

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 6, 2008

SUMMARY MINUTES

Spiny Lobster Committee Members:

Tony Iarocci, Chair
George Geiger

Mark Robson, Vice-Chair
John Wallace

Council Members:

Robert H. Boyles, Jr.
Duane Harris
Dr. Brian Chevront
Lt. Brian Sullivan
David Cupka
Susan Shipman

Dr. Roy Crabtree
Wilson Laney
Tom Swatzel
Rita Merritt
Mac Currin
Tom Swatzel

Council Staff:

Bob Mahood
Mike Collins
Andi Stephens
Myra Brouwer
Rick DeVictor

Gregg Waugh
Kim Iverson
Roger Pugliese
Kate Quigley
Julie O'Dell

Observers/Participants:

Monica Smit-Brunello
Tom McIlwain
Dr. Joe Kimmel
Phil Steele
Dick Brame
Scott Zimmerman
Sarah Fangman
Doug Rader
Tess Geers
Darden Rice

Dr. Jack McGovern
Dr. Tom Jamir
Bonnie Ponwith
Margot Stiles
Chip Bethell
Otha Easley
Eileen Dougherty
Tony DeFalco
Buffy Baumann

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Thursday morning, March 6, 2008, and was called to order at 8:00 o'clock a.m. by Chairman Tony Iarocci.

Mr. Iarocci: Good morning. I would like to call to order the Spiny Lobster Committee. I think everybody is settled in. The first order of business is the Approval of the Agenda, with one addition. We have a presentation before Other Business by Tom Matthews. Is there any other discussion or changes? So moved.

The second order of business is Approval of the December 2007 Minutes. Any discussion or changes? So moved. Next, we'll have Scoping Comments on the Import Amendment and a review of the comments by staff member Gregg Waugh.

Mr. Waugh: Thank you, Mr. Chairman. The scoping comments are included as Attachments 1A, 1B, and 1C and the overview, right behind the agenda, has a summary of the scoping comments. We did hold a scoping meeting in Islamorada on January 24. Karl Lessard reviewed the Gulf Council's Spiny Lobster AP position and their AP supports Approach 1, which is shown at the top on the screen.

Gary Graves mentioned that the industry in his area support Approach 1. They also support prohibiting scrubbing tails, possession of berried lobsters and those other measures. They did express some concern about using tail weight. Fishermen can measure the length on a boat, but not weight. In addition, you have some variability in tail weight with the same length. They do support the five-and-a-half-inch tail length for imports from the whole Caribbean.

Bruce Irwin, who is a member of our Lobster AP, he supports Approach 1, with that same point of concern about tail weight. Scott Zimmerman, representing the Florida Keys Commercial Fishermen's Association, generally supports the council's efforts to address imports and they supported Approach 1. They mentioned concern about the decline in landings in Florida and feel that it's due to the harvest of small lobsters in the Caribbean area.

Tom Hill, Key Largo Fisheries and a member of SFA, supported Approach 1. He also expressed concern about using weight, because it changes with the size of the tail, due to the molt cycle. Tom Matthews mentioned the concern of Paul Raymond and NMFS Law Enforcement to consider the tail weight to aid enforcement and he also mentioned that a number of countries have a voluntary memorandum of agreement and we've got a copy of that in here as well that was submitted during the comment period.

In terms of written comments, we received six, first from the Florida Keys Commercial Fishermen's Association, from Scott Zimmerman, again reiterating the concern regarding tail weight importation issue. Their organization believes that the management of imported lobster should be a measurement taken by tail length and not tail weight.

In addition to controlling imports by a single measurement parameter, NOAA should also consider synchronizing the Gulf and South Atlantic regulations with the Florida Fish and Wildlife Conservation Commission tail length requirements. They expressed their belief that the

commercial lobster season, as it comes to a close, the negative effects of importing undersized lobsters are very clear. In the past ten years, landings of spiny lobster have been reduced by 30 percent.

Coincidentally, 90 percent of the lobster we import, much of which is undersized, comes from countries that lie in close proximity to the Florida Gulf Coast. They believe Approach 1 is the most suitable direction. The ESPESKA, the results of that regional workshop are included here. They support coordinating and enforcing the closed season. Starting in 2009, all agree to harmonize the closed season, which would start on March 1 and last for four months. There's a lot of agreement of countries down in the Caribbean to address this harvest of small lobsters and harvest during the closed season.

Craig Andrews submitted a letter indicating his support for the higher standard in Puerto Rico and the Virgin Islands and feeling that imports into Puerto Rico and the Virgin Islands should meet that minimum size limit. He also expressed a desire for the U.S. to look at raising its minimum size limit to that of the Caribbean, three-and-a-half inches, pointing out that the U.S. should be setting the example and the lead here.

Jim Attack, who is on our Spiny Lobster Advisory Panel, sent in similar comments supporting the size limit in Puerto Rico and the Virgin Islands and that imports should meet that and that the U.S. should look at raising theirs to three-and-a-half inch and both of them included some rationale for those positions.

Robert Burton supported a ban on imports that are smaller than the existing Continental U.S. and Caribbean U.S. minimum size limits. He noted that we should also ban imports of tail meat, berried lobsters, and tails that have been stripped and finally, Bill Mansfield, who is on our Spiny Lobster Advisory Panel, sent in a letter indicating that it's essential to have federal size limits for spiny lobster importation in place as soon as possible. The minutes from the scoping meeting are also included here for your review and that's it, Mr. Chairman.

Mr. Iarocci: Thank you, Gregg. Are there any questions or discussion on Gregg's presentation? Let me just clear up some things with some of the discussion I've had with Tom Matthews and a lot of the people in Florida. I hope everybody did, especially the people in the audience -- There's two handouts in the back dealing with this committee meeting right now.

Alternative 2 basically has the support of almost everybody right now and I hope this committee is clear on what Alternative 2 is. It goes through the size limits for U.S. importation and for the Virgin Islands also. This is what is being fully supported and this is something that I think the committee needs to look at and understand completely. Tom or Mark, would you like to say anything about that?

Mr. Matthews: The U.S. is actually the cause of this. Of course, we buy most of the Caribbean lobsters that are produced in other countries and so we've been actually the stumbling block for all of the countries able to land undersized and ship them to us, because, of course, most other countries have lack enforcement, if any at all.

As soon as some of the new information on growth and stuff came forward, most other Caribbean countries have moved forward and enacted regulations that are stricter than the U.S. and the ones listed here in front of us are the minimum standards that conform with the rest of the Caribbean. It's a very good regulation for us to move forward to support the management and preservation of the Florida spiny lobster.

Mr. Iarocci: Mark, are you fine with that? Okay. What's happening next, there will be a council meeting in Puerto Rico, in Ponce, and we'll be dealing with this issue there and I think the timing and everything -- We'll get into that later, but I think once we give the Caribbean Council a chance to go through this document and make their recommendations, then we can come back, hopefully by June, and deal with this in a one-shot deal. I think everybody will be on the same page with this.

