or better?

MS. LOWERY: Yes, thank you.

MR. BREWER: **I accept the change.**

MS. MCCAWLEY: Thank you. The seconder, Ben, do you accept the changes? Thank you. Okay. Is there more discussion on this motion that's on the table? **Is there any objection to this motion? Seeing none, that motion stands approved.** Chester, would you like to talk about your accountability measure?

MR. BREWER: **I will let Kari phrase it, but what I would like for the motion to talk about or to deal with would be the accountability measure that is set forth in the recommendation from the AP that would have a lower number as a trigger to -- I should say if that lower number was experienced in two consecutive years, that it would trigger a review by the AP to determine what was going and make further recommendations to -- Perhaps make further recommendations to the council on how to deal with it.**

MS. MCCAWLEY: Thanks. Okay. We're getting that on the board right now. **That motion reads: Include an action to consider the AP recommendation for the accountability measure. There is the wording for the accountability measure. It was to recommend that there be a lower landings trigger, based on the average of the three low landings years, which was 2001/2002, 2002/2003, and 2003/2004. That would initiate a review panel if below this average for two consecutive years, and it's been calculated that that average is 5.3 million pounds.** Do I have a second to that motion? It's seconded by Ben. Now it's under discussion. Are there questions about this particular motion?

MR. HARTIG: I just would like to thank the industry for coming up with something that they think would work for a conservative estimate to look at spiny lobster management if it changes, the productivity level that it's at now.

MS. MCCAWLEY: I just want to note that there was some other discussion at the past couple of meetings, the AP meeting and the review panel, to talk about some other possibilities of some type of ACL trigger, something that was lower. There were some interesting things that were discussed. There were some motions that Kari showed us earlier that came out of that review panel meeting.

I think there might be some other ways to calculate this in the future, but I think it's going to require FWRI collecting some additional data to get to that point, where we could calculate this another way, and so this might be as good as we can do in the immediate future, until FWRI can get some additional data. Any more discussion?

DR. CRABTREE: Just thinking about this, this really is not an accountability measure. Accountability measures are designed to prevent going over ACLs, and that doesn't seem like what this is, and it's not clear to me that it would really need to be an action or in the regulations. This is just sort of the council's intent of something you're going to watch, and, if this happens, you're going to convene the AP to take a look at it.

It might be easier, if that's what you want to do, to just incorporate it into the plan amendment that you're going to do this and things, because I don't think it really meets the definition of an accountability measure, and I'm not sure you would need to have alternatives and go through all of that stuff with it, but I think that's something, Kari, to talk to the attorneys about and all, but it might be simpler than having to construct a whole action and alternatives.

MS. MCCAWLEY: Those are good points.

MR. COX: For some of us not familiar with the Florida lobster stuff, what is bully netting? Are you familiar with bully netting?

MS. MCCAWLEY: Yes, I am. Bully netting -- There is a table, I believe it was at the back of the presentation that Kari gave, that shows the breakdown of the particular portions of the fishery. In Florida, the fishery is taken, on the commercial side, by traps, by bully netting, and by diving. We have specific endorsements for diving and for using traps. We don't have a specific endorsement for bully netting, and so you would just get a general lobster endorsement. It's more open access, I guess you would say, than the other two.

Bully netting is usually done at night. It's done in shallow water, where the fishermen are on the front of the boat and using a particular type of handheld net to get the lobsters onboard. Some say that it's the preferred method to take the lobsters for the live market, because the lobsters would be in the most pristine condition, taken from the bully net, whereas they might get banged around a little bit in the traps, and so just, depending on who you ask, some people say that the bully-net lobster might be a more pristine lobster for the live market.

The bully-net fishery, if you look at this landings table, has gone up in the last few years. It has somewhat leveled off last year, but it has become a greater percentage of the fishery. Also, there have been lobsters taken in stone crab traps, which is another issue that the FWC had been working on, to limit that recently. Then, of course, lobsters are taken by the recreational fishery as well.

MR. BROWN: So you said it was an open-access fishery. Do they have a limitation on the harvest for that fishery at all?

MS. MCCAWLEY: They do. They have limits on a number of different aspects of their fishery, but they have -- I can't tell you what they are off the top of my head, but they do have a daily bag limit, I believe. I would have to look up specifically what they are, but, when I say it's open access, you just need this spiny lobster endorsement. If you're trying to get into the trap fishery or the dive fishery, there is an additional piece tacked onto your endorsement. Like, on the dive side, it's the Commercial Diver, or CD. Then, on the trap side, it's an additional endorsement on that lobster thing for you to use traps.

MR. BROWN: I didn't know anything about it until this past summer. I had never even heard of it, and I had a bully-net fisherman on the boat, and he had his commercial permits and everything, and he showed me pictures of his vessel. It was pretty much all live well, and it was pretty unusual. I didn't know that that existed.

