

**SUMMARY REPORT
FROM THE SPINY LOBSTER COMMITTEE MEETING
Charleston, SC
September 13, 2010**

The Spiny Lobster Committee met on September 13, 2010 in Charleston, SC. The committee received presentations by:

1. Monica Smit-Brunello, NOAA GC, reviewed the impacts of FMP withdrawal on the import prohibition. Based on their legal examination, if the Gulf and South Atlantic Spiny Lobster FMP is withdrawn, the prohibition on importation of spiny lobster less than the current legal size limit in the Continental United States would be removed. The prohibition would continue in Puerto Rico and the U.S. Virgin Islands based on the amendment to the Caribbean Spiny Lobster FMP.
2. Gregg Waugh, Council Staff, reviewed actions from the Joint GMFMC/SAFMC June 2010 committee meeting, the Gulf Council June 2010 meeting, the South Atlantic Council June 2010 meeting, and the Gulf Council August 2010 meeting. The South Atlantic Council should review all actions and approve preferred alternatives where possible.

The Committee reviewed Draft Amendment 10. Council staff noted where the wording of the alternatives has been changed by the Team. The Committee provided guidance as shown below.

The committee provided guidance and approved the following motions:

Action 1. Other species in the Spiny Lobster FMP

The committee clarified that the current South Atlantic Preferred should read as follows: List species as ecosystem component species. This applies to the four species shown as sub-alternatives (smoothtail spiny lobster, spotted spiny lobster, Spanish slipper lobster, and ridged slipper lobster). The committee did not change the Council's preferred.

The committee discussed the Gulf Council's motion about resolving differences between the Councils on this Action and noted that the Councils can take different positions to public hearings; however, they must be resolved prior to formal submission. The committee provided guidance about scheduling a joint committee meeting with the Gulf Committee in June 2010.

Action 2. Modify the current definitions of MSY, OY, Overfishing Threshold, and Overfished Threshold for Caribbean Spiny Lobster

The committee did not make any changes to the alternatives and it was clarified that specific numbers would be added after the SEDAR Update and available in the next version of the amendment. Dr. Crabtree requested that the Team work on some of the wording of the alternatives addressing MSST.

Action 3. Establish sector allocations for Caribbean spiny lobster in State and Federal waters from North Carolina through Texas

MOTION #1: APPROVE THE GULF COUNCIL’S CHANGES TO ACTION 3 (MOVE ALT. 3 & 6 TO CONSIDERED BUT REJECTED APPENDIX AND DELETE OPTION A IN ALTS. 2, 4 & 5) APPROVED BY SAFMC COMMITTEE

Alternative 2: Allocate the spiny lobster ACL by the following sector and or gear allocations:

Option a: 75% to the commercial trap fishery, 4% to the commercial dive fishery, 1% to the commercial bully net fishery, and 20% to the recreational fishery.

Option b: 80% commercial and 20% recreational **GMFMC MOTION (6/10)**

GMFMC MOTION (8/10): Move to considered but rejected section.

Alternative 3: Allocate the spiny lobster ACL by the following sector and or gear allocations:

Option a: 70% to the commercial trap fishery, 6% to the commercial dive fishery, 1% to the commercial bully net fishery, and 23% to the recreational fishery.

Option b: 77% commercial 23% recreational

Alternative 4: Allocate the spiny lobster ACL by the following sector and or gear allocations:

Option a: 70% to the commercial trap fishery, 3% to the commercial dive fishery, 1% to the commercial bully net fishery, and 26% to the recreational fishery.

Option b: 74% commercial and 26% recreational

Alternative 5: Allocate the spiny lobster ACL by the following sector and or gear allocations:

Option a: 72% to the commercial trap fishery, 5% to the commercial dive fishery, 1% to the commercial bully net fishery, and 22% to the recreational fishery.

Option b: 78% commercial and 22% recreational

GMFMC MOTION (8/10): MOVE TO CONSIDERED BUT REJECTED SECTION.

Alternative 6: Allocate the spiny lobster ACL by the following sector and or gear allocations:

Option a: 72% to the commercial trap fishery, 4% to the commercial dive fishery, 1% to the commercial bully net fishery, and 23% to the recreational fishery.

Option b: 77% commercial and 23% recreational

Action 4. ABC Control Rule, ABC Level(s), ACLs and ACTs for Caribbean Spiny Lobster

ABC Control Rule

MOTION #2: MOVE ALTERNATIVE 2 TO CONSIDERED BUT REJECTED APPENDIX APPROVED BY SAFMC COMMITTEE

Alternative 2. Establish ABC based on the South Atlantic Council’s SSC Data Poor ABC control rule.

GMFMC MOTION (8/10): ADD 2 SUBOPTIONS:

OPTION A: SOUTH ATLANTIC DATA POOR ABC CONTROL RULE.

OPTION B: GULF COUNCIL DATA POOR ABC CONTROL RULE.

ACLs

MOTION #3: MOVE ALTERNATIVE 3 TO CONSIDERED BUT REJECTED APPENDIX APPROVED BY SAFMC COMMITTEE

GMFMC MOTION (8/10): MOVE TO CONSIDERED BUT REJECTED SECTION

Alternative 3: Set separate state and federal ACLs based on landings.

