

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**DoubleTree by Hilton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 6, 2016

SUMMARY MINUTES

Committee Members:

Jessica McCawley, Chair
Ben Hartig, Vice Chair
Chris Conklin

Dr. Roy Crabtree
Lt. Tara Pray

Council Members:

Dr. Michelle Duval
Charlie Phillips
Anna Beckwith
Mel Bell
Zack Bowen

Tim Griner
Doug Haymans
Dr. Wilson Laney
Mark Brown
Chester Brewer

Council Staff:

Gregg Waugh
John Carmichael
Myra Brouwer
Dr. Chip Collier
Mike Collins
Dr. Mike Errigo

John Hadley
Kim Iverson
Dr. Kari MacLauchlin
Roger Pugliese
Amber Von Harten
Kimberly Cole

Observers/Participants

Erica Burgess
Pat Geer
Aydan Rios
Dale Diaz
Rick DeVactor
Monica Smit Brunello
Dr. Bonnie Ponwith

Tony DeLernia
Dr. Jack McGovern
Dr. Jessica Stephen
Dr. Marcel Reichert
Tracy Dunn
Patricia Bennett

Additional Observers/Participants attached.

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Tuesday morning, December 6, 2016, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: Let me remind folks who is on the committee. It's myself, Ben Hartig as Vice Chair, Chris Conklin, Roy Crabtree, and Tara Pray are the committee members. Our first order of business is to approve the agenda. Are there any changes to the agenda? Any objections to approving the agenda? Seeing none, that agenda stands approved.

The next order of business is Approval of the June 2016 Spiny Lobster Committee Minutes. Any comments on those minutes or changes? Any objections to approving those minutes? Seeing none, those minutes stand approved. The next order of business is a presentation about Florida's spiny lobster regulations, and so I'm going to let Kari get that pulled up. If you're looking for this presentation, it's Attachment 1 in the briefing book.

I am just going to give you an overview of Florida's spiny lobster fishery. Feel free to stop me as we're moving through this presentation if you have questions. Spiny lobster is one of Florida's most valuable commercial fisheries, with a dockside value averaging around \$20 to \$24 million annually, but that jumped up, in 2013, to \$50 million, due to the live trade.

It's very culturally important to south Florida, with commercial harvest dating back to the 1800s. The oldest form of lobster harvest is bully netting, and we'll come around to that in a minute. You guys were asking questions about bully netting the last time we talked about spiny lobster. The recreational component of the fishery is important for tourism and for south Florida's economy. The primary methods of harvest include traps, diving, and bully netting. As we've talked about before, in the past, the majority of Florida's lobsters are spawned in the Caribbean, with harvest rates here having a limited impact on fishery productivity in subsequent years.

This chart is basically showing us the lobster landings by sector, and so you can see that, although commercial harvest varies from year to year, it dominates the total catch, and recreational harvest has been a lesser component, but it has been a relatively stable component over time.

Let's talk a little bit more about the commercial fishery and those three different gears, and so there are three primary harvest methods of traps, diving, and bully netting. There had been, in the past, historically and somewhat recently, conflicts in the commercial fishery that were related to changes in the distribution of the catch among various gear-related subsectors. If you look, over on the far left, at the 1996/1997 pie chart, this has been kind of the historical percentages of the catch, with the majority of the catch coming from the trap component of the fishery and then a small dive component and then an even smaller bully netting component.

Lobster traps has really dominated the harvest, since their introduction in the 1940s. Then, in 2000, the dive sector began harvesting a greater share of the lobsters, and this shift actually coincided with a virus that caused a decline in the population, and it was both of these changes that the FWC decided to take a closer look at the dive component of the fishery, and I'm going to come back to that in later slides, about how we manage that particular component of the fishery with a special endorsement.

Then, as you can see, in recent years, and so we have 2014/2015 and 2015/2016 landings up there, that the bully net landings have risen from a 1 percent share to a 2 to 3 percent share of the commercial harvest in recent years, and that is partly because of the live market.

We have some regulations that apply to all of those gears that I mentioned, and so there are some license requirements for commercial harvest of a saltwater products license, a restricted species endorsement, and what we call a crawfish endorsement, or a C number. Then, depending on which gear you're using, there are some additional license requirements for those gears, and I will get into that in a minute.

The open season for commercial harvest is August 6 through March 31, with a minimum size limit of three inches. Lobsters must be landed in whole condition. You have to have a federal permit to possess wrung tails. No harvest of egg-bearing females is allowed. The allowable gears are traps, diving, bully netting, and hoop nets. There is a small incidental bycatch harvest allowed, and there are some areas where harvest is prohibited, for example Biscayne Bay-Card Sound Spiny Lobster Sanctuary, portions of John Pennekamp Coral Reef State Park, and certain zoned areas of the Florida Keys National Marine Sanctuary.

Let's talk a little bit more specifically about some additional regulations for the trap fishery. As I mentioned, this is the largest component of the commercial fishery, with more than 90 percent of the commercial catch. The traps in this fishery are made from wood or plastic. They are in slats. There is a maximum size limit for the traps. Traps are required to have a state-issued tag that's affixed to each trap. Undersized lobsters, or what we call "shorts", are commonly used as attractants in these traps, and no more than fifty shorts plus one per trap are allowed onboard.