Last week, I was in Nicaragua and did get a chance to deal with -- Their season closed in June, early this year, because they're starting to see a lot of egg-bearing females this month and they wanted to stop it. They have -- Nicaragua and Honduras and the ESPESKA agreement, which is with Guatemala, Honduras, Nicaragua, Costa Rica, and Panama, right now are all coming to the table to deal with these issues with spiny lobster.

It's so great to see where Tom has been down there and dealing with these meetings in different places and seeing all the spiny lobster fisheries looking at this, because we do know now that we do have a problem, whether it is water quality or whether it is overfishing or whether it is recruitment.

I spent a half-hour last night on the phone with Dr. Ehrhardt dealing with all these issues and he's leaving today to go back down to Nicaragua and Honduras, working with these countries, and it is great that, as Tom did state, the United States is taking the lead on this importation rule, but also taking the lead on working through these issues. Is there any other committee discussion? Like I said, I would like to make sure everybody is clear on Alternative 2 and what we're doing and maybe Monica -- As we said earlier, maybe she could give a report.

Dr. Crabtree: Alternative 2, I think there needs to be some discussion of what the rationale is for the higher size limit in the U.S. and Caribbean, because that seems, to me, to be a problem that I think is going to turn into a real hurdle for us. I would like to know why would we establish a higher size limit in the U.S. and Caribbean?

Mr. Iarocci: From what I know about the Caribbean fishery is, number one, they do fish the deeper water and they do target a bigger lobster, similar to how our guys that do fish the deeper water catch and target a bigger lobster, with a bigger trap and a bigger funnel. This has been on the books and I think there will be some discussion of this in Puerto Rico.

Mr. Waugh: I think what this does is recognize the rationale for the Caribbean having a larger minimum size limit and their fishermen, and I believe the Caribbean Council as well, don't want lobsters smaller than their existing size limit coming in. There's a lot of biological rationale for increased egg production with the larger size limit.

Dr. Crabtree: There lies the problem, because I think the rationale really down there is a lot of it is they don't want smaller lobster coming in. We can't do this because of that and it doesn't have anything to do with the rationale for having a three-and-a-half inch domestic size limit in Puerto Rico and the U.S. Virgin Islands.

This is about trying to prevent other countries from illegally capturing undersized very small lobster and it's not clear to me how having a three-and-a-half size limit in Puerto Rico and the U.S.V.I. does anything towards changing the incentive base for these other countries to catch small lobster, because almost all of the product that they're producing is coming into the Continental U.S.

If this has any semblance at all of being because we don't want to have competition from imported product, it's not going to happen and it's not going to go anywhere and so I would suggest that Alternative 3 -- Unless someone can come up with a rationale for how having a different import restriction in Puerto Rico and the Caribbean is going to significantly change the incentive base in other countries to capture of smaller lobster and then import them to us, which I've heard no one give any connection between that, but unless we can draw that connection, I don't think there's a rationale for it.

Mr. Waugh: I think we need to be clear on what we're doing here today. What we're doing is agreeing to the range of imports that are going to be analyzed. Obviously you have no rationale before you. The team held this conference call on February 7. Based on the scoping document and comments, they've come up with this range of alternatives and so we're not asking you to pick a preferred, but we just want to get agreement that this is the reasonable range of alternatives and then the team will analyze these alternatives and bring it before each of the councils for action before it goes out to public hearing.

Mr. Iarocci: Thank you, Gregg, and to that point, Alternative 2 is the one from the Caribbean Council, when we held that scoping meeting. Everybody I've talked to, that's the one that people do support. As Gregg has stated, these are the alternatives that we'll be talking about and there will be more discussion in Puerto Rico.

Dr. Crabtree: I make my comments though because the discussion indicated that this seemed to be the one people were favoring at this point and I want to bring up to you that I think there are significant problems with that one, unless we can draw rationale, which I still haven't heard. I know that Tony is going to be representing the South Atlantic Council at the Caribbean Council meeting and at that point, we're starting to put a public hearing draft together.

I think there will be quite a bit of discussion at the Caribbean Council that's starting to move towards a preferred alternative and I think it's important that Tony, as the representative of this council, and all of you are aware of the problems that we're trying to overcome here, because I would hate to see us go down a path that causes this thing to end up not going anywhere and so that's really the issue.

In order to have a different restriction on imports in Puerto Rico and the U.S.V.I., you're going to have to show that doing that is going to change the behavior of all of these other countries in

terms of the incentives for capturing smaller lobster and exporting them and it's just very difficult for me to see how there's any possible connection with those, because almost all of that product is coming up to the U.S., Continental U.S., and that's what's driving this market and that's where really the problem is.

I just want to be clear that it can't be done just because local fishermen down there don't want lobster coming in that are smaller than what they can produce. It has to be done for conservation benefits, because it's going to have impacts on how other countries are able to enforce their rules.

Mr. Matthews: Their incentive for doing that was so that a law enforcement officer in those U.S. territories could -- Any lobster they found that was below 3.5 inches, they knew it would be illegal. If there's importations between three and three-and-a-half, that would confound local enforcement of their own regulations.

Dr. Crabtree: That might be a reason for it, but we're going to have to talk to law enforcement about that, because -- I don't know if this is in the document, but in my discussions, I've been told that there's not a big problem with distinguishing between domestic and imported product. We're going to have to look at that carefully and see if that really is a sufficient rationale to go forward with this. Maybe it is and maybe it isn't.

Mr. Matthews: It's the same species and so a law enforcement officer couldn't tell a country of origin if one is setting on a market or a table in front of them or a hotel. The size limit, I've been told by the NMFS agents that would be enforcing this, is the best thing in the world that they can enforce and it doesn't matter what the other regulations are. If it doesn't meet a size standard, they know the legality.

Dr. Crabtree: That's something we ought to talk to them about then, because that could be a rationale for doing this.

Mr. Wallace: Since country of origin on seafood was implemented four years ago, is there a lot of non-compliance with labeling the product? Is enforcement seeing a big issue with not being labeled with the country of origin labeling on it?

Mr. Iarocci: John, I don't think it's the country of origin, but I think it's basically the size. They've been able to -- If the fish comes from say Honduras, they have the mislabeling and I think -- I wish Paul Raymond was here to address the weight issue on that and talk more about this, but what they want the weight for -- The Caribbean wants their existing regulations on the book, but it's not country of origin, but it's the undersized lobsters that are shipped in these boxes.

Mr. Robson: I don't know, Tony, you may have mentioned it when we opened the committee meeting, but Tom Matthews is a staff member with the Florida Fish and Wildlife Conservation Commission and he's here as an expert on lobster and has been working closely with these import issues and other countries as well on the pan-Caribbean management of this species and so if there's -- People might be wondering who this gentleman is.