MS. MCCAWLEY: Yes, and it's something actually that the FWC has been looking into over the past couple of years, to consider additional regulations for bully netting. You can also recreationally bully net lobsters as well, and so the same time periods that it's open, the mini-season, et cetera, you can bully net during those same recreational openings for lobster, and it is a big family activity for recreational fishermen to bully net. Even though traps have been around for a really long time, the bully net fishery was the original way that lobsters were taken for the commercial market.

MS. BURGESS: I just checked our regulations to get the hard number on that. Bully netters, as well as divers, are limited to 250 lobster per vessel.

MS. MCCAWLEY: 250, but the FWC has been considering additional regulations for the bully net fishery since that portion of the fishery has been increasing over time, and so we've done a lot of workshops. We have talked to the industry, and they are still considering whether or not they would like additional regulations.

Now we're back to the modified motion that Kari worked on. **Based on the comments that Roy made, we have modified the motion to say: Include the AP recommendation for the low-landing monitor measure in the amendment.** Then the recommendation from the AP is pasted below. Chester, do you think that that reflects --

MR. BREWER: **Very adequately.** Thank you.

MS. MCCAWLEY: Ben, are you good with that? Okay. **Any objection to this motion? Seeing none, that motion stands approved.** Is there anything else that the committee wants to talk about for this particular amendment that we're suggesting to start? Do you think that we need to give direction to staff that this go to the SSC in October or is that self-explanatory?

DR. MACLAUHLIN: We had already planned to bring it to the SSC, because they have to review the OFL and the ABC. We will have a chunk of time for them to review the landings and a lot of the other information that the review panel received. Then, as far as timing, you probably will discuss that in Executive Finance. Then you will also have to coordinate with the Gulf Council's schedule for this amendment, which we'll know a little more about in September, because they will have their June meeting next week and then an August meeting. We will have a little more of what they want in there and bring back probably an options paper, I would think, in September for you guys.

MS. MCCAWLEY: Do you think this is going to be a joint amendment with the Gulf?

DR. MACLAUHLIN: I believe that, to change the OFL and ABC, that it has to be a plan amendment, and so it will have to be a joint amendment.

MS. MCCAWLEY: We know how much we're excited about joint amendments. All right. Any more discussion on starting this new amendment? All right. The next item that we have on the agenda is Tom Matthews is going to go over, give us a PowerPoint, on spiny lobster traps in closed areas of the Keys. Part of this presentation, and I don't want -- Spoiler alert here, but part of this presentation is about the areas that the council established a number of years ago as some no-trap zones in the Keys. This was a presentation that was given to the AP. I thought it was pretty interesting, and I suggested that it be given to the council.

MR. MATTHEWS: We started the study to actually look at -- There is three types of no-trapping areas in the Florida Keys. The Sanctuary Special Protection Areas have been in place for many years and are marked with buoys and are on the navigational charts. The Pennekamp State Park has no-lobstering zones that are closed to all access, to both recreational and commercial fishermen. Those are not on charts, but they are marked by buoys in the water, and, a few years

ago, the National Marine Fisheries Service, to protect the endangered Acroporid coral, created what we're calling the NMFS Acroporid Protection Zones.

The slide we're on now is just a nice example of what these zones look like. They were designated in 2012. There are no buoys, and they're not on charts. There are sixty sites of various sizes, going from as little as 200 meters across to as large as, on the slide we're looking at, that Area 15, that's actually about four-kilometers long and one-kilometer wide.

These total sixty areas cover fifteen square kilometers. If you look at the Upper Keys there, with the Elbow and Key Largo Dry Rocks, the blue dots are where Acroporid colonies were found and surveyed by many researchers working on corals over the years. The square boxes marked 37, 36, 38, there at the bottom, are examples of these closed zones, and so I show you that orientation so you can think about how close these areas are to each other.

If there were boundary markers on these, some of these markers would actually be closer to each other in open fishing areas, and so, because these areas are so numerous and so small, it could be relatively confusing to have buoys on these, and there is also currently Pennekamp zones in state waters, and so very near these, that aren't shown on this chart.

The affected community, there were about 470 trap fishermen in 2014. About 440 had landings. There is about 475,000 traps used in the fishery right now. In the Atlantic waters, the federal Atlantic waters, where these zones were, we think about 120 fishermen use traps. There is an approximation there, because we don't know exactly where each fisherman fishes.

They report this on these fairly large zones on trip tickets, but we do know about half of the fishermen only fish in the bay and Gulf, and that leaves about those 250 fishermen to fish on the ocean side, and an even smaller amount of those fish in the Florida Keys, as opposed to Miami or west of the Marquesas. There is about 2,400 traps in all three of these zones, about 600 traps in the National Marine Fisheries zones, and so, in these sixty zones that we're talking about now, we estimate there were about 600 traps in the two years we did these surveys.