Traps can be placed in the water five days before the start of the commercial season. We call that the soak period. Working those traps at night is prohibited, and certain areas are closed to trapping. No harvest or possession limits of lobster harvested with traps, and so we don't have any limits, other than the number of traps that you have that are issued to each individual corporation.

We also have a trap reduction program. I am certainly not an expert in this trap reduction program, but, just to tell you a little bit about it, as the trap fishery was growing, fishermen historically just placed more and more traps in the water, in an attempt to maintain their individual portion of the catch. This eventually resulted in an overcapitalized fishery, with more traps in the water than were needed to harvest the available lobsters, and so fishermen started to see declining yields per trap. There was also concern about the release mortality of the shorts, as well as concerns about increasing marine debris and navigational issues from additional traps being in the water.

In order to address these concerns, the commercial fishing industry worked with the Marine Fisheries Commission, which is the predecessor agency of the FWC, to develop a method for reducing these traps, and so this effort limitation program was developed, and it was the spiny lobster trap certificate program. It was established in 1992, and, basically, fishermen were allocated an initial suite of what we call certificates, based on prior landings, and each certificate is equal to the use of one trap. You can see a tag on one of those traps in that picture there.

The way that this reduction occurs -- In the beginning, the reduction was fairly aggressive, with a goal of trying to get to 400,000 traps. You can see how many traps were there in 1991. In 2016, we're at 475,000 traps. At this point in time, it's what's called a passive reduction, where every

time those trap certificates are transferred outside an immediate family member, then there's a 10 percent reduction taken during that transfer. At this point, there has been almost a 50 percent reduction in the number of traps in the water, and we're fairly close to that 400,000 trap goal.

A little bit more about the commercial dive fishery. A commercial dive endorsement is also known as a CD. This is a required to commercially harvest lobsters while diving, and so this is in addition to just your plain old C number, or crawfish endorsement. This particular fishery is limited access. This program was implemented in 2004 to limit the effort as the dive fishery started to expand, and so there are no new commercial dive endorsements being issued. Basically, the ones that were issued back in 2004 can be transferred between harvesters. 35 percent of the original CDs that were issued at the time have been eliminated, just because people didn't renew them.

There is the additional regulations on the slide. There is a vessel limit for commercial dive harvesters. Commercial diving at night has a limit that's equal to the recreational bag limit. Harvest from artificial habitat, or what we call casitas, is prohibited. If you own trap certificates, you cannot also hold a commercial dive endorsement.

Bully nets, you guys were asking some questions about the bully net fishery the last time that we met, and so the bully net fishery is actually the oldest method of lobster harvest that is still active today. This fishery is primarily prosecuted at night, requiring calm water, shallow water, clear skies, and basically, and you can somewhat see it in that picture, if you probably look at it on your screen, but it's basically folks in these small boats. They're in shallow water, close to waterfront homeowners, sometimes, and they are taking lobster with a modified dip net that we call a bully net.

This portion of the commercial harvest primarily occurs in the early months of the season, because conditions in the winter months just generally aren't favorable for bully netting. It has been a small, but viable, component of the commercial fishery. It's a financially-feasible means of entering the commercial lobster fishery, because you don't have to spend all this money on traps or trap certificates, and so all you're really doing here is you're buying your crawfish endorsement in addition to your restricted species and your saltwater products license. As long as you have a boat and a bully net, then you can go out and start bully netting.

Also, it's thought that the bully net fishery provides lobsters in the best condition for the live market, because these fishermen are using that modified dip net, and so the lobsters aren't spending time in a trap, where they might get their antennae broken or they might have marks on them from the traps, and so some people believe that the lobsters in the best condition come from the bully net fishery.

Similar to commercial dive, there is some additional regulations for bully netters. They have a vessel limit of 250 lobsters and sizes for their bully net. At this time, FWC is actually considering an open-access commercial endorsement for bully netting. This is something that the commission approved a draft rule on at the last commission meeting.

How do we monitor this fishery? We're monitoring not just lobster, but all of our commercial saltwater fisheries with the Marine Fisheries Trip Ticket Program. There is a sample of what that trip ticket looks like, although there is an electronic form now, and that's the paper version, and, basically, all Florida products are recorded at the time of first sale. The wholesale dealer is

required to complete and submit the trip ticket to FWC. Trip tickets have to be submitted monthly, and they contain information about the harvester, the dealer, the area that lobster are harvested, the gear used, pounds of each species landed, et cetera, and then we use this data to inform fishery management decisions.

Just a little bit about the recreational fishery. As I mentioned, this is popular in south Florida, and it's important to the south Florida economy. In order to take lobsters recreationally, you have to have an add-on to your recreational fishing license. It's called a spiny lobster permit. It used to be actually called a spiny lobster stamp. In the 2015/2016 license season, there were 155,000 recreational lobster permits, or stamps, issued, and approximately 1.5 million pounds harvested.

Since there is an additional revenue source on the recreational side, we have additional monies that go to research and monitoring for recreational spiny lobster. The recreational fishermen are primarily taking lobsters by diving, although there is a bully net component to the recreational fishery, and then there are two recreational seasons. We have a two-day sport season, or what we call the mini-season, which is the last consecutive Wednesday and Thursday in July of each year, and then the regular season is August 6 through March 31.

