

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Renaissance Orlando Airport Hotel
Orlando, FL**

June 10, 2008

SUMMARY MINUTES

Spiny Lobster Committee Members:

Tony Iarocci, Chair
George Geiger

Mark Robson, Vice-Chair
John Wallace

Council Members:

Robert H. Boyles, Jr.
Dr. Wilson Laney
Dr. Brian Chevront
Lt. Brian Sullivan
David Cupka

Susan Shipman
Mac Currin
Tom Swatzel
Rita Merritt

Council Staff:

Gregg Waugh
Kate Quigley
Kim Iverson

Mike Collins
Myra Brouwer

Observers/Participants:

Monica Smit-Brunello
Bill Sharp
Dr. Joe Kimmel
Dr. Stephen Holiman
Nicholas Chrobat
Kate Michie
Bruce Irwin
Hal Robbins
Bill Kelly
Darden Rice
Dick Brame

Kay Williams
Dr. Tom Jamir
Carolyn Sramek
Mike Travis
Dave Allison
Otha Easley
David Dale
Margot Stiles
Buffy Baumann
Lt. Jason Marlow
Tricia Choe

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Vienna Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Tuesday morning, June 10, 2008, and was called to order at 11:45 o'clock a.m. by Chairman Tony Iarocci.

Mr. Iarocci: I would like to call to order the Spiny Lobster Committee meeting. The first item on the agenda is Approval of the Agenda. Any discussion or any additions? So moved. The second item is Approval of the March 2008 Minutes. Any discussion? Any changes? So moved.

The next item on the agenda is Spiny Lobster Amendment 4/8. The Caribbean Fishery Management Council has the lead with the South Atlantic Council and the Gulf Council. This is on Attachment 1 and Gregg will give an update on this right now.

Mr. Waugh: Thank you, Mr. Chairman. The Caribbean Council has approved this document for public hearing. I'm going to be going through the overview that you all have on the front of your briefing book CD. Action 1 is the minimum size limits for spiny lobster imported into the U.S.

We've got Alternative 1, which is no action. Alternative 2 is no person in the U.S. would be allowed to import a spiny lobster and we've got several categories there. In terms of a tail weight, less than five ounce tail weight and five ounce is defined, according to that market category, as being between 4.2 and 5.4 ounces. If the animal is whole, then the applicable size would be a three-inch carapace length. If it's just the tail, it would be less than five inches.

Under Alternative 2, we would have a separate requirement in Puerto Rico and the U.S. Virgin Islands. No person would be allowed to import a spiny lobster less than six ounces tail weight and that would be 5.9 to 6.4 ounces, less than three-and-a-half inch carapace length or less than 6.2 inches tail length.

What Alternative 2 does is track the minimum size regulations that exist in Puerto Rico and the U.S. Virgin Islands and the other one tracks the size limit that's in our Spiny Lobster FMP. We need to have a little clarification of the text in the document here to clarify that when we talk about the U.S. here applying that size limit that includes the entire U.S., Hawaii, Alaska, Guam, all of those, except Puerto Rico and the Virgin Islands.

The reason we need to do that is because Alternative 3 takes and applies one size limit everywhere and that would be the size limit that we have through our fishery management plan, the five-ounce tail weight, three-inch carapace length, or five-and-a-half inch tail length. That would apply everywhere. We just need to add some wording to the document before it goes out to public hearing clarifying that, so people aren't confused.

The Gulf Council and the Caribbean Council did not pick a preferred on these. I think it would be very helpful if we could pick a preferred and we'll get to that in a moment. Let me just mention the other item in this amendment is another action dealing with import restrictions. Alternative 1 is no action and Alternative 2 would be not to allow the importation of spiny

lobster tail meat, which is not in whole tail form, with the exoskeleton attached, that's the shell, and do not allow the importation of spiny lobster with eggs attached or importation of spiny lobster where the eggs, swimmerettes, or pleopods have been removed or stripped.