Why these zones were created, we have done surveys, many years ago, and we basically went out and found a buoy and dropped a camera down and took a picture of what that trap was doing on the bottom. From that survey, we found out about 2.5 percent of traps in the Atlantic, and so that means about -- Of those 200,000 traps that are used in the Atlantic, about 2 percent of those were actually fished on coral, like the picture on the top-right-hand that we're seeing there.

While we were doing these studies to see what those traps were doing to coral, December came around. The winds started blowing, and the traps started moving, and that's the figure on the lower-left. Where the drawing is was the original picture. After a couple of days of the wind blowing twenty-knots, this trap moved, and it slid across the bottom in the area outlined in yellow, scraping away the coral underneath it. This is a very extreme example of the picture.

Usually the traps move in more of a straight line, about ten feet, but they do quite a bit of damage when they move. This is a seventy-pound trap sliding across the bottom. It scrapes and dislodges much of the living material in its path. The picture we see there on the right was a trap picture taken during the survey, and so you can see it's right next to the coral. It's in a high state of decay, and so what we think basically happens here is a trap moves when these storms, either tropical

storms or typical winter storms, until the trap slides into the reef. The trap being next to or near the reef, in that picture on the lower right, is a fairly typical shot. The two sources of damage occur when the trap is actually put on the reefs, which is a minor source of damage, but the larger source of damage is when traps go mobile during the storms.

The study we did, in September of 2014, we visited eighteen of those sixty zones, the Sanctuary SPAs and the Pennekamp closed areas. The first thing we did was, in combination with the Gulf of Mexico Fishery Management Council, mail out the brochure we see there on the bottom right. This has the maps, the markings of all the areas, and so all fishermen with traps received a copy of this brochure in the mail.

The next thing we did was, starting in August, we went out to eighteen of these zones and put the tag you see here on traps that were inside the area. Almost every trap we found in the area -- If a fisherman had a line of traps, we might have only tagged every other one or something, but each fisherman with traps in those eighteen areas we visited was given a courtesy notice, saying that they were in the zone. We gave the website to look up that information for the closed areas, and so each of these buoys, we would pull the rope tight and we would get an exact location, within a meter, of where that trap was located.

We came back the next year and did the same thing again. We surveyed traps in these closed areas in both 2014 and 2015. There were no storms in August or September in either of those years, and so it was unlikely that any movement of these traps occurred. They should have been generally where the fisherman had put them that season.

Here is an example of trap locations in one of these National Marine Fisheries Service protected areas. There are, of course, no buoys, and so the fishermen had no visual way to know the areas were there, and each mark, the round circles, the X's, and the triangles, are traps belonging to different fishermen.

In this area, there were three fishermen, and you can see the traps were generally used in lines, as fishermen do. This is put over a photograph of the reef from a satellite view, and so you can see some of the traps were in open sand areas and some were on coral, but, basically, this diagram shows one of the conclusions from the study in 2015, before the educational campaign, is that fishermen were utilizing these areas just like they would utilize any other reef area, and there is what appeared to be little recognition that these zones existed.

This is a photograph and buoy locations, again, with the markers again being different fishermen. The squares would be the same fishermen, but it's of the marked areas in the Pennekamp State Park. There is a picture of the buoys they used. Along the long axis, there is buoys regularly spaced, and so you can easily see the buoys between.

You can see, in this area, that fishermen tended to fish some traps a little bit inside of the boundary marker, and so this made us believe that the fishermen had good recognition that the zones were there and they fished these boundaries in particular, but, as you can see from this, the coral is very nicely outlined by those dark areas with the halos around them. The very dark areas are more seagrass or sand bottom, and so, very nicely in this area, the boundary is a little bit away from the coral, and so even though the fishermen were fishing a few traps within the boundary, there do not appear to be any traps on corals, using this photograph.

Here is some of the data. Controls, we simply went to existing coral reefs that did not have any specific management around them. The dark black bar from 2014 and the gray bar from 2015 in the controls showed there is approximately ten traps in these areas per square kilometer all the time, and so that's about the average density of traps.

In the National Marine Fisheries zones, there were actually forty traps. That difference in the total number of traps might simply indicate that these were better fishing areas. Of course, these were high-profile coral areas with plenty of Acroporid corals on them, and so the fishermen might have generally used these areas more often. After the educational campaign, the gray bar showed that there were about half as many traps in the area, and I will talk about the number of fishermen shortly.

