

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Doubletree by Hilton Oceanfront Hotel
Atlantic Beach, North Carolina**

December 10, 2015

SUMMARY MINUTES

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Dr. Jack McGovern
Scott Sandorf

Dr. Bonnie Ponwith
Tracy Dunn
Erika Burgess

Additional observers attached

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Doubletree by Hilton Oceanfront Hotel, Thursday, December 10, 2015, and was called to order at 3:00 o'clock p.m. by Chairmen Jessica McCawley.

MS. McCAWLEY: All right, let me remind you who is on the Spiny Lobster Committee. It is myself, Ben Hartig, Chester, Jack, and Roy. All right, our first order of business is approval of the agenda. Are there any changes or additions to the Spiny Lobster Committee agenda? Seeing none; that agenda stands approved. Are there any changes to the March, 2015 Spiny Lobster Committee minutes? Seeing none; the minutes stand approved. I am going to turn it over to Kari to go over the status of the landings.

DR. MacLAUHLIN: Usually, you have a document, Attachment 1. You did not receive Attachment 1. We were waiting to get those. Remember that spiny lobster season opens August 6, so it has only been a few months. FWC has some - the commercial trips are a little lower than usual.

They want to verify that they're not missing those trips, those reports, and so they weren't comfortable providing that information for the landings so far this year without a little more verification, so you'll get them probably in March we'll get another status update. No Attachment 1.

I'll go ahead and continue. You have an attachment, Attachment 2, it is a letter notifying the Gulf and South Atlantic Councils that the spiny lobster landings for the 2014/2015 fishing season exceeded the ACT. Remember, in Spiny Lobster Amendment 10, you established the accountability measure which was just the ACT, which is 6.59 million pounds; and if landings exceeded the ACT it would trigger convening the Review Panel to review the ACL.

The previous year in 2013/'14 landings exceeded the ACT and the ACL and we had that Review Panel meeting in February. Attachment 3 shows the landings broken up into commercial and recreational, and the commercial is separated into the different gear types. I have this also as a chart so you can look at it that way. Sometimes it is a little easier; that I put here on the drop box.

In this chart you see up on the screen, the red is recreational landings and this is from the 1991/'92 season all the way through the 2014/2015. The green line is commercial landings and the black line is the total landings for spiny lobster. Then you have these dash lines. The top purple one is the OFL, overfishing limit. The orange one is the ACL, annual catch limit and then that ACT is this blue one. You can see in these past couple years where it hit exactly, and we're looking at - what counts is this black line. This missing part is because there were no recreational landings in this season, because the surveys weren't conducted due to hurricanes. No, I thought maybe I should put this together quickly just to help a little more. You have the table Attachment 3 in there. That is what these numbers are, but I thought maybe visually it would be helpful to see where we're at.

You do have the Review Panel's recommendations, their report. I included that. You got that last March, but then also I've included them here. The Panel was made up of folks from the Gulf Council, South Atlantic Council, the Regional Office, FWC and FWRI. Then we had some AP representatives and then SSC representatives.

They reviewed the landings and other information about what is going on in the fishery. The panel did not recommend a new stock assessment. They discussed and concluded that the ACL is the wrong methodology to manage the fishery, and it was recommended that spiny lobster be considered as having a unique life history to having that ACL; and then recommended that the OFL be redefined as the MFMT.

Now the Gulf Council has already started working towards coordinating a Gulf Joint Advisory Panel meeting in April, and they are working to get those details set out. The Gulf Council wanted to bring together both of the advisory panels to get their input. We're planning that and I'll keep you updated on that. They are figuring out the location and everything.

MS. McCAWLEY: Kari, so in theory, the AP would meet first, and then a Review Panel meeting could be convened.

DR. MacLAUCHLIN: That is the idea when working with the Gulf Council. APs first, discuss what is going on, get maybe some input from them about how to move forward, and then take it to the Review Panel.

MS. McCAWLEY: The next item on our list is committee action to discuss and take action as necessary on what we just discussed; the fact that the landings have been high and we were over that limit. You might remember, I believe it was the last time we met the committee, we actually sent a letter to NOAA stating that maybe the ACL was the wrong mechanism to track spiny lobster. I think we got a letter back that said, sorry Magnuson needs to be changed. Is that your recollection of the letter, Roy?

DR. CRABTREE: Yes, that is about it. There are some exceptions in the statute, but therefore animals with a life span of less than a year, and none of it applies to spiny lobster. Unless Congress makes a change to that we have to have annual catch limits. When we reconvene the AP and these guys, I think we need to make it clear to them that that is not a productive avenue to go down.