Then a little bit more about those recreational regulations. You can't spear lobsters or use chemicals to help harvest lobsters. Traps are not allowed for recreational harvesters in Florida. There is a minimum size limit. All lobsters must be landed whole. The harvest or possession of egg-bearing females is prohibited, and then there are different bag limits, depending on the location in the state in which you're harvesting. During the mini-season, there is different bag limits, depending on where you are. During the regular season, it's six lobsters per person.

The way that we monitor the recreational harvest is we're taking that money that we get from the permit, or the stamp, and we're conducting a recreational spiny lobster survey. This has been done since 1991, and we do this partly through mail and partly through email, and it allows us to get what we think is a fairly good estimate of landings and effort, and this graphic here is basically just showing that landings and permit sales have been stable over time, with a slight increase in both landings and permit sales in recent years, and that concludes my presentation. Are there questions? Michelle.

DR. DUVAL: Thank you, Madam Chair. The one question I had, just out of curiosity, is how much do all the different licenses cost, like if you're a trap fisherman, to get your SPL and your C number and your RS and then your trap certificates? Are any of those just free, where you just have to make sure that you're checking a box, or is there a cost component to each one of those?

MS. MCCAWLEY: I am certainly not an expert on all of this, but there is a cost component to the SPL. The RS, I'm not sure that you actually have to pay for the RS. You just have to show proof that you're a commercial fisherman. I'm not sure that you're actually paying for it. Then you have to buy the endorsement, which I can't remember the face value cost that you're paying the agency for the endorsement, but a portion of those fees go to our trap retrieval program, but then, if you're going to buy trap certificates from another individual, the cost of those trap certificates is driven by market demand, and so the state is only involved in helping the transfer. The actual cost of those trap certificates themselves is driven by the market and driven by whatever the fishermen want to sell them at.

MR. BREWER: Does the FWC have any estimates as to the economic value of the recreational lobster fishery?

MS. MCCAWLEY: I would have to ask John Hunt about that. It's his office that is doing those annual surveys, and so I would have to ask him what they're looking at as the value and what components they're using to determine what the economic value on the recreational side would be, and so I don't have an easy answer right now.

MR. BREWER: From my experience, it's got to be substantial. You've already said that the commercial ex-vessel value is about \$50 million a year now, and my second question really is, if we assume that you do have a pretty substantial economic value with the recreational part of the thing, shouldn't we have a recreational person on the committee?

MS. MCCAWLEY: Yes, maybe we should. We used to. I believe all the Florida members used to be members of this committee, and so maybe I can talk to the Chairman about adding the other Florida member back in.

MR. BREWER: I'm not talking about necessarily myself. I don't claim to have any tremendous knowledge with regard to spiny lobster, but it just seems like there should be a little fairer, maybe more equitable, representation on the committee.

MS. MCCAWLEY: Thanks, Chester.

MR. BROWN: Jessica, if I go out and catch my 250 lobsters and come in and unload them, can I go get another 250 lobsters the same day?

MS. MCCAWLEY: I would have to look at the rule, as to whether that's a daily limit, but I think it's a daily limit. It's supposed to be.

MR. CONKLIN: Is the CD, commercial dive license, is that a state-issued license or is that a federal thing?

MS. MCCAWLEY: It's a state license.

MR. BOWEN: I am not on the committee, but I have a couple of questions. To Michelle's point, I was going to ask the same question. For the recreational side of it, the stamp or permit, how much is just that from the state? I am not a lobster fisherman or diver, as you probably well know by my question, but --

MS. MCCAWLEY: First, you would have to have your recreational license, and so whatever your recreational license costs, whether you're going to get a three-day or an annual license or whether you need an out-of-state license, and so there's various costs. You would first just buy your recreational license, and then I believe that the stamp is two-dollars on top of that.

MR. BOWEN: I am just kind of relating this to what we will talk about this week, as far as red snapper. With the information that I have here, it appears that those people that are purchasing this, or are buying all these licenses and permits, and whatever that total cost is less than harvesting ten pounds of lobster a year. Does that seem right?

MS. MCCAWLEY: This is difficult to explain, but some people buy package licenses, and so what we call a gold sportsmen or a military gold or some type of package license. If you buy a package license, then you're automatically getting those stamps or those permits on top of that, and so we also have a special snook permit or snook stamp, and so you're getting these add-ons for saltwater just like you would for hunting.

That overall number that you're seeing for recreational harvesters, and some people add on these stamps or permits to their saltwater license, especially for snook, because the money is going to research and conservation of that particular species, even though they may never have any intention of harvesting a snook or harvesting a lobster, and so it's difficult to just tie that number of recreational permits directly to the number of people that would be in the water taking lobster, because it's probably an inflated number of permits.

MS. BURGESS: Just to offer a little bit of a description of what FWC offers, for me, I have the avid angler, which gives me freshwater, saltwater, snook, and lobster. That's \$53, but I could get just the saltwater lobster for \$26, and there's just a wide range. I have never gone lobster fishing, but, just in case I am down in the Keys and I want to have the opportunity, I purchase the license. I don't want to have to think about it after the fact.