Those are the two actions. We have several other alternatives. Alternative 3 and 4 just split Alternative 2 into two different parts. Alternative 3 is dealing with just the tail meat and then Alternative 4 is dealing with the eggs and the fins and so forth.

What we're to do here today is to review that document and provide any guidance to the staff and team on any necessary changes and choose a preferred alternative for public hearings and then approve the import amendment for public hearings.

Mr. Iarocci: Thank you, Gregg, and there is one change. When you look at Alternative 2, at Jekyll Island, when we had this document, it said 4.5 and it's changed to 4.2 on this document. With that, I would like to take any discussion or to choose a preferred alternative or discussion on these alternatives at the time. Also, Monica or Joe, some discussion on the Continental U.S. and some wording and if it's fine with that.

Ms. Smit-Brunello: What I would suggest is that at least in the discussion section, underneath the actions, that it be made clear as to what the intent is. I think that since the Gulf just approved this document for public hearing at its last meeting, which was last week, and they won't meet again until August that any wording change, we wait until after the public hearing, at least for the bold alternatives. Then I'll talk with Shepherd Grimes, who is advising the Gulf and South Atlantic Council, because I understand -- We just missed this, I think. It's a nuance there that we missed.

If the wording needs to be changed, I suggest we do that in the alternatives after we approve it for public hearing and maybe get with Gulf staff to make sure that -- We'll work this out, to make sure that in the end that the document clearly reflects exactly where these requirements will take place.

Mr. Iarocci: Thank you, Monica. Kay Williams is here and she can take these concerns back to the Gulf and we can discuss that.

Mr. Geiger: **In regard to 4.1, Action 1, I would propose, in the form of a motion, that we adopt Alternative 2 as our preferred alternative.**

Mr. Iarocci: A motion has been made by Mr. Geiger? Second?

Mr. Geiger: Do I need to read that motion, the whole thing, Gregg, for clarity?

Mr. Waugh: Yes, you should.

Mr. Geiger: I'll read it. **No person in the U.S. would be allowed to import a spiny lobster (*Panulirus Argus*): 1. Less than five ounces tail weight (five ounces is defined as a tail that weighs 4.2 to 5.4 ounces). Number 2, three inches (7.62 centimeters) or less carapace length**

if the animal is whole. Number 3, less than 5.5 inches (13.97 centimeters) tail length, if only the tail is present. In Puerto Rico and the U.S. Virgin Islands, no person would be allowed to import a spiny lobster (Panulirus Argus): 1. Less than six ounces tail weight (six ounces is defined as a tail that weighs 5.9 to 6.4 ounces). Number 2, less than 3.5 inches (8.89 centimeters) carapace length if the animal is whole. Number 3, less than 6.2 inches (15.75 centimeters) tail length if only the tail is present.

Mr. Robson: Do you need a second? Second.

Mr. Iarocci: Any discussion on the motion? **Any objection to the motion?**

Mr. Geiger: In terms of discussing the motion, this has been discussed ad nauseum at the Caribbean Council and we have agreements between U.S. fishermen and Caribbean fishermen on this particular alternative as being their preferred. I speak to that and recommend it be adopted.

Mr. Iarocci: Thank you, George. To that point, I was at the Caribbean Council and last week, I had called some council members and fishing organization representatives and they both support this as their preferred alternative also. With that said any more discussion on the motion?

Mr. Sharp: Just a very small syntax comment. Would it make more sense and still not change the intent of this alternative if we say no person would be allowed to import a spiny lobster into the U.S. or would not be allowed to import into the U.S. a spiny lobster, rather than no person in the U.S. and the same with the second half of that amendment. No person will be allowed to import into Puerto Rico or the U.S. Virgin Islands a spiny lobster less than --

Mr. Waugh: I think we can look at modifying this wording for the final, but given that two of the three councils have already approved it for public hearing, we can't really change the specific wording of the measure, but we'll make note of that and when we are modifying it after public hearing, word it --

Mr. Iarocci: Thank you, Bill. Any more discussion on this motion? **Any objections to this motion? Seeing none, the motion passes.** The next action is the Alternative 4.2. Any discussion on this?