Ms. Smit-Brunello: Before Tom starts his presentation, just to kind of echo what Roy said. I agree there are some real potential problems in the free trade arena with having different import size in the Caribbean, as opposed to the Continental U.S.

We've had some real productive discussions within the last several weeks within NOAA, with our international group and law enforcement. We brought everybody together and I think we're really moving along on this and you should see quite a revised document next time you meet and see this.

As Roy mentioned, the Caribbean Council, as you know, is going to discuss this a lot at their next meeting and even the document they have will drastically, I think, be different from what you have before you, but that two importation sizes was emphasized by the international attorneys in our group, that that's going to be a real high hurdle to overcome. Perhaps, as Tom said, there's some enforcement rationale that will work, but they just wanted everybody to know that that can be very difficult to defend.

Mr. Iarocci: Thank you, Monica. I did talk to Tracy and he will be there and I look forward to working with the enforcement people and you had said that Shepherd will be there also as legal and work closely with Shepherd through this Caribbean Council and I think if we can get direction to staff here to look at this new revised document and come back and see what these amendments will be and direct more information into the size limit of the importation between the Caribbean and the U.S.

Ms. Smit-Brunello: Right and it's real good, because he's had -- Since he left us to do Pacific Islands work and now he's gratefully come back, he's gotten some real good experience with some international groups out there and so I think it will be a real benefit.

Mr. Iarocci: Is there any more discussion on this issue?

Mr. Waugh: Tony, what we need is on this first action, the import size regulation, are there any other alternatives that should be analyzed? Alternative 1 is the no action and Alternative 2, we've been talking about, the sets the import requirement based on each of the separate size limits and then Alternative 3 uses the Continental U.S. size limits in both areas. Are there any other alternatives that need to be added and analyzed?

Mr. Iarocci: Monica, do you feel comfortable that we've got everything covered with these three for now, until we see what this revised document is?

Ms. Smit-Brunello: I would, at this point, just hold tight and, as I said, you'll get a new document and probably the alternatives will be similar, but you'll have a lot of supporting analysis and there will just be a lot more information in it.

Mr. Waugh: These are the alternatives and we're not looking -- The team is not going to add any more alternatives that we don't have here, because the timeline on getting this document together is very, very tight. I just wanted to make sure these are the three alternatives for this action that

are going to be analyzed.

Ms. Smit-Brunello: I expect those alternatives will remain the same. Something could happen and they could change, I guess, but I expect they remain the same, but you won't see it to approve for public hearing until June and so it will go to the Caribbean this month and they'll work it out and then you'll see it again to approve for public hearing and then I think there's an internal timeline that we've talked about, but in terms of some other external forces preying on the timeline, I don't see that, but I believe it's on track to meet your timeline, as scheduled now.

Mr. Iarocci: Thank you, Monica. Is the committee fine with that, because of the timeline, having the meeting in Puerto Rico and then looking at this in June? Is everybody comfortable with that? Gregg, are you okay with it?

Mr. Waugh: Yes. We've got another action.

Mr. Iarocci: That's what I was just going to say. Then we can move on to the next action. It's on the second-half of this page.

Mr. Waugh: The other action deals with other import regulations. Alternative 1 is no action and Alternative 2 is to prohibit the importation and possession of tail meat, berried lobsters, and tails that have been stripped, clipped, et cetera, in all jurisdictions. We only have two alternatives there and I think we should just make sure we're okay with two alternatives.

Mr. Iarocci: Any discussions or questions about this alternative? Just to get a little information out, there is a head-meat market, where a lot of the countries now have been importing head meat, since they mostly do have the tail market.

It's pretty easy and, Tracy, you can add to this if you want, to distinguish between a bag of head meat and tail meat that's done and there is a very big issue with the berried lobsters and we've got to stop that. I think Alternative 2 -- Once again, it's on the table, but everybody I've talked to is in support of Alternative 2. Are there any questions or discussion? Okay, Gregg, we can move forward.

Mr. Waugh: Those are the two alternatives that will be analyzed. Let's just look at the timing that we're looking at. This is in the overview. The Caribbean Council will have the public hearing document and review it and approve it at their March 26 and 27 meeting. The Gulf will approve it at their June 2 through 6 meeting. We will approve it for public hearings at our June 8 through 13 meeting and the DEIS will be published in June or July.

The public hearings will be held in July. Again, the Caribbean is the administrative lead on this and then we would expect it to be approved by the Caribbean Council in August, the Gulf Council in August, and then at our September meeting, we would be reviewing all the public hearing input and the actions of the two other councils and approving for submittal to the Secretary of Commerce.

Mr. Iarocci: Any questions or discussion on the timeline? Seeing none, the next -- Gregg, are

you comfortable moving to the next action? Thank you. Status of Florida's Changes to the Lobster Regulations and some discussion on this, Mark.

Mr. Robson: For everybody's information, the Florida Fish and Wildlife Conservation Commission had been going through a process of working with stakeholders to review and consider changes to Florida's lobster management regulations and as a result of the commission meeting back in December in the Florida Keys and continued work with industry, we are moving forward with some of the recommendations at the April Fish and Wildlife Commission meeting and these are going to be final public hearings on some state rules that would do a number of things.

First of all, they would clarify the prohibition on molestation of egg-bearing species of lobster and it would actually extend the prohibition on the harvest or possession of the egg-bearing lobster to any species of spiny lobster, slipper lobster, or other species.

There's also going to be a number of other fixes to the rule that adjust that, that address spiny lobster, slipper lobster, and some other species that are caught in Florida as far as protecting egg-bearing animals. There's some changes that will actually allow the commercial trap fishermen to display more than one endorsement number, so that they can pull their traps from a single vessel.

There's also a lot of discussion about trap reduction. We've been under a trap reduction scenario in Florida for a number of years, to try to reduce the number of traps and yet still maintain a high catch per effort for the trap fishery. It's just designed -- Primarily, this is part of a legislative mandate from years and years ago.

The number of traps in Florida has probably been reduced from I'm guessing somewhere around 800,000 -- I'm just using some rough numbers. It was at one point at a high of about 800,000 traps in the water and most of this is in the Florida Keys to down to where we're at about 450,000 or somewhere in that ballpark.

However, we have not reached what was considered to be a target, if you will, for a reduction and a couple of years ago, as a result of our review of regulations, we temporarily suspended the trap reduction program and at the December commission meeting, particularly in light of public comment, the commission decided to continue that moratorium on the trap reduction program, at least for another year. There's been no further effort to restart trap reduction in the Keys.