In the Pennekamp state zone and the Sanctuary zones, there were a handful of traps, ten or five, before the educational program, and, again, those traps were mostly along the boundary, but the number of traps in the zones dropped significantly after the educational program. Here are the examples of the buoys. The Pennekamp buoy is the spar, and the yellow buoy is the corner marker.

Our research results are that there are more traps in unmarked MPAs. Traps in the marked zones had many fewer traps inside of them, and the marked ones had more around it. Very importantly, in the survey the second year, after the educational program, 60 percent of the fishermen were no longer fishing in the zones. The down side was that a few additional fishermen did enter the zones, but this did nicely show that directed education can reduce the number of fishermen utilizing these zones.

Our conclusion is that educational efforts reduce the number of trap fishermen in the zones, in both buoyed and un-buoyed areas. Marked MPAs had fewer traps and fewer fishermen. The size of the boundary makes a difference, and so most of the incursions in the marked zones were within about fifteen meters of the buoy, and so it's hard to evaluate if that's a large or a small area. Think about the size of a boat being forty feet. Fifty meters would be about three times, four times, the length of that boat, and so this is a relatively short distance, if you're actually on water maneuvering the vessel, but, again, those boundary zones of fifty meters did incorporate well over half of the buoys inside marked areas.

The downside of this is trap debris occurred throughout all of the closed areas, and so this doesn't mean that the fishermen were fishing inside the zones and lost the gear. We believe that source of trap debris was when storms, particularly hurricanes, moved the traps ten or twenty or even hundreds of meters, and so the down side is that small closed areas do not protect corals from trap movement when those traps are moved during storms and lost.

Some information I think you've heard before is that the publishers of nautical charts are very resistant to include zones that only affect a few hundred people. We estimate if corner buoys and buoys were placed along the edge, to effectively mark them, we would need about 400 buoys to mark these sixty zones. There is a significant cost. The cost of installing and maintaining a buoy is somewhere between \$500 and \$1,000 each.

That would be a lot more buoys out there, more than any other program has ever put out. Those are a potential hazard to navigation, and the buoy location, because some of these zones are -- Again, if you look at the figure, 37, 38, and 39, even if those were just marked with corner buoys,

the corner buoys would be much closer to each other, and so, without a chart to effectively use the corner buoys, they visually might not distinguish zones from each other, again. Even though we could put buoys on these, there is a possibility that they might still be difficult to recognize the exact boundaries of the buoys.

This is just acknowledgments. The Gulf of Mexico Fishery Management Council was very involved in the educational campaign. We provided the list of fishermen who had traps and they mailed out the surveys. The National Fish and Wildlife Service, through NOAA's Coral Reef Program, provided funding for us to do this work. Thank you very much.

MS. MCCAWLEY: Thanks, Tom. Are there questions for Tom about this presentation?

MR. HARTIG: Not a question, Tom, but I would like to thank you for the way that you went about your education program. I think it looked like it was pretty effective, although it seems like it needs to be ongoing, to get the extra fishermen that continued to get in after you got the other ones out. That was interesting. It seems like other fishermen would go through that area and see no buoys and may not have the education about those areas and then put their traps in that area that didn't have any buoys, and so I don't know if that's the case or not, but I would like to thank the agency for how they did this.

MR. MATTHEWS: Ben, I think that's exactly what did happen. That personal education worked very well, but, again, there were still many dozens of fishermen that didn't fish there previously.

MR. HAYMANS: Just a couple of questions, I guess. Does the state provide the -- I mean it's less than 500 people, and you guys have the GIS world wrapped up. Do you provide charts to the fishermen when they buy their license and do you provide the coordinates electronically, so that they can download them to their machines?

MS. MCCAWLEY: I am pretty sure that we're not providing that at the license sale point. Tom, I'm not sure if it's available on our website somewhere or not. Do you know?

MR. MATTHEWS: They are located on the federal websites, but a fisherman would have to hand enter those on a GPS. I don't believe we have software we can provide to load onto the multiple kinds of GPS that are out there.

MR. HAYMANS: So it's quite easy. I mean if little old Georgia can provide all of its artificial reef coordinates in three different formats that are easily uploadable, I'm sure you guys can do that as well. A quick question on the number. The 470 fishermen, is that the total size of the trap or is that just the fishermen in the area of these closed areas?

MR. MATTHEWS: That's the total number of fishermen that have been issued trap certificates. About thirty fewer than that seem to be fishing on a regular basis.

MR. HAYMANS: So the number of traps that these fishermen have varies tremendously. I mean we've heard the AP Chair say that he runs 3,500 traps, but, if there's only an average of 1,000 traps per fishermen, roughly, there is some pretty small fishermen out there as well, right?