Option a: sum of ACLs = ABC

Option b: sum of ACLs = x% of ABC

MOTION #4: IN ALTERNATIVE 4 REMOVE THE WORDS “AND GEAR TYPE”.

APPROVED BY SAFMC COMMITTEE

Alternative 4: Set ACLs for each sector and gear type based on allocations determined in Action 3.

Option a: each ACL = (sector allocation x ABC)

Option b: each ACL = x% of (sector allocation x ABC)

Option c: each ACL = sector allocation x (x% of ABC)

ACTs

MOTION #5: MOVE ALTERNATIVE 3 TO CONSIDERED BUT REJECTED APPENDIX

APPROVED BY SAFMC COMMITTEE

Alternative 3: Set separate state and federal ACTs (If Action 4.2, Alternative 2 or 3 chosen).

MOTION #6: REMOVE “AND GEAR TYPE” FROM ALTERNATIVE 4. APPROVED BY SAFMC COMMITTEE

Alternative 4: Set ACTs for each sector and gear type based on allocations from Action 3 (If Action 4.2, Alternative 2 or 4 chosen).

Action 5. Accountability Measures (AMs) by Sector

MOTION #7: MOVE OPTION B AND C OF ALTERNATIVE 2 TO CONSIDERED BUT REJECTED

APPROVED BY SAFMC COMMITTEE

Alternative 2: Establish in-season AMs.

Option a: Commercial

Sub-option i: quota closure

Sub-option ii: implement a commercial trip limit when 75% of the commercial ACL or ACT is projected to be met.

GMFMC MOTION (8/10): MOVE B & C TO CONSIDERED BUT REJECTED SECTION

Option b: Recreational

Sub-option i: quota closure

Sub-option ii: reduce the bag limit when 75% of the recreational ACL or ACT is projected to be met.

Option c: Recreational and commercial combined AM

Sub-option i: prohibit both recreational and commercial harvest when the commercial ACL or ACT, or combined ACL or ACT is projected to be met.

Sub-option ii: reduce the recreational and commercial bag/trip limits when 75% of the commercial ACL or ACT is projected to be met.

Action 6. Develop or Update a Framework Procedure and Protocol for Enhanced Cooperative Management for Spiny Lobster

The committee took no action.

Action 7. Modify Regulations Regarding Possession and Handling of Short Caribbean Spiny Lobsters as “Undersized Attractants”

The committee discussed the alternatives but did not approve a motion.

Action 8. Modify Tailing Requirements for Caribbean Spiny Lobster for Vessels that Obtain a Tailing Permit

MOTION #8: MOVE ALTERNATIVE 4 TO CONSIDERED BUT REJECTED APPENDIX APPROVED BY SAFMC COMMITTEE

Alternative 4: Modify the requirements for obtaining a Tail-Separation Permit.

MOTION #9: ADOPT ALTERNATIVES 3 & 5 AS PREFERRED APPROVED BY SAFMC COMMITTEE

GMFMC MOTION (8/10): PREFERRED Alternative 3: Revise the current regulations to clearly state that all vessels must have either a federal spiny lobster permit or a Florida Restricted Species Endorsements associated with a Florida Saltwater Products License in order to obtain a tailing permit.

GMFMC MOTION (8/10): PREFERRED Alternative 5: All Caribbean spiny lobster landed must either be landed all “whole” or all “tailed”.

Action 9. Limit Spiny Lobster Fishing in Certain Areas in the EEZ off Florida to Address Endangered Species Act Concerns for Staghorn and Elkhorn Corals

The committee discussed the alternatives but did not approve a motion. The committee directed the Team to work up alternatives for December that look at specific areas with maps and coordinates. The Team should contact the State/Federal/Industry working group to get specific alternatives.

Action 10. Require Gear Markings so All Spiny Lobster Trap Lines in the EEZ off Florida are Identifiable

The committee discussed the alternatives but did not approve a motion. The committee directed the Team to work with other Federal groups that have implemented gear identification requirements and develop alternatives for a comprehensive gear marking system for southeast trap fisheries.

Action 11. Allow the Public to Remove Trap Line, Buoys, or Otherwise make Unfishable, any Spiny Lobster Gear Found in the EEZ off Florida

MOTION #10: MAKE ALTERNATIVE 1 OUR PREFERRED APPROVED BY SAFMC COMMITTEE

GMFMC MOTION (8/10): PREFERRED Alternative 1: No Action – Do not allow public to remove any spiny lobster trap found in the EEZ off Florida.

MOTION #11: ADD ALTERNATIVE TO DELEGATE TO THE STATE OF FL REGULATIONS REGARDING REMOVAL OF TRAP LINES, BUOYS, OR OTHERWISE MAKING UNFISHABLE ANY SPINY LOBSTER GEAR APPROVED BY SAFMC COMMITTEE

In addition, the committee provided the following guidance and/or made the following requests:

1. Directed staff to work with the Gulf Council to schedule a Joint Spiny Lobster Committee during the Gulf Council's June 6-9, 2010 meeting to resolve any outstanding issues after public hearings.
2. Directed the Team to look at resolving OY versus ABC and add where OY is being re-specified.
3. Directed the Team to include the Biological Opinion as an appendix to Amendment 10 and to include summary information within the amendment document.
4. Directed the Team to clearly present the current regulations within the State of Florida.