However, the commission and commission staff are working with industry, as well as other user groups, and this includes commercial divers, recreational fishermen, environmental interests, and the local community, particularly in the Keys, to kind of go back and look at a whole suite of things that need to be done to continue to try to manage this fishery a little bit more tightly.

One of the things -- Essentially, the commission has held off on restarting the trap reduction program, at least for a year, and I know that as a consequence of that meeting in December that a number of members of the commercial industry were interested in trying to keep the dialogue going with their industry, with commercial divers, with recreational folks, with anybody who was interested, to explore ways to come back to the commission in a year or so with some ideas

about what can be done to continue the management of this fishery in a continuing responsible way that we've been doing.

That's where a lot of the effort is right now, is to continue some dialogue with commercial and recreational interests. The commission staff, as a result of all this, is taking a hard look at what our long-term goals are for managing the lobster fishery in Florida and in light of a lot of the concerns about the fact that we are going to have to have annual catch limits and other things kicking in as a result of federal management of lobster, we're also trying to evaluate what we need as a long-term management goal.

We're concerned about a number of things. You've heard mention that there's been a reduction recently in the total landings that are available. There's been sort of a shifting baseline, where we're not sure what's happening with the fishery, but we're not getting the kind of yield that we would have seen in the past.

We rely heavily in managing this fishery on assuming that there's going to be an upstream supply of recruitment that comes to Florida and that's probably not something that I personally think is going to work for the long term. We need to look at what local recruitment does in Florida for this fishery and we need to look at environmental and habitat impacts that may be affecting the fishery.

Our research staff have been concerned about a pretty severe viral disease that affects juvenile lobster and so all these things are of a concern and in order to make sure that we continue to have a sustainable and a fairly high yield for the fishery in the future, we want to take a look at the management strategies and goals and come up with some strategies to try to improve the production of the stock and its health and sustainability in terms of production each year and continue to allow for both commercial and recreational harvest in a way that is sustainable. That's kind of where we're at at this point.

Mr. Iarocci: Thank you, Mark. I want to publicly thank you and your staff, because after the last council meeting and commission meeting, we did kind of put you on the spot and try to get this group going in getting meetings set up and we have, to date, had three meetings and we have subgroups of commercial, diving, and recreational that are right now looking at issues and right now working with Tom Matthews, we do have one pilot project going on in the reef.

We've set some traps in certain areas to see how they move, because we all know, and you'll see after Tom's report, in certain areas that certain fishermen do fish close to the reef and they do move on top of the reef and most of the people I know, the fish houses I fish out of and myself, not one person there fishes anywhere near or around the reef, but some people are still fishing around there and we'll dealing with that, through a project which is industry-funded cooperative research with Tom being onboard to see where that's done and we're doing another one, hopefully within a week, in another area. Would you like to add anything to this, Tom?

Mr. Matthews: No.

Mr. Iarocci: Any questions or discussion on what we're doing?

Dr. Crabtree: I guess this is a question for Tony and Mark. Florida is clearly working with you guys and looking towards changes in the regulations and things for the fishery in the future and Florida has always been the lead on managing spiny lobster. The Magnuson Act has a provision that allows the council to delegate management of the fishery to the state, so that the state can then enforce their regulations to any vessel that's fishing, but the states regulations and what the state does has to comply with the fishery management plan and the Magnuson Act.

It seems to me that's probably the most efficient way to manage the fishery in the future and what that would provide is the management plan would lay out certain constraints and conditions and things, but then basically when you did a rule change in Florida, it would be done and you wouldn't have to come back to the council or anything, provided everything was consistent with the Magnuson Act.

I guess I'm wondering, would Florida be interested in taking a harder look at that and, Tony, what your view would be as a representative of the industry and also the chairman of the committee.

Mr. Robson: From the state agency perspective, yes, I think we would be interested in looking at that. There would be a number of questions that we would need to answer as far as what our obligations would be to maintain management plans as far as meeting federal NEPA or EIS-type requirements, because we're not set up to do that the way the federal agencies are, but we would be interested in that, I think. I can't speak for industry.

I'll let Tony mention that, but it is something that I would like us to explore more and given the fact that I want us to try to look at some other management benchmarks for the fishery, those would probably tie in well with what's going to be required under Magnuson-Stevens anyway and so I think that could be compatible.

Mr. Iarocci: Thank you, Mark. To your question, Roy, we've been discussing this for a few years now, starting with yellowtail, if you remember turning that fishery over. It's one of the topics for discussion with this new board.

Some people are very open. Times have changed and we're looking at this differently now, the relationship we do have with the commission, but some of the hard-line old-timers that you even mention this to still have that feeling of the net ban and some of the old dealings with the commission and they're still not open to even talking about this, but it is on the table and through this board and some of the proactive fishermen, we're looking at all the -- There's lots of things that are being discussed and this is one of them.

Dr. Crabtree: Tony, make sure that folks understand that the -- If we went down this route, the federal fishery management plan would still exist and the commission wouldn't be allowed to amend that plan. Only the council would, but it's just the commission would be able to engage in rulemaking to carry out the plan and things.

For example, if there are concerns about allocation or trap-construction specifications, those could be things that are fixed in the plan and couldn't be changed by commission rule, but you

could make a wide range of things, like seasons and permitting requirements and all sorts of things, which really only the commission is dealing with now, and most of what's going on in this fishery has really been driven by the commission rules, for many, many years.

I don't think we've amended the plan in over a decade and most of the kinds of things that the commission traditionally regulates, the sport season and all sorts of things, could be delegated down to the commission, but the plan would still exist and some of the fundamental aspects of the fishery that people may be most concerned about could still remain in the federal plan.

It would just be something, I think, we would have to have a discussion with the state and come to some agreement about what's delegated and what's not. It seems like that folks concerns about that could be addressed.

I know from the agency's perspective -- Being in a situation where the commission basically does the legwork and then puts the rule in place, then they come to us and we go through a long rulemaking just to implement what they've already done and it's just administratively inefficient and if we can achieve some efficiencies in managing this and save the taxpayers some money, it seems like a good thing to do.

Mr. Robson: I agree and I think also, to the extent that it can smooth out the consistent state/federal regulations process, that certainly helps with compliance and it helps our law enforcement efforts in that area. Anything that can kind of streamline the consistency process between state and federal rules would be a help right now.

Mr. Iarocci: I agree also. I think there's a lot of potential to look at this and, Roy, I invite you down to the next workshop, to put that all on the record in front of the boys and answer their questions.

Dr. Crabtree: I would be happy to come.

Mr. Iarocci: Any other discussion on the status of the Florida fishery, the spiny lobster fishery?

Mr. Zimmerman: Mark, you had mentioned some targets for the fishery and I wasn't exactly sure what those targets were.

Mr. Robson: As you probably know, of course, the fishery is kind of managed -- We harvest every year what seems to be available, in terms of upstream recruitment. There are all kinds of limits placed on commercial and recreational fishing in terms of regulations, but there's no yield target and there's no goal as far as what we want to see in terms of a sustainable population size.