MR. MATTHEWS: Yes, and, over the course of the last fifteen years, we've gone from 1,400 fishermen down to 1,000 in the year 2000. During those poor landings years, from 2000 to 2010, the fishery was further reduced, as gear consolidated into the hands of the bigger fishermen, but, for the last five years, we've had on the range of 500 commercial trap fishermen.

MS. MCCAWLEY: Are there more questions? I don't see any more hands. Tom, I want to thank you for taking time out of your schedule to participate in this meeting and to give us that presentation.

MR. MATTHEWS: Sure. Thank you.

MS. MCCAWLEY: The next item that's on the agenda is Regulations for Spiny Lobster Traps Outside of Florida. This is Attachment 5. I'm going to turn it over to Kari for her to review this with us.

DR. MACLAUHLIN: Actually, I think it's maybe Nik Mehta from the Regional Office.

MR. MEHTA: Good morning. The Regional Office received an inquiry from a fisherman who wanted to harvest recreational spiny lobster off of Wilmington, North Carolina. We looked at the regulations, and there are no regulations prohibiting the gentleman from doing so. Florida has a prohibition on using traps for recreational harvest of spiny lobster off of Florida, but not off of North Carolina.

Basically, we looked at all the regulations and looked at all the MMPA implications, ESA implications, MSA implications, and he was good to go. We just responded with a letter, which is in the briefing book, and so let me know if you have any questions.

MS. MCCAWLEY: Are there questions about this? As he mentioned, Florida does not allow recreational lobster traps. I see questions.

MR. HAYMANS: What's the timing of when this gentleman wanted to put these traps out?

MR. MEHTA: He wanted to go ASAP. We got an official email from him in April of this year, and we responded to him on -- The date on the memo we wrote to him was April 26, but if you want to know more details on what he wants to do, he wants to put out about two to four traps. He will have a line and buoy from the traps. They will soak for about twelve hours overnight. The traps will be deployed twenty-five to forty-five miles out of Masonboro Inlet. They will not be under any marine sanctuary waters, and the traps will be in about eighty to 115 feet of water when deployed.

MR. HAYMANS: So distance from shore and depth takes him out of an MMPA concerns.

MR. MEHTA: Right, and so we looked at all the Atlantic right whale prohibitions existing, and there are a whole bunch of regulations for pots used for American lobster and crab traps, blue crabs and so on, but no such regulations prohibiting spiny lobster traps. I went back to the original FMP, the Spiny Lobster FMP, back in 1982. At that time, there was only interest in recreational harvest of spiny lobster using dive gear and no use of lobster traps at all, and so I figured that's why this

issue was not in the original FMP, but now there is at least one instance of interest for harvesting spiny lobster using traps.

MS. MCCAWLEY: Doug, do you have any follow-up on that?

MR. HAYMANS: No, I just -- I am thinking of MMPA regulations, and I thought it dealt with the Southeast pot fishery and not specific to a species, but, also, if he's twenty-five miles out, he's outside of the right whale critical area for the fall, and so I don't think there is anything there.

MR. BOWEN: I'm not on the committee, but is this -- I have read so much, but is this the letter in there where it's got that he must have the yellow and blue? Can you explain that a little bit, because, when I read it at the house this past week, I didn't understand it, and so I'm glad this is coming up.

MR. MEHTA: Sure. There are existing color codes and requirements for trap gear that folks use for crabs as well as American lobster, and so I had to research which color code to assign to this gentleman, because there are no regulations prohibiting from doing so, but he still needs to have a code that's distinct, to enable law enforcement -- When they come to check and they see a trap, they want to be able to readily identify that this is a spiny lobster pot for recreational harvest, and so we came up with a unique color code for this gentleman, and he would use the North Carolina vessel registration number, to make it simple. He would have to use that on all gear, on the buoy and on the trap itself.

We had a series of meetings with law enforcement in Wilmington, as well as the Coast Guard off of Wilmington, and so everybody is on the same page that, if they encounter this, then they're all aware that this is happening and it is legal to do so.

MR. BOWEN: A follow-up. So if someone else in North Carolina or out of North Carolina, would they be prescribed the same yellow and blue circular that has to be -- I am recalling from memory, but I think it was ten inches in diameter?

MR. MEHTA: Yes, and it says that on the letter. I think it's about -- The circle should be at least twenty inches in diameter on a contrasting background, but, yes, I think, to be consistent, if somebody from South Carolina or Georgia were to be interested in doing so, then we would give them the same color, because I looked at all the colors that were being used by other gear and by other fisheries, and I didn't find this combo being used, but, to make them distinct from the North Carolina, then, if say someone from Georgia wanted to do this, then I would say use the Georgia registration on the vessel, on the traps, and on the buoy, but the same color code.

MR. BOWEN: Thank you. I appreciate this coming up. I was curious last week when I read it, and so I'm glad it came up, and you answered my questions. Thanks.