MR. BOWEN: I think this is excellent discussion, and I think we should probably remember what we're talking about now when we start talking about Amendment 43.

MR. HARTIG: I've got a gee-whiz question, and you probably can't answer it, but John probably can. I just wondered if there had been any effort to look at the increase in commercial landings, and you have a concomitant increase in recreational landings. Is it related to more permits, or is it related to more lobsters in the system? Have they looked at it in that context?

MS. MCCAWLEY: I would have to go to John Hunt for that, to get more specifics, but I can tell you that we have seen a real jump in recreational lobster permit sales in the past three or four years. We're actually in the process, our licensing folks, of analyzing that, to see if it's tied to a particular bundled license that people are buying more of, or are more people actually targeting lobster or what? That is something that is happening, but we're a few years out, knock on wood, from the virus and other things like that. I would say that the lobster fishery has been doing fairly well. It is somewhat cyclic, but I can go and get a better answer from John Hunt on that.

MR. CONKLIN: I was interested in the lobster trap certificate program. What happens when a trap certificate is transferred ten times amongst individuals? Does that permit just disappear?

MS. MCCAWLEY: That's a good question, and I'm certainly not an expert on the way that the licensing program works, but I can tell you that most individuals are not transferring one of them. They are transferring hundreds or thousands of trap certificates, and it's first got to go outside of the immediate family. Every time it goes outside of the immediate family, or outside of that corporation, is when they're taking that 10 percent off the top.

MR. CONKLIN: I also think it's interesting how they can buy and sell and trade the tags amongst themselves and how they were allocated based on what they caught. I think that's pretty funny.

MS. MCCAWLEY: Are there more questions? Okay. If there aren't any more questions, I am going to turn it over to Kari to talk about the recreational trap action and what's going on with that framework amendment.

DR. MACLAUHLIN: With the Gulf Council, you are starting a new amendment that you directed us to get started on in June, and we were waiting on our SSC recommendations, which we have, and Marcel is going to go through that. This amendment, I think it's going to be called Framework Amendment 1. It will be a joint framework amendment, but we can include all of these actions in a framework amendment, and they will be updating the overfishing level, the ABC, the annual catch limit, and the annual catch target, based on the SSC recommendations.

Then, also, you had directed us to look into adding an action to prohibit or restrict recreational traps for spiny lobster harvest in the South Atlantic EEZ. Already, in Florida, you cannot use recreational traps in Florida, state waters or the EEZ off of Florida, and so this would just apply to the EEZ off of Georgia, South Carolina, and North Carolina.

In June, we had presented to you just a little briefing about an individual in North Carolina who had contacted the Southeast Regional Office. He was interested in using traps to recreationally harvest spiny lobster off of North Carolina, and he wanted to know the regulations. NMFS had pointed out that he would have to comply with all the trap restrictions that are in place for the gear specifications, for vessel and gear identification, and the harvest limits that are in the federal regulations. Also, they assigned him a color code for his vessel and his gear, so that, if there was a situation, they would be able to identify the gear from that individual. We did try to contact him, to see if he had used his recreational traps and been successful, but I haven't been able to get in touch with him, and so I'm not sure.

This is Attachment 2 under spiny lobster. We have a discussion document, and so, at this meeting, we want to get the South Atlantic Council's input and guidance on what you want to do for this action. We're going to send it over to the Gulf Council. At their January meeting, their meeting at the end of the January, they are going to get the first crack at the options paper for the new amendment, Framework Amendment 1, that's going to have the ACL and the ABC actions in it. They're going to review that, and they are going to incorporate what you guys send over to them about what to do about this action, because it's a South Atlantic action.

Then, in March, the South Atlantic Council will get to see the draft amendment and what the Gulf Council is recommending and sending over for you guys to approve. At this meeting, you are only getting this action. You're going to tell us what you want, and we're going to include it in that draft amendment for you to see in March.

When you guys were talking about this in June, you were asking about the regulations in place for Florida, and that's why Jessica provided the information about Florida's regulations and management, and we have a summary of the regulations that would apply to these recreational traps, with the vessel and gear identification, the prohibited gears and methods, the trap construction and tending. These are all in your discussion document, and I'm not going to go through those. Then the harvest regulations that are in place. For Georgia, South Carolina, and North Carolina, it's two lobster per person per day, and that's commercial and recreational harvest.

MR. HAYMANS: I'm not on the committee, but a clarifying question. Just to make sure that I understand, the action you're referring to is the decision document in this format, right, that you would actually move into Framework Amendment 1, if we move forward, but we're considering this because of one person's request out of North Carolina?

DR. MACLAUHLIN: Currently, this is allowed, and, when you got a briefing in June about the person that wanted to use them in North Carolina, it was just like a heads-up that NMFS assigned this person a color code and notified them that here are the regulations you have to comply with if you want to do this, but it is authorized. What you guys were concerned about is maybe not letting this occur.

MR. HAYMANS: I understand. I understand that it's been a continuing practice and that we've had an inquiry about can you do it, and we answered yes, but they're still limited to two lobster per day. Maybe, if you've got six or eight guys on the boat and they're fishing whatever number of traps they can have, they might wind up with twelve or fourteen lobsters or whatever, but that's why we're considering adding an action to Framework 1?