In looking at annual catch limit requirements under the federal regulations, you're looking at those kinds of fishing level targets and then what we want to see as sort of a minimum population size or biomass type benchmark that we want to manage for. Right now, we're just looking at what our total yield is every year, in terms of harvest levels.

We don't have a number, but it's something that I want us to look at and we would be looking at

it with everybody, the industry and everybody that's involved in the fishery, to see if we have a longer term goal that we want to maintain in terms of the population for the fishery.

If we get below a certain level, we need to be concerned about it and so that's my concern, is that we're just kind of continuing to harvest every year, but I want to make sure that we also have a target that tells us when we need to look at the fishery and be concerned about it, as far as the overall size of the population.

Mr. Zimmerman: There's no target for the trap reduction program?

Mr. Robson: The original target was something -- I think it was 400,000 traps. That was the target number that had been put out there. The original legislation addressed reducing the number of traps, with an eye towards continuing to have the same level of catch per effort type numbers.

Whether you could have fewer traps than that, I don't know, but the 400,000 was kind of where we're at. In effect, we've gotten very close to that original goal that was laid out and we've got - - It's like anything. When you have an effort to do something and we're at the top end of that reduction curve and that last 5 or 10 percent of anything is usually the hardest to achieve, but that's the number that we had, but I'm not talking about that as a target. I'm talking about a population type of target.

Mr. Iarocci: Thank you, Mark. Any other discussion before we move on? The next item is Discussion of Amendment Y, which the Gulf Council does have the lead on. Just to clarify what Amendment Y is, it's some of the things we've been dealing with for a while, the tailing permit, the federal fifty-short rule, the northern fishery, updating the council/State of Florida process and ACLs and accountability measures.

I think with my discussion with other people that we're looking to try to have these things done and I've talked to Tom McIlwain from the Gulf Council, but to try to get all this done when we do come up with the ACL, so the timing and the efficiency, as Roy stated earlier, would probably be a good thing, I hope.

Dr. Crabtree: Tony, we need to resolve the delegation issue, because it may be that we delegate the authority to establish ACLs and things to the commission and they figure it out and then they put them out in the commission rule and then they figure out how to handle the accountability and all that.

I know they're going to want to be a major part of all of that and I don't see how an ACL or accountability mechanism is going to be effective if it only applies to the federal waters portion of the fishery and so I think the delegation is really the first thing we need to figure out, because that's going to decide who needs to really do the legwork on how to do it and we'll have to get with NOAA GC about it, but I don't see anything in the Act that would prevent us from delegating that aspect of it down to the commission.

I think that's something we probably ought to try and focus our discussions on as the number one

part of discussions for right now. Let's figure out how we're going to do this and who is going to do it before we get too far down the road and getting into the details of what we're going to do.

Mr. Iarocci: Thank you, Roy. We had this discussion at lunch. Bruce Irwin was here, who is a member of the Spiny Lobster AP also, and we've been bringing this up and it's something that we'll be -- It's going to be at the top of the list, Roy, now that I see the interest in it. We need to get this out for discussion, because it will make this a whole lot more efficient and it's something we can talk about later on and I will make sure that this gets back and I think Scott, being in the audience, will take this back to the people, too.

Dr. Crabtree: Tony or Mark, or Tom, you would probably know, what proportion of the fishery, on average, comes from state and from federal waters?

Mr. Matthews: It's a little harder to tell, but basically, it's 50/50.

Dr. Crabtree: With a situation like that, it's just -- We're going to have to have one set of rules that apply everywhere or it's just going to be -- It's just not going to work.

Mr. Iarocci: Any other discussion?

Mr. Waugh: Under the delegation, can the State of Florida regulate vessels that are registered in other states?

Dr. Crabtree: Yes.

Mr. Waugh: That has been the consideration in the past.

Dr. Crabtree: Yes and that's the nice part of this, is that it allows them to do that. It can be done with a three-quarters -- It requires a three-quarters vote of the council and then we would have to get with Monica and determine -- I'm assuming there would be some process where when the council put rules at place that at some point we would have to take a look at them, to make sure everything is consistent with the plan, but we would probably rely on the commission to look at that and make that determination when they put the rules in place.

It sure would streamline everything and like Mark pointed out, it would ensure that we had consistent regulations, because we would just have one set of rules. From the fishermen's perspective, Tony, it would mean you could go to one place, Florida, and there's the regulations and they apply to the whole fishery and that sure would be easier on folks than going to the state rules and then there are the federal rules and it's just really confusing to everyone.

Mr. Iarocci: Any other discussion? Thank you for that, Roy. Like I said, I think that will be a priority for discussion when we get back. Mark, I think you hear loud and clear what Roy is saying and maybe at the next commission meeting we can have some discussion about this with the commissioners and the staff and industry being at the meeting and then take that back also.

Mr. Crabtree: Tony, this isn't a South Atlantic plan, I know, but some of these guys you talk to are in the stone crab fishery and we're going to have the same issues over in the Gulf with the stone crab fishery and we probably ought to take a look at that one.

One, whether we really even need a federal plan, but if we're going to have one, to look at a delegation there, too. It's going to be a lot of the same issues. It's the same folks, to some extent, and I know we haven't amended that plan in ages. While you're talking to them, that might be worth floating out as well.

Mr. Iarocci: They've requested -- The stone crab industry representatives, up and down the coast, have requested to put together their Stone Crab Advisory Panel for a meeting, to discuss some of the issues with the amount of traps and what's going on and I think this will be probably at the top of the agenda for discussion within the stone crabs. Is there any other discussion on this? Gregg, if you could go through an overview of the issues addressing this amendment, please.

Mr. Waugh: This is included in the briefing material and I think it's Attachment 3. The issues are the tailing permit, whether you continue to allow that tailing permit or not allow it. Under the federal fifty-short rule, the alternatives that have been suggested thus far is to continue to allow use of that with the live wells or prohibit possession and use of shorts as attractants.

In terms of the northern fishery, that is on the east coast north of Florida, and continue to allow the two lobster per person, recreational and commercial, year-round. The possession of berried lobsters is prohibited. Stripping of eggs and/or clipping of fins is also prohibited. We've had a request to allow a larger commercial harvest in that area, above this two lobster per person, and then the other issue is updating the council/State of Florida process.

We have a cooperative management process in there, but that needs to be updated to reflect changes that the State of Florida -- Finally, as was mentioned, the annual catch limit and accountability measures and these need to be in place by January 1, 2011. Those are the issues that have been raised for consideration in this next amendment and, again, the Gulf Council is administrative lead.

Mr. Iarocci: Thank you, Gregg. Tom, would you like to address this, being in the lead?