MR. COX: For a while -- Especially with black sea bass trapping, it would be nice if the South Atlantic had a page that fishermen could go to. There are so many new people in the fishery now and with the endorsements and stuff, and the people that used to fish knew how to do it, but to have something that they could go to that could educate them on how the trap needs to be designed and the breakaway links and the biodegradable panels and the actual legal size of the trap and mesh sizes.

There is a lot of information, I think, that would be very helpful to people that are interested in this kind of fishery, just like this lobster trap fishery, because I think you eventually -- We have a lot of lobsters off of North Carolina, and more people will probably be interested in doing it, and we have a lot of current in that area that he's talking about fishing. What happens if he loses his trap and how will that trap continue to catch and things like that, and so it just seems that it would make a lot of sense if we could put something on our website where you could refer fishermen to go to to answer some of these questions.

MR. MEHTA: I think that's a great point, but all of this info is already on our website, and a simple inquiry to our office and we would guide them to where it is on our website. In terms of the recreational harvest of spiny lobster, that is something for the council to decide. If you guys want to start prohibiting this, to make it consistent with what Florida has off federal waters, that is a council decision, but, in terms of educating the public as to what gear they can use, it's readily available on many different pages.

DR. CRABTREE: I think that's the real issue here, because I -- It may be just this one guy does it for a short while and he gives up, but, if, like you say, there are lots of lobster out there and more people start doing this, then the question for you is do you feel like there's a need for additional regulations or are there other concerns and all those kind of things, because none of that is addressed, and you would have to address it through the management plan.

DR. DUVAL: I am not on your committee, but I did get a call from Jack giving me a heads-up about this gentleman who was requesting to use trap gear, and I forwarded this letter on to our law enforcement staff. Not that they can do anything about it, but just so that they would be aware of this, and I don't -- I mean the advisory panel didn't talk about this at all.

I know we have an advisory panel member, Bill Mansfield, and he and I have discussed spiny lobster conservation a lot over the past couple of years. He is very enthusiastic about it, and I just was curious if it had come up at the AP level. It might be nice to get some input on that. I know that he has been concerned in the past about the population of spiny lobsters off of North Carolina is -- It's pretty far out there, but it's special, and they don't want to see the resource depleted at all, and so I do think it bears a little bit of conversation if this gear is going to continue to be allowed, and like Nik said, it seems like it was just inadvertent.

There was no deliberate conservation with regard to people using this gear outside of Florida. It just didn't come up at the time. I don't think anyone ever assumed that that situation would occur, and so we may want to think about at least limiting the number of traps, if this is going to be an allowable recreational gear.

MS. MCCAWLEY: Yes, I think you're right. I think it did not come up at the time in the discussions, because I just think that people didn't think that anyone would go try to put recreational traps out, but, as I mentioned, recreational traps for lobster is not an allowable gear in the State of Florida.

If you are using traps, there is a lot of very specific requirements, from marking lines and trap size and dimensions and panels. I mean there are so many requirements. It just seems a little odd that we would have all these things in place for the commercial spiny lobster fishery off of Florida, but we wouldn't have anything outside of that area.

It's really up to the committee how you want to proceed on this. We are starting a plan amendment. I don't know if this would be a good action in that particular amendment, since it's going to be joint with the Gulf, but it's something that the committee could consider, to extend regulations or add regulations in the areas outside of Florida for how people can use traps or the specifications for the traps, limit the numbers, what have you. What is the pleasure of the committee on this item?

MR. COX: I think we should move forward and develop some kind of motion here. I have attempted to -- Years ago, I tried some lobster traps that were made in Florida and tried them on some of our area that we dive. They weren't very successful. I think our lobsters are much bigger and older, and so, if we did try this, I don't think we should be held to the same sizes as maybe the Florida folks are, because our lobsters probably -- It wouldn't be effective, and maybe we could have a little bit bigger trap or opening or something. I don't know enough about the lobster fishery, but it's certainly something that I think we should probably get ahead of. As more and more of our fisheries close and we've got shorter seasons, I could just see something developing, and it would be nice to have the conversation.

MS. MCCAWLEY: So what do you think the motion should be?

MR. BREWER: I just hate to see the effort that's going to be necessary go in because we've got one guy who potentially is doing this who, after a couple of months, may decide that this was not something for him. He is not going to be able to, I don't think, sell these lobster, or he shouldn't be selling them, and so it's for personal consumption, and how long are you going to be carrying these sixty or seventy or eighty-pound lobster traps out on your twenty-three-foot boat to try to catch some lobster that you could buy at a pretty reasonable price right now? I am thinking we ought to wait to see if it becomes a problem or if it looks like it's going to be a problem and then maybe put the effort in.