Mr. Geiger: **I would propose a motion that in Action 4.2, Action 2, that Alternative 2 be our preferred alternative. That motion would be do not allow the importation of spiny lobster tail meat which is not in whole tail form with the exoskeleton attached and do not allow the importation of spiny lobster with eggs attached or importation of spiny lobsters where the eggs, swimmerettes, or pleopods have been removed or stripped.**

Mr. Iarocci: Thank you, George. Do we have a second on that motion, please? Second by Mark Robson. Any discussion on this motion?

Mr. Geiger: In regard to discussion, this has been vetted through our law enforcement personnel and this is the cleanest and best way to monitor it for law enforcement purposes and I speak to approving this alternative as our preferred.

Mr. Iarocci: Thank you, George. With that said, I've also talked to Hal Robbins and Paul Raymond and we've been dealing with this for quite a while now and this is the preferred. Everybody, from industry to conservation to enforcement, supports this. We've got Mark that seconded. Any more discussion? **Any objection? So moved.** The next motion will be to approve this to go to public hearing.

Mr. Geiger: **Mr. Chairman, I make a motion that the committee recommend to full council that this be approved to be taken to public hearing.**

Mr. Iarocci: Thank you. Second?

Mr. Robson: I second the motion.

Mr. Iarocci: Second by Mark Robson. Any discussion on the motion? **Any objection to the motion? So moved.**

Ms. Smit-Brunello: Just so you know, the Caribbean, back on the management alternatives, Action 1, the minimum size limits -- I don't believe the Caribbean Council chose a preferred alternative and so when the DEIS goes out, it will have to be clear in that document that the preferred alternative that this committee chose and the Gulf Council chose is specific to the Gulf Council and the South Atlantic Council, if the council approves on Friday or Thursday what this committee's action is. The Caribbean didn't have a preferred, just so you know ahead of time.

Mr. Waugh: I think, Monica -- I don't think the Gulf picked a preferred either. We've gone out to public hearings before with different preferreds and so I think the DEIS will just have to make it clear that the Caribbean Council and the Gulf Council have no preferreds for these actions, but the South Atlantic Council has Alternative 2 as a preferred that would set up those differential import regulations, but that that is just the preferred of the South Atlantic Council.

Ms. Smit-Brunello: Right and I don't see a problem with that and I must have -- I was wrong. I guess the Gulf didn't pick one, but the document will make that clear.

Mr. Iarocci: Thank you, Monica. As I stated earlier, and I know it's later, but the Caribbean Council does not meet until August, but at that time, they said they would make this their preferred if they could by that time, but everybody is in agreement that this is their preferred. It's not on paper, but it is their preferred.

The next item is the Status of Florida's Actions on Spiny Lobster and we'll have a state representative, Bill Sharp, and then Bruce Irwin, representing industry, will give a little update on what's going on. Go ahead, Bill.

Mr. Sharp: Thank you, Mr. Chairman. I'm Bill Sharp, for those of you who have not met me yet. We just have a brief update on some rules that are being implemented in the state, beginning in July. We've got a couple of new rules regarding lobster coming online. One is we're extending the moratorium on the reduction of lobster traps for another year, while the state

continues to work with industry, issues involving discards and interactions with the gear and habitat.

Secondly, we're extending the protection to egg-bearing lobsters. Presently, the state only prohibits the take of the two most popular lobsters, the ones that are targeted most commonly. We're extending that protection to all eight or nine species that occur in shallow waters in Florida. Also, we've got a suite of rules that are in draft form now that we'll be taking before our commission in September and these deal with the recreational fishery, fees associated with the permits, and one small rule on the commercial side dealing with trap certificates, a small amendment to help reduce some of the latent effort in the fishery at the moment. That's it, in a nutshell, Mr. Chairman.