Dr. McIlwain: I don't really have any input into it at this point in time. We will continue to pursue this and try to do it in a timely manner.

Mr. Iarocci: Thank you, Tom. We had talked earlier about this, when we did address this amendment and the timing and once we got through the Caribbean importation rule that we would get together, either through the APs or the chairman of the Spiny Lobster Committee, and address some of these issues. Mark or John, do you need to address this or would you like to address this at all? Is there any other discussion? Gregg, do you need any more direction from the committee right now?

Mr. Waugh: No, I don't think so. That's just the range of issues and once we sit down and talk

about timing with the two councils, we may need to have some joint committee meetings and AP meetings.

Mr. Robson: As far as timing, is there -- Have we laid out any general goal of when we want to see this amendment get through the process?

Mr. Waugh: Nothing other than the deadline for having the annual catch limit regulations in place and the requirements met is January 1, 2011. The Gulf Council has to sit down and work with NMFS and involve us in the process of coming up with what the timing is to meet that, but it would, just for those of you who want to see what the timeline would have to look like, our Snapper Grouper Amendment 17 timeline is keyed to meeting -- The ACL Comprehensive Amendment document is timed to meet the January 1, 2011 timeline. That would give you a rough timing on what needs to happen.

Mr. Iarocci: Thank you, Gregg. Remember that we've gone through a lot of the scoping and a lot of meetings dealing with the tailing permit and these issues under this amendment. I think once we get into the ACL, whether it's going to be through the state or the federal process, I think we can move through this. Is there any other discussion or questions about this? Seeing none, we'll move on and if we could at this time, Tom, to make your presentation and thank you.

Mr. Matthews: The Fish and Wildlife Commission was recruited to do this work in about 2002 by Ron Hill and Pete Sheridan of the National Marine Fisheries Service. It was a nice project that we've had for five or six years now to work on and the work has progressed systematically, as you'll see as I go through this. We're very pleased with actually the results we've come up with and that we're able to help the essential fisheries habitat people with this work.

Some basic numbers, there's just under 500,000 traps in the water. Most of them are used in the Atlantic and I'll go through this a little bit quickly, for the sake of time. Our study goals and methods, you can see those five bullets. The first thing we did was understand the distribution of traps in the Atlantic and I'm going to go through each of these in turn.

The next thing, we tried to understand what happens when a trap, like the one you see pictured there, gets dropped on the reef and then picked up. The next thing we looked at is what happens when these traps start to move in storms and what's the effect of ghost traps, that is a lot of traps get cut off by recreational boaters or get lost, for whatever reason, and those traps persist in the environment for a fairly long time and what happens as those traps stay in one place or do they continue to move around in these storms and then what's the recovery time for the habitat and individual organisms? There's basically five steps to the research program we implemented.

The first thing is trap distribution. We did transects along the Keys, in the upper, middle, and lower Keys. We dropped this torpedo with a weight and a camera and that resulted in pictures like this. This is the reef tract. This is a small sand hole with a trap in the sand. That trap would have been designated as in the sand and this trap is, of course, setting on the coral. That was basically our methodology that we were able to carry out.

Some examples of this is -- I know these dots are very difficult to see, but basically in the Upper

Keys, the trap density was in this range, fifteen or sixteen traps per kilometer square, and these are habitat maps underneath and in the Middle Keys, trap density is much higher and traps are pretty ubiquitous throughout the region and I'm going to show you some numbers on these actual distributions, but this is just to give you an idea of what the trap numbers look like in different areas of the Keys.

Here's the actual trap distributions. When we did those transects, there were about 4,000 traps. By far, most of them were lobster traps. About 15 percent of them were stone crab traps and about two-and-a-half percent were actually recreational stone crab traps.

Previous to our surveys, we actually didn't understand how many or where recreational stone crabs are. The only limitations are that there's five per person and that's very loosely controlled and so there are actually a whole lot more recreational -- This isn't just a lobster issue, but there's also stone crabs in this Atlantic Coast environment.

The breakdown of where those traps are, 2.5 percent are on coral. Approximately 50 percent are on sand or algae bottom and 11 percent is on hard bottom. The difference between coral and hard bottom is really the relief. Hard bottom is often referred to as pavement bottom and so in general, the hard organisms, the corals, wouldn't be over six inches or a foot.

There's a lot of gorgonians and sponges in this habitat, but it is actually a coral environment that is of a high concern to people who want to go out there and protect the benthic habitat and about 40 percent are on seagrass.

There was a very nice study done by Amy Uhrin and the previous director of Florida Keys Commercial Fishermen, Greg DiDomenico, on the traps on seagrass. That information is out there and available for anybody else who would like to see.

Our trap densities in the lower Keys were between fifty and thirty. The first bar is how many traps are out there in the fall, in the beginning of the season, and the red bar is how many traps are out there towards the end of the season. As you might expect, through the course of the season, many fishermen take out their traps or some of those traps get lost. Middle densities in the Lower Keys. The highest densities of traps are in the Middle Keys and fairly low densities of traps in the Upper Keys.

Some examples of what traps do during routine pulling and so those 2.5 percent of the traps might be in a situation like this, actually setting on the reef. During storms, these traps slide and this path is an area where a trap has slid and as some of those traps are lost and they decay, you end with an impact like this and that will be the next three studies we did, routine fishing, what happens during storms, and what happens as traps continue to decay in place on the bottom.

Our main study site was off of Marathon. This dotted area was an area that we actually went out in our boat and we found commercial traps that were setting on the reef and then we investigated what those individuals traps were doing. These other sites, in green, are where we actually put out our own traps, for the ease of doing the study. Obviously fishermen pull their traps fairly regularly and so it was difficult for us to do long-term impact work without deploying our own

traps.

That four-meter, that shallow-depth, habitat is a mostly gorgonian or sea fan habitat, with sponges, small things on the bottom. I like this picture, because there shows another piece of trap debris setting here. The important thing to remember is that high-intensity trap fishing has been going on for fifty years in this environment. This is not a pristine environment by any reason.

All of the impact work I'm showing, there's already been a trap there long before our study sites were established and in fact, several of our trap sites were randomly set up where there's concrete pads of traps already on the bottom. I'm actually doing impact work on top of old trap debris, in some cases.

That's actually a really important criteria to remember, because even when I come out and say there's 15 percent habitat loss, it's because potentially traps are already there and so the environment in the Florida Keys has established itself very much because of the amount of trap fishing that's already going on in the area. That eight-meter depth is a true reef environment, with one or two meters of relief, and the deepwater environment is a little bit more coral cover, a little bit higher relief, but those are the environments we were working in.

Typical impacts when a trap gets dropped on the reef, this is, of course, a Montastrea coral head. These white spots are an area where a trap landed on the reef and those are the impacts that they covered. In general, from those forty-four commercial traps we investigated, we saw 146 injuries. This would be considered an injury. On average, there's three injuries when a trap drops and each of those injuries is a little bit smaller than a softball.