MS. MCCAWLEY: Let me say something and then I will go back to Jack. I partly agree with Chester. This is going to be a certain amount of work here for staff to work on this, but also I have a concern. I mean we just saw a presentation about traps, traps in closed areas, and trap movement. If a recreational guy goes out and spends the money on this gear and puts it out there and then decides that I don't really want to do this and then just leaves it out there, I think that's a problem as well, which is what we just got a presentation about.

MR. CONKLIN: I'm not on the committee, but I know in South Carolina, we have a two-lobster bag limit, I believe, for recreational fishermen, and I was wondering if that would pretty much constrain the amount of gear that at least one person had. Is that similar in North Carolina?

DR. DUVAL: Yes, that two per person daily bag limit is everywhere outside of Florida.

MR. COX: Sea bass trapping, we have a lot of regulations and things that we have to do, and it just doesn't seem right if we don't put something in place to address possibly a recreational trap fishery in federal waters developing. I mean it just seems that we need to put some kind of guidelines in place.

MR. BOWEN: Again, I'm not on the committee, and I really appreciate you letting me chime in on this discussion, but, like Jack says, our sea bass pots are mandated with mesh size and backs

and this and that and the other, but are the lobster traps mandated at all, as far as size or shoots or whatever? I am asking this because of the size, as it was mentioned earlier, the size of the lobsters up the coast are much greater, and so I was just curious about the dynamics of the lobster traps and if the dynamics were mandated.

MS. MCCAWLEY: They are in Florida, and that's what I believe Jack was referring to, is that if we were going to put in new regulations for traps outside of Florida that it would probably need to be a different size, maybe even shape, because the lobsters are bigger. That's what he was talking about a minute ago.

MR. BOWEN: To that point, this gentleman with the letter, is his traps going to have to be just like the Florida traps or would it be different?

MR. MEHTA: The regulations that he would have to adhere to are in 50 CFR 622.402. There is a whole bunch of requirements as to -- Then they pretty much closely match what it is off of Florida, a regular spiny lobster trap and all the specification that goes along with the regular spiny lobster trap, but, again, if you read the regulations, it's for commercial spiny lobster traps and not recreational spiny lobster, and so this is an anomaly. Nobody has ever used traps for recreational harvest of spiny lobster, and so these are the guidelines that we can give him, but the regulations, really, off of North Carolina are for commercial, for commercial lobster and commercial American lobster and blue crab fisheries.

MR. BOWEN: So he would be not under the regulations of two per person if he's commercial.

MR. MEHTA: No, the two per person is still valid.

MR. BOWEN: Again, I'm not a lobsterman at all, and so I -- The commercial limit is two per person as well?

MR. MEHTA: No, the recreational limit is two per person. There is no limit commercially.

MR. BOWEN: That's my point. This guy in North Carolina would not have a two per person limit if he's commercial trapping off of North Carolina.

MR. MEHTA: No, this is not a commercial trap. He can use the commercial specifications of the trap, but he is still doing recreational harvest, and so he would be restricted, by law, to two per person per trap. He would have to throw away everything else that he has in the trap. If he gets more than two spiny lobster per trap, he would have to release them.

DR. MACLAUHLIN: It is two per person for recreational and commercial outside of Florida. There is a non-Florida federal permit for lobster, if you're selling them in Georgia, South Carolina, or North Carolina, but it's still two per person.

MR. BOWEN: I think I'm just going to stick with catching red snapper. Thank you.

MS. BECKWITH: I don't think that recreational trap use for lobster makes a lot of sense. I will leave it at that.

MR. HARTIG: I would agree, but the other thing is that you've got to put this circle that's at least twenty inches in diameter on your boat with a contrasting background, and I don't know how many recreational vessels are going to do that, but I think what we should do is follow up with this gentleman and ask him, after he read the regulations, was he going to pursue lobster trapping? I think if we did that and found out that if all the regulations that he had to go through, that if it was too much trouble, that we wouldn't have to do anything.

DR. DUVAL: I think that's great, following up with him. I mean I did not have a chance to contact this gentleman at all to ask what his intent was prior to the council meeting. I do think it might be a good topic for a future advisory panel meeting. What are our advisors hearing about interest in recreational use of trap gear? I would agree, if it something that's going to grow, we want to get a handle on it, sooner rather than later.

MS. MCCAWLEY: The one thing, and Kari can help me out, but that particular advisory panel does not meet on a regular basis.

DR. MACLAUHLIN: That's correct, but, if you are developing a plan amendment to look at the ACL, you probably will want to convene the AP anyway, and we can add that to the agenda as well.

MS. MCCAWLEY: Okay. Is that good enough direction to staff? Back to Jack. Do you want to make a motion or do you want to have staff follow up with this gentleman and have the AP discuss it and then decide what to do? What are you thinking here?