Mr. Iarocci: Thank you, Bill. I want to personally welcome you to the South Atlantic Council. We've worked together on a lot of state issues and I look forward to working with you and introducing you to some of the other council members later. Thank you for being here. The next speaker will be Bruce Irwin from the Florida Keys, a commercial lobster fisherman.

Mr. Irwin: Thank you, Mr. Chairman. First of all, I'm going to give kind of a brief overview of this workgroup. This workgroup was formed after the December commission meeting in 2007 and what happened was the state lobster board had some unresolved issues that were left undone, so to say, and this workgroup was put together by industry and we got together and got the industry leaders and we've had, I think, four or five meetings now and we are making progress on what we were tasked to do.

I'm going to give kind of a brief overview of what we've done so far and I do have a handout for our last meeting. That was the last meeting we had and basically, the goal of this meeting -- We've had several meetings and what we did was we kind of went over issues and then we started getting down to the nitty-gritty and started trying to narrow down on some of the things.

The goal of this last meeting was to produce this options paper and to deal with the two major issues that face the trap industry, which is short mortality and environmental impacts. What you'll see here on the options are what had enough support to make the list.

These options are not final recommendations at this time and some of the other options that didn't have enough support were closing the season early. We looked at that. We looked at the benefits and the negative impacts it would have on the industry itself and it really didn't have enough support yet to be listed on the options paper. Another issue that we really want to look at is kind of enhancing the stock or making sure we have a long-term sustainable stock of lobster.

I'm going to go over options for reducing short mortality. The first one we came up with that had enough support to make the options list was require one lathe on a trap to be made of untreated wood. Every year, one of the big issues are traps that are cut off, the buoys are cut off, and they lay on the bottom and they continue to catch lobster. If we put one lathe on it of untreated wood, it would greatly enhance the ability for that lathe to deteriorate, so fish could come in and out of the trap.

Require aerators for live wells. Right now, we're required to have live wells with I think it's three-quarters of a gallon per animal flowing -- I can't remember the exact, but we're supposed to have a water pump on there and it does -- We did that in the 1980s, I believe, and it really greatly -- The ability to keep shorts on our boats live, it really helped a lot, but as we got to find out later, dealing with live lobster -- We started selling live lobster and we found that these aerators, which is basically a compressor, a little small compressor that costs a couple hundred bucks, and then you put a stone in your live well and it puts lots of oxygen in a tank and it's even a lot better than the pump, than the water being pumped in there.

We also wanted to look at the possibility of a cooperative research project that would study escape rings that would be placed in traps where a certain size lobster could get in and out, could free range in and out of it.

The smaller lobsters are not that good bait anyway and so we thought that we could reduce short mortality a great deal by maybe putting in these rings and letting the smaller lobster go in and out of the traps and we thought that would greatly reduce short mortality, but we wanted to do a research project on it and see what kind of impacts it would have on the catchability of the trap and what size rings we could do to keep the larger, the just under legal, shorts in the traps.

Also, another one that made the list was passive trap reduction and a passive trap reduction is just whenever there's transfers, the person buying loses a portion of the certificates and it's just a way to reduce more traps.

The next one is environmental impacts and we really wanted to work with the Sanctuary, NOAA, and other agencies and we want to protect the coral and we're looking at the possibility of closing some of these real high profiled coral areas and identify them and look at protecting them. In other words, no trapping in them. We also started -- We're trying to get -- We're in the early stages of right now doing a trap movement project and what we're trying to do, we're trying to get better fishing practices, so the traps move less, whether it's modifications in gear, smaller rope size, different buoy designs.

What we're trying to do is go in -- I think me and Scott Zimmerman from Florida Keys Commercial Fishermen's Association were talking to Tom Jamir about how we could go about getting this project and getting the funding and who we needed to see to do this. We feel that if we do this project that at the end of it we could really reduce the amount of movement of traps and that seems to be a really big issue now.