MS. MCCAWLEY: I think you're also considering adding it -- Yes, I think that was what started the discussion, but, when we continued that discussion around the table in June, and you guys realized that Florida does not allow the use of traps recreationally, that's when the discussion kind of grew, with a lot of questions about Florida regulations and not allowing recreational traps. Then there was talk of starting this and adding an action, since we were already going to be doing the OFL and ABC, and talking about not allowing recreational traps outside of Florida.

MR. BROWN: Is there documented history or proof of anybody using recreational traps? I mean, I don't know of anybody that I have ever talked to that has ever recreationally caught them in traps.

DR. MACLAUHLIN: I would say once a year we get a call about it, and we say that, yes, it is something you can do. You are still limited to your two per person per day, and then I think maybe they contact the Regional Office, who tells them that here is what you have to comply by, as far as construction, but I don't know if anybody ever caught anything with those traps or how many traps they put out.

MR. HARTIG: **Madam Chairman, I would move that we prohibit the use of traps in the recreational spiny lobster fishery north of Florida.**

MS. MCCAWLEY: Do we have a second? The motion is going up on the board about adding an action to this document to prohibit recreational traps for spiny lobster in the South Atlantic EEZ. We're looking for a second. Do I need to read the committee members again? It's myself, Ben, Chris, Roy, and Tara. Chris, are you seconding?

MR. CONKLIN: I am, Madam Chair.

MS. MCCAWLEY: Okay. It's under discussion.

DR. DUVAL: I think I was the one who, at the last meeting, and I'm on the committee, that also recommended -- Because we're doing a framework or a regulatory amendment or whatever the title of this beast is, it would need to go before the advisory panel, or we would recommend that it

would go before the advisory panel, because I would want to get some conversation on this, and so I just want to make sure that, even though the motion is to add an action to -- The draft action we have here is to restrict the use of traps, and so it could be zero to some potential number.

MS. MCCAWLEY: It's my understanding, and Kari can speak to this a little bit more, that I think that they're trying to meet the AP, for both the Gulf and the South Atlantic, maybe in late March, so they could look at the amendment at that time.

MR. BOWEN: I'm not on your committee either, but, to the maker of the motion or the seconder, just for my benefit, and maybe the others in the room, can you add some rationale of why you are proposing this?

MR. HARTIG: Yes, and, for one thing, from all of the information I've had, from sitting in with the Lobster AP and listening to their discussions, most of the lobsters are bigger than the throat dimensions allowed to enter the trap, and so, for one thing, you're not going to catch any lobsters, because you have a specific throat dimension of the traps that excludes these big animals. You're putting a trap in the water that's not going to catch any lobsters in the first place, and so your expectation of catching a lobster is pretty slim, based on the size distribution of the lobsters caught north of Florida. That is my main rationale, is that you're really not going to catch any fish in the gear.

The other is impacts on habitat from putting that gear in areas, gear that is probably not going to catch any lobsters in the first place, and having habitat damage associated with that gear on our hard-bottom substrate is my other concern. If I thought they had a real chance of actually catching lobster, I would support this, but I do not think, based on what I have seen since my career, and in dealing with the Spiny Lobster AP, that these lobsters are of a size that are not going to be caught in a legal lobster trap.

MS. MCCAWLEY: We've talked about this, about trap movement, in the past. You guys have received a trap movement presentation that FWRI did, and so, depending on the location and depending on how long the traps are out there, and so let's say that someone thought that they could recreationally take traps out there and they took them out there and then they decided that, hey, I don't really want to do this, and then they just permanently left their traps out there, that could cause habitat destruction off of these other states in sensitive habitats, depending on where they put them.

MR. BELL: Ben touched on some of it, but, for us anyway, I have never seen anybody try to do this, I don't think, or ask about it, but our lobster tend to be -- Our spiny lobster tend to be five pounds or eight pounds. I mean, these are monsters up our way, and so they wouldn't fit in a legal trap, necessary, and then there are the habitat concerns.

Also, you have to go farther offshore to find the spiny lobster where we are, and so I don't know if you would run into issues associated with vertical lines and Atlantic right whales, but it just seems like you would at least be providing the potential for a bunch more vertical lines if you didn't restrict this, and so I have a concern with that as well.

MS. MCCAWLEY: We did talk about that last time. I have Doug and Charlie and Chris.

MR. HAYMANS: I was going to pass, but then Ben mentioned the throat size. That's a minimum size. It's six-by-three-and-a-half, and not that I'm a trap fisherman, but I mean that is -- Functionally, six-by-three-and-a-half may limit the size of the animal, but that's not a regulatory restriction. They can go up in the size of the throat if they need to, yes?

MR. HARTIG: I don't know. I would have to refer to Jessica, but it was always my understanding that that throat size was, at least in Florida, on which all the regulations that have been put forth so far are based and put out by NMFS, is a defined throat size.

MR. HAYMANS: This is Florida's regulations, and it says a minimum of six-by-three-and-a-half, and so, anyway.

MS. MCCAWLEY: I would have to look into it a little bit more. Charlie, Chris, Chester.

MR. PHILLIPS: Mel covered my point, but, being newly elected to the Large Whale Take, I would definitely be worried about vertical lines in the water.