At least early in this season, I heard reports of very high catch rates and lots of lobster down there. I will be surprised if the landings this year aren't high again. At some point, we're going to have to either deal with a way to slow them down and catch fewer animals, or relook at the science side and see if there is not some basis for revising the catch levels.

I have heard suggestions, at least, that the problem with the virus that they had for some time that has gone away now. Maybe you look at the chart and there are obviously two sort of periods of productivity there, and it fell off sometime around 2000 and stayed down for quite a while. We're returning back to a higher productivity point maybe there would be a basis for changing it, but I don't know if we're at a point yet where anybody would feel comfortable with that. At some point we need to think about what regulatory steps we could take to try and control the catches a little bit in this fishery, because historically we've always controlled it just by controlling numbers of traps. That doesn't seem to be working at the moment.

MS. McCAWLEY: I don't think this is primarily just a trap issue, I think that you've got some increases in the bully net fishery in recent years as well. FWC is looking at some type of program for the bully net fishery. I can also tell you that FWC took action to modify the size of

stone crab traps, because people had modified the throats and were actually targeting lobster with their stone crab traps.

That was another action that we took that should reduce the catchability of lobsters taken in stone crab traps. I have seen some preliminary landings. It does look like maybe lower reported success this year, especially earlier in the season. I kind of heard the opposite of what Roy had heard, and I've also heard that there is lower demand or price, because maybe there is not as much demand from the Chinese market at this time.

DR. CRABTREE: I've heard that as well that if the Chinese economies encounter difficulty some of that market is dried up a little bit, so you may well be right that things are falling.

DR. PONWITH: I am just looking at that chart that is on the screen right now. I think we need to take a look at those data again, because I am seeing in the Key that total landings are in black, and I see black crossing the line of commercial landings. It seems like there is something funny about those data; it may be worth taking a look at those just because it happens in one of the high years.

DR. MacLAUCHLIN: To address a couple things. The first with Bonnie, so that ACL didn't go into place until I think the 2011/2012 year, so landings in the 2013/'14 exceeded the OFL that was set. This was part of the challenges of the SSCs recommending the ABCs and the council setting those annual catch limits is because when you look at the landings, you know during this period here in the nineties, this fishery was different than it was after 2000 for those 10 years.

What changed was it something with the animals or was it something with effort? There is the trap reduction program was happening starting in the nineties, and reduced those traps from 900,000 to what is it like 450,000 now; a large reduction. The Review Panel, one thing that they stated was the fishery in the nineties was different then the fishery in the 2000s, and now something seems to be changing again.

That is why they wanted to wait and see. Was the 2013/'14 year just a year that had something happen environmentally or with the effort? Part of it was the Chinese market, which increased that demand in January and February, or is the fishery changing again? What is going on there?

MS. McCAWLEY: Chester, did you have your hand up?

MR. BREWER: Yes. I think what Bonnie was pointing out, there may be a math error or something kind of screwy, because you've got in 2013 or '14 it looks like you've got the total landings being less than the commercial landings.

DR. MacLAUCHLIN: If you look at the table here, what year is this, '13/'14 the total commercial was 6.35 and then the total landings were 7.9, so I just had that in my chart data wrong; oh no, 2012 and '13.

DR. CRABTREE: I guess one thing I would be interested in, and I guess this would need to come from the FWC, it's a little more detail on why an assessment isn't doable here. I understand the recruits come from elsewhere. It seems to me that is effectively saying the steepness of the spawner recruit relationship is 1.

Well, we do lots of stock assessments where there is no spawner recruit relationship and no known relationship between spawning stock biomass and recruitment. In and of itself, that doesn't seem to preclude doing a stock assessment, and maybe it would be difficult to do it and lots of uncertainties in it; but right now we've really got nothing.

It seems to me even an uncertain assessment might be more useful to us than what we've got now, which is a really changing dynamic in the fishery, and we've just got absolutely nothing but guesswork to go on. I don't know, Jessica maybe you could talk to Luis and Bob Muller and company and we could get a little more on why that is not an avenue to go, because I'm just not quite sure how else to get out of this.

MS. McCAWLEY: Right, I agree and I can certainly look into that.

MR. HARTIG: I mean, there are fisheries that have international treaties where I guess we're not in control of the recruitment, and those are able to escape the ACL determinations. I just know we don't have treaties in this case. But still it applies. I don't know.

DR. CRABTREE: Well, you know, I can give you the biggest example is Gulf of Mexico red snapper, where there is no observable spawner recruit relationship, and there are theories about where the recruits come from. In and of itself, I don't think that is a reason. Now, if we did have an international treaty, yes we could potentially then be exempted. But we don't have one and to get one would be a many year process, because it would involve the State Department and everything.