MR. COX: **I am thinking, at this time, it's probably better to have a motion that says there is no recreational trap gear allowed in South Atlantic waters, until we can work on this a little bit.**

MS. MCCAWLEY: Let's get the motion on the board.

DR. CRABTREE: You would have to do a motion. You would have to do an amendment.

MS. MCCAWLEY: We have an amendment started.

DR. CRABTREE: So you would have to add an action in there to address it.

MS. MCCAWLEY: That's what is going on the board right now, to include an action to prohibit recreational traps in the EEZ outside of Florida or everywhere. Okay. We have a motion on the table. Is there a second to this motion? It's seconded by Ben. It's under discussion.

MR. HAYMANS: What is Florida's regulation with recreational use of commercial gear?

MS. MCCAWLEY: You cannot use traps, lobster traps, in the recreational lobster fishery at all. It is not an allowable gear.

DR. CRABTREE: Remember this is a joint plan with the Gulf, and so, when you say EEZ, are you talking just in the South Atlantic EEZ or are you talking the South Atlantic and the Gulf EEZ?

MR. COX: **I would modify the motion for this motion to include just the South Atlantic.**

MS. MCCAWLEY: All right. Is that okay with the seconder? Ben? All right. We have a motion on the table. **Is there any objection to adding this action to the document? Seeing none, that motion stands approved.**

DR. DUVAL: I think maybe just a suggestion to staff on this action, as it's being developed, that the range of alternatives probably include not just prohibition, but also limited -- A limit on the use of traps. I think there might be some public pushback if there wasn't at least something like that in there. Thank you.

MS. MCCAWLEY: Okay. We're getting that on the board.

MR. COX: I guess my question is, if one of the commercial guys wanted to set some traps off of North Carolina, would they be held to the same restrictions as Florida or how would that work?

MS. MCCAWLEY: I am going to look over there at Nik. I know Florida has -- He says it's in the CFR, and I'm assuming that that's for the entire South Atlantic region, and maybe even the Gulf region, but let me look across the table.

MR. MEHTA: I read a few of the regulations, and they are, by all means, not comprehensive, but, for example, in addition to the color code that the person would need and the registration number of the vessel, there is a requirement for a time-release buoy. There is different strengths that are required, depending on how far offshore you are, according to the Atlantic right whale plan, and then you need to make sure that it's not unclaimed or abandoned, and so it needs to have some kind of tending restrictions. It can only be tended in daylight hours.

Then Zack had mentioned about dimensions. The dimensions here would be like three-foot-by-two-foot-by-two-foot, or the volume equivalent, and then the 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. Then there is a panel requirement. 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. These are just a sample. I can go on, but there's a whole bunch of regulations.

MR. COX: My concern is we worked so hard on black sea bass trapping in the ocean that we don't want anybody to get confused if there was some kind of trap line that we're getting tangled in a mammal and we would be held responsible, the black sea bass fishermen, and so my concern is to protect all the work that we've done on that.

The markings, we have line markings now where we have to have three markings on each vertical line. We've done a lot of things here, and we have to have tags, and so I don't know in Florida if you guys have to have tags on your traps. If that is something, then we would need to require that for our fishermen as well.

MS. MCCAWLEY: There are more requirements in Florida. At the next one of these committee meetings, I could come back with a presentation about the regulations that are in place in Florida, because they are extensive. You have to mark your buoys. Whatever that color is, it's got to be

on your boat. It's got to be a certain height, so that law enforcement can see it. You also have to have your numbers. You are assigned a particular number, and so it's extensive.

MR. MEHTA: I just want to remind the council that, right now, there is no such permitting requirements for recreational traps, and so you would have to come up with a unique tag, if you decide to allow limited recreational harvest using traps. That system does not exist right now, and so we will have to create all of that.

MS. MCCAWLEY: That's a good point, and, just to follow up on what you asked, Jack, the State of Florida issues trap tags each year, and so each fisherman is given a tag to mark each trap, and they have to purchase these tags every year, and it's unique to the particular year, so that they can't reuse the tags. If those tags are lost or the trap is damaged, they have to reorder and us reissue the particular tag numbers that are lost, and so it's an extensive process.

MR. COX: I think that's something that we should require for fishermen outside of Florida as well, just so we know who has got gear in the water.

MS. MCCAWLEY: Is there more discussion on this? Okay. Any other business to come before the Lobster Committee? All right. Seeing none, this committee stands adjourned.

(Whereupon, the meeting was adjourned on June 16, 2016.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas Transcriptions  
July 21, 2016



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6/16/2016 10:22:10	Frank Helies	fchelies@att.net	on file	Non-Governmental Organization
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