MR. CONKLIN: To add to the rationale for Zack, I had the issue with the vertical line, or not me, but we will face an issue with the vertical line, and I foresee that, and then there's also bycatch of allowable gear types for snapper grouper species, on behalf of recreational fishermen. I don't believe they're allowed to trap snapper grouper species.

MR. BREWER: I hate to echo what Chris was just saying, but I agree. A trap is a piece of commercial gear. It is not a piece of recreational gear.

DR. MACLAUCHLIN: I just want to be clear that you want to add an action that just has a no-action alternative and then an action to prohibit in the whole EEZ, and I wanted to see if that was okay, to just have the two alternatives.

MS. SMIT-BRUNELLO: Kari, I felt that you were looking at me, and so would you ask me that question again?

DR. MACLAUCHLIN: Is it okay to have, as long as we add some language in there, of just the no-action alternative and then an alternative to prohibit recreational traps in the South Atlantic EEZ?

MS. SMIT-BRUNELLO: Is that reasonable? Right now, don't you have some options to have a specific number of traps?

DR. MACLAUCHLIN: We had some suggestions for options for alternatives in the discussion document. That broke it down either by state or also allowing some number of traps, and so we could bring this back to you in the form of draft alternatives and just break it down by state. Then you can select multiple preferred alternatives or something like that. I just want to be sure that the committee is not interested in looking at allowing traps, but with a very restricted number.

MS. MCCAWLEY: Okay. Go ahead, Michelle.

DR. DUVAL: Thank you, Madam Chair, and I'm not on your committee. Maybe I'm confused, but, Kari, what you just said is basically what's in this document that you have, which is breaking it down by state and offering options of zero to two to four to six traps off of each state. What am I missing?

DR. MACLAUHLIN: I guess, if the committee is not interested in allowing any, then we won't include those as sub-alternatives or something like that. We will just break it down by state, and then you can just select multiple preferred alternatives by state. If you are interested in maybe considering allowing two, four, six, or however many traps, then you can let us know, and we will craft those as sub-alternatives.

MR. HARTIG: I think the intent of my motion was to get rid of this action altogether and not even include it. Just to get rid of it. If it's the council's will -- I've heard a lot of discussion around this council right now that there is some hesitation on going forward with this. If we vote this down now, in my opinion, it goes away. If we're not interested in entertaining recreational traps in the spiny lobster fishery in the South Atlantic EEZ, then why would we have an action to include it?

MS. MCCAWLEY: They are allowed now.

MR. HARTIG: Okay.

DR. DUVAL: You would have to add an action either way to do something, either put some limits on that use of traps or eliminate it altogether, and so there's an action needed no matter what.

MR. BREWER: I am not on the committee, but why not just streamline it and just say no action or not allowed across the board? Why do you have to split it out by state? You then run the risk -- I don't think it would happen, but you run the risk of saying, okay, we're going to allow them in Georgia and not allow them in North Carolina, and I think you just do it across the board.

DR. CRABTREE: I agree with Chester on that. What I have heard as your reasoning for not wanting this as a recreational gear, it seems, to me, that it would apply consistently everywhere, and it's hard for me to imagine how it would be okay off of one state but not off of the other, and so I think, if you want to try to have two alternatives, and if the NEPA folks are comfortable with that, that's okay. Otherwise, I think you're better off to have some intermediate alternative that allows one trap or something like that, but I think, for now, if you want to try with two alternatives and see if that works, we can take a look at it.

MS. MCCAWLEY: All right. Any more discussion? **The motion is add an action to prohibit recreational traps for spiny lobster in the South Atlantic EEZ. Is there any objection? Seeing none, that motion stands approved.**

Now Kari is going to give us an update on the SSC recommendations for OFL and ABC and talk about the recent South Atlantic SSC webinar that was just about spiny lobster. Actually, Marcel is going to talk about that.

DR. REICHERT: Thank you, Madam Chair, and I will be brief. At the October meeting, we had a lengthy discussion about spiny lobster, and the committee felt that we had insufficient information to come to a recommendation, in spite of the information that Kari provided to us, and

so we decided to have a webinar on November 21, to give the committee a little extra time and get a little more information.

Unfortunately, neither Vice Chair Sedberry or myself were able to attend that webinar, but, fortunately, we found Former Chair Luiz Barbieri willing and able to chair the webinar, and, although I read through the minutes, I may ask Mike to answer any specific questions you have relative to that webinar.

The major point of discussion, both during the webinar and during the SSC meeting, was the fact that a large portion of the recruitment of the U.S. spiny lobster fishery comes from outside the U.S. EEZ, and this means that the catches by the U.S. fishery may have little, if any, effect on the productivity or sustainability of spiny lobster in the U.S. waters.

There is also the trends in the U.S. catches may reflect the market conditions, and changes in recruitment may be emanating from outside the system. The self-recruitment may not be sufficient to sustain productivity of the lobster population, but we really don't know that, and self-recruitment is what it says. It means that the local population is responsible for the local production, through production and retention of the larvae. There is a considerable amount of uncertainty regarding this degree of self-recruitment.