Those are what we did at the last meeting. I just wanted to give a brief overview of the things at the previous meetings that went forward. At the last meeting also, we unanimously supported Alternative 2 on the importation rule.

We also -- These are recommendations that have been passed. All these were unanimous and they were all passed as recommendations that this group will move forward with to go to the state with. FWC should include the federal park in an emergency trap clean-up plan. We had a little problem getting in there after Wilma and we want to get that all lined up, so we can do it without going through the red tape.

This also passed, to promote cooperative research between the commercial trap industry and state and federal scientists. Number four was to support the state lobster advisory board's recommendation to allocate lobster landings according to historical averages and we also were looking into recycling trap rope.

Now we have a goal of by October 1 to have a list of final recommendations and final projects that we would like to do and we're going to take that to FWC staff, Mark and Bill, and try to work out the differences that they may have with some of them or some of the differences we have with them.

By our December meeting, we plan on having a list of not necessarily final -- All these things won't be done. Like some of these cooperative research projects are going to have to be done over time, but we would like everything on the table then to take to the FWC commission and I think that's about it, Mr. Chairman.

Mr. Iarocci: Thank you, Bruce. I appreciate you taking the time to come up here and make that presentation. I remember after Tom Matthews was here and made the presentation at the council meeting when he showed the trap damage of the faces and the oohs and aahs and people had asked me what industry was doing and we went back after that and we've been doing this and we are working very closely with the state and as Chairman of the Spiny Lobster Committee, I'm trying to coordinate what's going on within industry and with people like Bruce taking the lead and the organizations being a part of this and looking at this research, but when people ask me what industry -- Industry is coming to the table to be proactive and deal with these issues right now and wanting to work closely with the NGO groups and other resource users, also.

Mr. Geiger: You stole me thunder, Tony. I was going to commend you guys, both of you, for your leadership in identifying solutions to problems before we identify them as problems. I appreciate that and I think that's what it takes on the part of every industry, is to step up to the plate and try to exercise their own judgment and leadership in correcting these problems before we have to address them in a manner that you may not like. I thank you very much for your leadership and, again, taking the time to give us this update. I appreciate it.

Mr. Iarocci: Thank you, George. Also, everything from ACLs down to any type of management, we're trying to do, especially with the habitat. We all know with the designation of the corals that we've got areas that we have to deal with. I don't want to go on, because I know everybody is getting hungry.

Mr. Geiger: I would just ask you to change one thing. Strike the word "bait" from your presentation and maybe use the word "attractant" or "lure" or something.

Mr. Allison: I'm Dave Allison and I'm Campaign Director with Oceana and I just wanted to comment today and thank the fishing industry and agency leadership in addressing these issues, especially -- As you know, we're quite concerned with habitat and we offer you encouragement and support for anything that we can do to provide assistance in the excellent work that you guys are doing.

Mr. Iarocci: Thank you, Dave. We'll move on and thank you, Bruce. I appreciate it. Item 5 is Amendment 9. Gregg, if you could give us an update on this and, Kay, you are in the room and the Gulf Council does have the lead on this, if you need to add anything.

Mr. Waugh: This is Attachment 2 to your spiny lobster materials. This will be Amendment 9 and this is just sort of a running list of things that we will be addressing: the tailing permit, either continuing to allow or prohibiting tailing; the fifty short rule, continue to allow it or prohibit possession and use of shorts as attractants; the northern fishery, north of Florida, continue to allow two lobsters per person recreational and commercial year round; allow a larger commercial harvest or other alternatives that we would look at.

We have to update the council/State of Florida process. That has to be modified to reflect the changes in the organizations within the State of Florida and then the real difficult one is going to be annual catch limits and accountability measures and this is going to be the time driver for this amendment. That needs to be in place by January 1, 2011.