About a third of those injuries recover in six months and about two-thirds of the injuries stay exactly how they were, that is these polyps would die and not recover, and in 6 percent of the instances, something like black-band disease would actually infect the coral and the injury would continue to grow and possibly kill the whole coral colony.

In general, these are fairly low impacts. If you think about a seventy-pound trap hitting the reef, because of the resistance in the water and the buoyancy of the wood, it actually lands fairly lightly. The trap setting on this coral was actually covering the whole thing and resulted in fairly minor injuries to the coral that are fairly easy to assess simply by looking at it.

Types of injuries we see are pieces of sponge breaking off. This is the base of a soft coral or gorgonian. You can see it's scraped. Gorgonians in particular heal fairly quickly and again, another Montastrea, the typical large coral colonies in the Florida Keys, with a handful of injuries and again, another sponge with a small scrape injury. These are very much the typical types of injuries we see.

Another typical type of injury that's harder to show is displacement of corals. Small coral colonies, again, the size of a softball or baseball, basically if a trap slides by it, they actually get removed and turned over and those colonies generally do totally die.

The first thing I've just completed is when traps are routinely fished. Traps are normally pulled about ten times a year and so each trap does have multiple effects throughout the course of the fishing season. Over the course of the last ten years, in general, there's about eighteen storms that can move traps each year and so this is actually the largest cause of impacts we think traps have on the reefs, when typical winter storms come along and move these traps.

Surprisingly, on the last ten years, there's been an average of two to five tropical storms every year and so we think of tropical storms as natural disasters. They're frequent typical events in the Florida Keys and so I would suggest that any plan to deal with traps and impacts on reef really has to incorporate tropical and hurricane storm movement.

They occur basically every year. We are fortunate the last couple of years that they've been very low, but we have had tropical storm impacts the last couple of years. Even though they've resulted in no land damage, they certainly move traps in the water still.

Mr. Robson: Just to clarify, eighteen storms obviously includes more than just the tropical storms. There are other types of climatic events that -- It's a wind-related issue.

Mr. Matthews: We ended up calling them wind events. Typically, they're winter wind events, but they certainly occur during other times in the lobster fishing season and, of course, that's eighteen during the eight months of the lobster fishing season.

To do this experiment, we set up standard traps. This is basically the metrics on a commercial trap. We measured commercial traps in the area and we built our traps -- Actually, we bought our traps and put the rope on, as every fisherman does, to conform to the industry standards and here's the summary of what traps do during those eighteen typical annual winter storms.

We did this ninety times in that twelve feet, 115 times in the twenty-five-foot reef environment, and that little bit deeper reef environment, we observed sixty-eight of our traps moving. Some traps don't move at all. When a trap is setting in sand, very often the sand will actually bury in or lock in that trap and it doesn't move at all, but some traps move quite a bit, up to a hundred feet in the shallow environment and eighty feet on the reef and less in deeper water.

Average movement is about thirteen feet in those shallow, near-shore hard bottom areas and ten feet on the reef and just a couple of feet in the deep water. These basic numbers right here are what we think is about the average distance that traps move during each of these winter storms. This is a more complicated graph of the same thing. The more days the wind blows, the more it blows, the more movement you get. It's pretty straightforward stuff.

I've converted to meters here from a previous presentation and moving, again, those twelve feet, or four meters, that actually impacts about five square meters of bottom. A trap is a little bit less than a meter in length and in that near-shore hard bottom, they basically move linearly and in the reef environment, they tend to slide around a little bit more. They basically interact with the bottom slightly more than the distance they cover and this is not a typical photo.

This is a fairly strong wind event, nine days of thirty-eight knots, and that trap, even though this

was its previous position that we've penciled in and this was its final position, that trap slid all over this environment and you can actually see sort of the outline of the trap here.

We dove on this and we looked for injuries and we outlined this and then this is a mosaic we put together and you can see some areas are very devoid of life, but in general -- There were sixty-one visible injuries here, but in an area like this, these organisms were displaced. That is, they broke off from the bottom and floated away and were no longer in our study site.

Another fairly extreme example in that near-shore environment, this was about a forty-foot movement event, from a spring storm that hit and these are fairly typical injuries. The dark areas here are mostly algae cover. If you see the close-up, this is algae on the bottom, with the gorgonians. The trap slides along, knocking over and displacing these organisms and, of course, ends up leaning on top of some of them.

This is a trap path. After having done this research for four or five years now, I basically can't swim in this environment without seeing these trap paths and so this is actually a fairly typical type of event that now goes on in our near-shore environment.

The important numbers here are incidence of injuries. Injuries occur normally and the Cs are controls and the Ts are trap impact sites. Things get injured normally. Turtles bite sponges and other things happen that cause injuries to organisms because of non-trapping events, but essentially, you can see trapping events increase six or sevenfold how many injuries are in a site.

This is part of the take-home message today, is what percent of bottom cover is lost when a trap slides over it and this is in a ship grounding that destroys the structure, the coral reef, and knocks down cover from a typical 40 percent or 50 percent down to zero.

Again, Cs are controls and the large green areas here are the algae and in general, our benthic fauna, fire corals, sponges, octocorals or sea fans and corals, you can see there's about 15 percent loss of cover. When a trap slides across an area of reef or hard bottom, there's about a 15 percent loss of cover.

What this amounts to is, again, I'm sort of summarizing here, but traps move about four meters and they impact about five square meters of bottom. Deep traps move much less, but potentially, when you add up those, about 15,000 traps that are probably on the actual reef today, more, of course, if we include the hard bottom, they're having an impact between forty and 360 hectares.

This is actually a bigger area than every grounding that's ever been in the Florida Keys National Marine Sanctuary. Again, the impacts are only about 15 percent benthic habitat loss instead of 100 percent, but because of the number of traps, the number of times they move, the frequency of these storms, it is a fairly substantial impact to the environment of the Florida Keys.

A number of people, of course, helped with this, including my boss, John Hunt, and a lot of other people. Obviously this took a lot of time in the diving, tracking down those little injuries and trying to return to them four or five times a year to see if they've recovered and that's, of course, work we're still looking at, how long does a trap persist in the environment and how long does it

take an area where a trap has slid to fully recover?

We're about two years into that research and I suspect, because of the slow growth rates of coral, we're probably looking at five-year recovery plans, but, again, that's very preliminary information that we're continuing to work on.

Mr. Iarocci: Thank you, Tom. We really appreciate that and before I open this up for discussion and questions and I had stated earlier that this is one of the main problems that we have on the table right now with the spiny lobster fishery. I should say the commercial trap fishery. That's why we are dealing with this new board and we're looking at this and why a lot of fishermen right now are being proactive and looking at these areas to possibly close, but also to close not only to traps, to anchoring, especially with the designation now of elkhorn and staghorn coral.