After the discussions, the recommendations from the SSC were to endorse the Gulf SSC ABC control rule and recommend to extend the reference period to include fishing years 1991/1992 through 2015/2016. The numbers are in Table 1, and I apologize for not copying that table into my report, but it's Table 1 in the SSC report that was in your briefing book.

The rationale for that was that it was based on the sources of recruitment for the U.S. population. Also, the data seem to indicate that the population seems to be in a state of equilibrium with the catch levels. In addition, the SSC had a couple of recommendations. One was to revisit this OFL and ABC recommendation after several years, because of the level of uncertainty, and it was important to further examine the recruitment in the U.S. populations, based on that extensive discussion that we had within the committee. Also, to see if there was a better metric for effort over time and improved CPUE indices. Both should be developed for the spiny lobster fishery, and I believe that's my last slide. If you have any questions, let me know. That concludes my report.

MS. MCCAWLEY: Are there questions?

MR. HARTIG: Mike, did the SSC have any suggestions on how they could further identify recruitment patterns in the U.S. fishery?

DR. ERRIGO: They didn't have anything specific to add. Some of the issues that have been ongoing in Florida identifying recruitment are that there were surveys being conducted, but they're fairly localized, small-scale surveys, and they are not terribly widespread. Some of the issue is, if there's a lot of recruitment coming in from outside the system, and there aren't any surveys out where that recruitment would be coming in, to show that, but they didn't have anything specific for that. It would require more effort to strengthen that survey, so the geographic range could be expanded, but, as with anything else, that would require a lot more funding and a lot more effort work and people to do.

MR. HARTIG: I guess, to follow up, Jessica, there was a paper that came out of John's office. There was some information about localized recruitment, and then the paper was taken back, because there were some errors found in that paper, and so I guess there will be some further information forthcoming about localized recruitment.

MS. MCCAWLEY: Yes. Any more questions about the SSC report? Thank you, Marcel. We have seen what the SSC has suggested, but, since the document is going to the Gulf Council first, we don't actually need a motion here today. We will see the document again in March, where we can have a motion to adopt what the SSC recommended, after the Gulf sees it.

DR. DUVAL: I have a question. Why the change in the title, from Regulatory Amendment 4 to Framework Amendment 1?

DR. MACLAUHLIN: Well, I looked up to see what they were called, and the ones before were called regulatory amendments, but I guess that the Southeast folks want to call it a framework amendment, and, since this would be the first one, then we were going to call it Regulatory Amendment 1.

DR. DUVAL: Is there a rationale for that? I mean, I am just curious, because we have a mix of documents that are like this, and some are regulatory amendments and some are frameworks, and I think it's a little confusing to the public, because it seems to imply that it's two different instruments. That's just a general comment, and we don't need to debate it now, and I don't want to debate it now, but it's just a question.

MS. MCCAWLEY: Any other questions for the Spiny Lobster Committee? Any other business to come before the Spiny Lobster Committee? Seeing none, this committee stands adjourned.

(Whereupon, the meeting adjourned on December 6, 2016.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
January 9, 2017

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2016 - 2017 COMMITTEES (continued)

SNAPPER GROUPER

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Doug Haymans, Vice-Chair
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LT Tara Pray
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✓ Chris Conklin
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✓ Staff contact: Kari MacLauchlin

Erica Burgess

Pat Geer

Ayan Rios

Date Diaz

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Tony DiLernia

Dr. Jack McGovern

Jessica Stephens

Dr. Marcel Reichert

Patricia Bennett

Tracy Dunn

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2016 - 2017 COUNCIL MEMBERSHIP

COUNCIL CHAIR

✓ Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell Street
(PO Box 769)
Morehead City, NC 28557
252/808-8011 (ph);
252/726-0254 (f)
michelle.duval@ncdenr.gov

VICE-CHAIR

✓ Charlie Phillips
Phillips Seafood/Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-4423 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Robert E. Beal
Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
rbeal@asmfc.org

✓ Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557
252/671-3474 (ph)
AnnaBarriosBeckwith@gmail.com

✓ Mel Bell
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9007 (ph)
843/953-9159 (fax)
bellm@dnr.sc.gov

✓ Zack Bowen
P.O. Box 30825
Savannah, GA 31410
912/398-3733 (ph)
fishzack@comcast.net

✓ W. Chester Brewer
250 Australian Ave. South
Suite 1400
West Palm Beach, FL 33408
561/655-4777 (ph)
WCBLAW@aol.com

✓ Mark Brown
3642 Pandora Drive
Mt. Pleasant, SC 29466
843/881-9735 (ph); 843/881-4446 (f)
capt.markbrown@comcast.net

✓ Chris Conklin
P.O. Box 972
Murrells Inlet, SC 29576
843/543-3833
conklinsafmc@gmail.com

~~W/LLA~~
Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

✓ Tim Griner
4446 Woodlark Lane
Charlotte, NC 28211
980/722-0918 (ph)
timgrinersafmc@gmail.com

Ben Hartig
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
mackattackben@att.net

(Continued)

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2016 - 2017 COUNCIL MEMBERSHIP (continued)

✓ Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
doughaymans@gmail.com

LT Tara Pray
U.S. Coast Guard
909 SE 1st Ave.
Miami, FL 33131
305/415-6765 (ph)
tara.c.pray@uscg.mil