The Gulf Council does have administrative lead for this. It's a joint plan and at some point, we're going to have to sit down and develop a time line for addressing this and I don't know if this was discussed any at the Gulf Council last week, but that's where we stand. Those are the items and, again, we have to have this document submitted by -- It has to be in place by January 1, 2011 and so the councils need to be finished with it, at the latest, by June 2010, which is not that far away, two years.

Mr. Iarocci: Is there any guidance to staff on this or any discussion on the topics that Gregg touched on?

Mr. Waugh: Joe, does the Region have any sort of timeline sketched out for this as of yet?

Dr. Kimmel: We do, Gregg. I don't have a copy of it with me, but I can get it and provide it to you for full council, if you like.

Mr. Iarocci: Also, I think, Kay, earlier I had asked you and the Gulf Council hasn't got anything going for spiny lobster coming up, but if you could take the message back to the Gulf that we're waiting and we're ready to work on this whenever, because they do -- The Gulf Council does have the lead on this amendment and we're looking forward to working with them on this.

Ms. Smit-Brunello: I could be wrong, but I think the Regional Administrator wanted an alternative in there about potential delegation of the FMP to the State of Florida. He can speak to that when it's brought up at full council, but I think that was an option that he wanted considered.

Ms. Williams: I will take your concerns back and if you would have your staff contact the Gulf staff, they will be more than happy to make sure that the Gulf Council stays within the timelines.

Mr. Iarocci: Thank you, Kay, and welcome to the South Atlantic Council. Any more discussion on that? Other business? Does anybody have anything else to bring up in front of the

committee? With that said, we're adjourned.

(Whereupon, the meeting adjourned at 12:15 o'clock p.m., June 10, 2008.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
July 30, 2008

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Gregg Waugh ✓ _____

Mike Collins ✓ _____

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Rick DeVictor _____

Dale Theiling _____

Julie Neer _____

Andi Stephens _____

Roger Pugliese _____

Kate Quigley ✓ _____

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** Members will be appointed to the Bluefish, Calico Scallop, and Dolphin/Wahoo Committees, if these committees need to meet during the year.

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Spiny Lobster Committee Meeting Orlando, FL Tuesday, June 10, 2008

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ORGANIZATION

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Spiny Lobster Committee Meeting
Orlando, FL
Tuesday, June 10, 2008

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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Spiny Lobster Workgroup

Trap sector

Options Paper

5/21/08

The Spiny Lobster Workgroup met on 5/21/08. The goal of the meeting was to produce a list of options to explore on the two major issues concerning the lobster trap industry (short mortality, habitat damage). Long term sustainability for the lobster stock was also an issue many group members wanted to look at. No options had enough support to make the list for this topic although a slot limit was discussed. With annual catch limits on the horizon this is a subject the group will examine at the June meeting. Closing the season earlier was another subject that was discussed that did not have enough support to make the list. Here are the options that had enough support to make the list. These options are not final recommendations at this time.

- **Short Mortality**--- Options list for reducing short mortality.
 - A) **Require one lath on a trap to be made of untreated wood**
This would greatly increase the rate at which this lath would deteriorate. Ghost trap mortality would be substantially reduced.
 - B) **Require aerators for live wells**
Aerators increase the oxygen in the live well. This in turn would increase the health of sub legal lobster being transported in live wells.
 - C) **Escape rings in traps**
The workgroup discussed the possibility of a cooperative research project that would study the effects of different sized rings in traps that would let the smaller range of sub legal lobsters to move in and out of traps.

D) Passive trap reduction

A trap reduction that would remove a certain percentage of trap certificates on each transfer.

● Environmental Impacts ---Options list for reducing habitat damage

A) Habitat protection

The workgroup discussed the possibility of working with the National Marine Sanctuary in identifying high profile coral areas and protecting them. (Closed areas)

B) Trap movement cooperative research project

The trap industry and scientist should work together on this project. The goal is to study different fishing practices and determine which practices result in the least amount of trap movement.