DR. MacLAUCHLIN: When we were looking at this in April, there was this published in the Federal Register, Flexibility and Application of NS1 Guidelines. I want to put it up on the screen so let me upload it here, because if this is something that could apply that would be great. If not, it would be kind of great to know that too, so we would know which avenue to go.

No, this was guidance that was issued because there was just the – when the Magnuson was reauthorized and it had those exemptions in it – this was issued. Anyway, I wanted to read it and see if this did apply. There are limited circumstances that may not fit the standard approaches to specification of reference points and management measures set forth in these guidelines. These include, among other things, conservation and management of Endangered Species Act listed species, harvest from aquaculture operations and stocks with unusual life history characteristics. They give an example of Pacific Salmon, but you know - I mean, it could be. Lobster may be considered under there. In these circumstances councils may propose alternative approaches for satisfying the NS1 requirements, which is no overfishing, right of the MSA that then there is set forth in these guidelines. Councils must document the rationale for any alternative approaches for these limited circumstances in an FMP or FMP amendment, which will be reviewed for consistency with the MSA.

When we wrote the letter requesting an exemption, we did say, kind of tried to outline some of these special circumstances, how the studies about where those lobster come from, moving around the Caribbean, a Caribbean wide stock, and even though some of that may be from the Keys, some of that spawning, you know 50 percent of the recruitment I think comes from

external sources. They have a different type of population dynamic, the longest larval duration of any oceanic marine mammal.

Then they also have, maybe they could be managed better through input controls and output controls, which would be an ACL, and their input control is like their cap and trade program basically for the traps, the size limits, any kind of gear specifications they have for recreational; including a season. They have a specific season. I think that is something we want to get input from the APs on, if that is a possibility.

DR. CRABTREE: Well, there is a section in the Guidelines about flexibility and applications of ACLs, and that is how we justified doing what we've done. We don't have any other accountability mechanism like this for any other fishery. All the rest of them we would be closing it down. In this one we set out with the ACT being the accountability measure and convening these panels and making these recommendations, so we exercised flexibility and we did treat this fishery differently because of all of these things.

But flexibility is not an exemption from the ACL requirement; it is not permission to allow overfishing to occur. I don't think that is a productive way to go. We're just going to have to figure out how to deal with the problem we have, which is we're catching too many lobster if this trend keeps going. We're either going to find a scientific basis to raise the limits or we're going to need to find some way to constrain the catches some.

But I don't believe we have any other accountability measure like this in any other fishery we manage. My recollection is we talked about that section of the guidelines and about that flexibility when we put this in place, and that was part of the justification for how we were able to approve this, because the fishery is different and does require some flexibility.

MS. McCAWLEY: Okay, so Kari, do we need some kind of recommendation from the committee in order to convene this Review Panel, and who is the lead on convening the Review Panel; is it the Gulf or the South Atlantic?

DR. MacLAUCHLIN: They coordinate all the details of the meeting, but we work together on that.

MS. McCAWLEY: The Gulf coordinates both the AP meeting and the Review Panel.

DR. MacLAUCHLIN: Yes, because they are the Admin. Lead on the FMP.

MS. McCAWLEY: Okay, any more discussion on this item?

MR. BREWER: Just a thought. How about turning management below the Georgia/Florida Line and around over to the FWC?

MS. McCAWLEY: We have, I think, a nationwide import size limit that is preventing taking the management of spiny lobster and giving that to the state of Florida. That is why we have a federal fishery management plan because that is the only way we can have this nationwide import size limit.

MR. BREWER: I wasn't aware of that. Thank you.

MS. McCAWLEY: Okay, any other business to come before the Spiny Lobster Committee?
Alright, seeing none; this committee is concluded.

(Whereupon, the meeting was adjourned at 3:25 o'clock p.m., December 10, 2015.)

Transcribed By:
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January 2016

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**South Atlantic Fishery Management Council –
December 2015 Council Meeting
Atlantic Beach, NC**

Date: Thursday December 10, 2015

Committee: Spiny Lobster

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Bill Kelly	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Leda Dumm	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input checked="" type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Gary Zorn	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
David Bush	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Kellie Ralston	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Andrew Rubin	<input type="checkbox"/> On File Andrew.Rubin@noaa.gov	Commercial <input checked="" type="checkbox"/>	NGO <input type="checkbox"/>
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**South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
Charleston, SC 29405**



**South Atlantic Fishery Management Council –
December 2015 Council Meeting
Atlantic Beach, NC**

Date: Thursday December 10, 2015

Committee: Spiny Lobster

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		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Bob Laery	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input checked="" type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Lora Clarke	<input checked="" type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>

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Council Mtg Day 4

10 Dec 15

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