✓ Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson.Laney@fws.gov

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Jessica McCawley
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0554 (ph); 850/487-4847(f)
jessica.mccawley@myfwc.com

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
COUNCIL STAFF

Executive Director

✓ Gregg T. Waugh
gregg.waugh@safmc.net

Deputy Director – Science & Statistics

✓ John Carmichael
john.carmichael@safmc.net

Deputy Director - Management

Dr. Brian Chevront
brian.chevront@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Fisheries Social Scientist

✓ Dr. Kari MacLauchlin
kari.maclauchlin@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing & Grants

Julie O'Dell
Julie.Odell@safmc.net

Fishery Scientist

✓ Chip Collier
chip.collier@safmc.net

Senior Fishery Biologist

✓ Roger Pugliese
roger.pugliese@safmc.net

Administrative Officer

✓ Mike Collins
mike.collins@safmc.net

Fishery Outreach Specialist

✓ Amber Von Harten
amber.vonharten@safmc.net

Fishery Biologist

✓ Dr. Mike Errigo
mike.errigo@safmc.net

SEDAR Coordinators

Dr. Julie Neer - julie.neer@safmc.net
Julia Byrd - julia.byrd@safmc.net

Fishery Economist

✓ John Hadley
John.hadley@safmc.net

Kimberly Cole

Dec 5, 2016

Full Name	Email
Leda Dunmire	LDunmire@pewtrusts.org
Rick Hawkins	rick.hawkins@uscg.mil
Bill Kelly	fkcf1@hotmail.com
Dean Foster	dfoster@pewtrusts.org
Lora Clarke	lclarke@pewtrusts.org
Alison Johnson	ajohnson@oceana.org
Richen M. Brame	dbrame55@gmail.com
Caitlin Hamer	on file
Katie Latanich	on file
Charlotte Hudson	on file

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Last Name	First Name	Email Address
.	fisherynation.com	bhfisherynation@gmail.com
Abeels	Holly	habeels@ufl.edu
Batsavage	Chris	Chris.Batsavage@ncdenr.gov
Beideman	Terri	terri.beideman@vac-usa.com
Bonura	Vincent	SailRaiser25C@aol.com
Brennan	Ken	kenneth.brennan@noaa.gov
Brouwer	Myra	myra.brouwer@safmc.net
Byrd	Julia	julia.byrd@safmc.net
Clarke	Lora	lclarke@pewtrusts.org
Cleaver	Sara	smc83@duke.edu
Dale (SERO HCD)	David	david.dale@noaa.gov
Deaton	Anne	anne.deaton@ncdenr.gov
Dunmire	Leda	ldunmire@pewtrusts.org
Erwin	Gwen	gwen.erwin@myfwc.com
Foster	Dean	dfoster@pewtrusts.org
Glenn	David	david.glenn@noaa.gov
Godwin	Joelle	joelle.godwin@noaa.gov
Gore	Karla	karla.gore@noaa.gov
Grant	Mark	mark.grant@noaa.gov
Guyas	Martha	martha.guyas@myfwc.com
Hadley	John	jhadley25@gmail.com
Hanson	Chad	chanson@pewtrusts.org
Hartig	Ben	mackattackben@att.net
Helies	Frank	frank.helies@noaa.gov
Iverson	Kim	kim.iverson@safmc.net
Laks	IRA	captainira@att.net
Laks	Ira	ccaptainira@att.net
Lee	Jennifer	Jennifer.lee@noaa.gov
Levin	Phillip	pslevin@uw.edu
Levy	Mara	mara.levy@noaa.gov
MacLauchlin	Kari	kari.maclauchlin@safmc.net
Marx	Steve	smarx@pewtrusts.org
McHan	Chris	cmchan@gmri.org
Mehta	Nikhil	nikhil.mehta@noaa.gov
Miller	Kyle	kyle.miller@myfwc.com
Neer	Julie	julie.neer@safmc.net
Player	David	playerd@dnr.sc.gov
Powell	Jessica	jessica.powell@noaa.gov
Pulver	Jeff	Jeff.Pulver@noaa.gov
Raine	Karen	karen.raine@noaa.gov
Recks	Melissa	melissa.recks@myfwc.com

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Schueller	Amy	amy.schueller@noaa.gov
Sedberry	George	george.sedberry@noaa.gov
Shiple	Krista	krista.shiple@myfwc.com
Shouse	Ben	bshouse@pewtrusts.org
Stephen	Jessica	jessica.stephen@noaa.gov
Stillman	Karolyn	karolyn.stillman@noaa.gov
Takade-Heumacher	Helen	htakade@edf.org
Turner	Steve	steve.turner@noaa.gov
Von Harten	herman	capt_bo@hotmail.com
Walia	Matt	matthew.walia@noaa.gov
Wells	Hamilton	bluewaterorganic@gmail.com
Williams	Erik	erik.williams@noaa.gov
brewer	chester	wcblaw@aol.com
burton	michael	michael.burton@noaa.gov
dilernia	tony	tony@rocketcharters.com
gloeckner	david	david.gloeckner@noaa.gov
holiman	stephen	stephen.holiman@noaa.gov
pugliese	roger	roger.pugliese@safmc.net
sandorf	scott	scott.sandorf@noaa.gov