A lot has been going on and you've seen through these slides and I'm glad that this was presented today, especially dealing with spiny lobster. You look at the trap movement and all fishermen in different areas fish differently, whether it's on top of the reef or -- You can see the difference between the drag of an un-buoyed, un-roped trap, compared to a trap sitting on the bottom.

I think you can relate that back to yesterday's presentation on the golden crab traps and also, when you look at using a three-eighths-inch rope, compared to an undersized five-sixteenths rope, which a lot of guys have gone to, because of less drag and a smaller buoy, but when you look at the difference of the hard bottom -- Every year, like I stated earlier, more and more fishermen are not fishing in these areas and we're trying to designate them as no trap zones eventually, working with the Sanctuary and working through this process that we're trying to do now with the state. I would like to open this up now for discussions for myself or Tom or anybody from the committee.

Mr. Geiger: Thank you, Tom. That was a very informative presentation. Tony, I would like to take this opportunity to salute you and your leadership, from the industry's perspective and recognizing this problem. You have always been somebody who is resource oriented and understands the issue and your leadership is vital in this and I appreciate it and I salute your leadership. I do have a couple of questions. The traps are primarily wood, correct, all wood? Do they treat them with anything to improve the longevity or the life span of the trap?

Mr. Iarocci: That's a real good question, George, because of the ghost trap issue. Right now, we're doing studies and we haven't been able to get the -- Which right now is probably a good thing, but we haven't been able to get the heavy duty pressure-treated American pine. We're using a lower grade pressure treated Honduran wood and in some areas, especially off the edge of the reef, in that mud bottom or sand, close to that, after a year that trap is deteriorated and has to be replaced and a lot of wood has to be done to that.

I think it was Billy Niles who had fished some traps out there this year, brand new traps built out of this Honduran wood that was already gone. That's another thing with the ghost fishing issues. A lot of these traps that are lost and cut off, they don't last and what is left, as Tom has stated, is the cement slabs and I think everybody has seen the trap. There's cement slabs on each side that

turn into habitat and turn into coral growth in certain areas. That does add to that bottom, but like you said, it does do some damage.

We used to dip in oil and creosote and things like that, but we haven't dipped for years. It's basically the -- I would say right now that 90 percent are built out of that Honduran wood and I've got traps right now that I'm repairing that are one year to four years old, depending on where they're fished and the water quality and the bottom habitat. I'm repairing and replacing wood on those traps.

Mr. Robson: We have in the state regulations some prohibitions on the type of treatment or dipping that can be done with those traps.

Mr. Iarocci: It was brought up where -- I'll always say this about the industry. There's people right now that are real proactive. George, there's some guys right now that are looking at big strips of that reef to not want to fish, but there's also the hard-core fishermen that say hey, we don't do that much damage and we don't do this and that's why we're doing this cooperatively with the industry, to show them what's going on with that.

They're still looking at do you think we can approach the state so we can dip traps again and that's what I'm saying and that's the mentality of some fishermen, but times have changed and we have to address these issues and that's not how we're going to do this.

Ms. Brouwer: I'm just wondering and perhaps this is a question for Mark, but I'm wondering whether the State of Florida is looking into issuing Section 10 incidental take permits for lobster fishermen, if this proposed critical habitat designation goes forth as it's been proposed?

Mr. Iarocci: Myra, right now, they're looking at that. Doug Gregory sits on that advisory board for those issues and there was a meeting down there to this. There was a workshop about this and industry is at the table and they're looking at the take, the permit and all that stuff. Like I said, we're dealing with this big time and right now, what we're trying to do is look at the areas that do have the elkhorn and staghorn coral and use that as a priority issue to stop any trapping there, before we look at the big picture right now. We are trying to prioritize these things and this is one of them.

Mr. Geiger: If I may, Mr. Chairman, just as a further enlightenment here, but you see "Thanks to MARFIN" at the very top and I really didn't know what MARFIN was and I got appointed to the MARFIN panel. In December, we had a MARFIN review of projects that have occurred over the course of the last three years and that was one of the most interesting two days that I've ever spent, reviewing presentations almost identical in quality to the one we just saw.

It was on a myriad of projects and, of course, a lot of them are primarily focused on efforts that have been identified as priorities for the Science Center and also priorities based on input from the Regional Office, based on knowledge of what's happening in our fishery management plans and data needs and our SEDAR data needs also play into the consideration of both of those things.

It's unfortunate and I've said it before, that it's unfortunate that every council member, actually that the auditorium wasn't full of the public to see the research that's going on under MARFIN. I made a suggestion that it should be videotaped and that everybody should get a CD that should be readily available to the public to see the type of research that's being done, answering an awful lot of the questions that we have about data from the very public, where does the data come from and what's the quality of the data?

When you look at presentations like this, you can see the quality of the data and what it does in regard to spurring industry, proactive people in industry, to do something about problems that are identified.

Mr. Robson: Again, the Fish and Wildlife Commission and thanks to Tom and folks at the Institute Office down in the Keys, there's been a lot of work done on particularly in the trap fishery and ways that we can manage these fisheries and minimize the impacts on the ecosystem and on the local community.

I would like to point out that it goes beyond just the trap fishing issue. There are other types of commercial harvest by diving and there are always concerns about the potential impacts of the recreational harvest that occurs, particularly because there's a sort of a derby, if you will. There's a two-day mini season and there's an awful lot of fins in the water for recreational harvest as well.

The concern of the Fish and Wildlife Commission goes beyond even the trap fishery itself, to managing the fishery across the board. I just want to make sure that everybody understands that as well. Again, I think with the Acropora issue that we're going to be looking to do what we need to do to make sure that the state does its part. We're still trying to deal with sawfish, too.

Mr. Iarocci: Thank you, Mark. To that point, we did hold three meetings to date and we were able to do -- We did break it up into subgroups and at the beginning, the recreational divers -- The message I got was tell Tony if he's going to attack us that we're ready to go to war with him on this issue.

I tried to explain to them that all I want to do is have them deal with their problems on how they do damage to the habitat and the corals and we're dealing with ours and have subgroups and meetings of the different groups and then come together on either some consensus issues and dealing with the big problem, but we'll deal with ours and you deal with yours now and then we'll all come together. That's what we're trying to do and that's an important fact that Mark did bring up.

Dr. Kimmel: I wanted to thank Tom for that presentation. That was excellent. Tom, a lot of times people will fish traps and not necessarily in Florida, but in other areas, they'll fish traps that have been strung together with a line and they'll have fifty or sixty traps per line and I'm wondering if there have been similar studies to the effect of habitat upon hauling those traps. As you start pulling a line up, the rest of the traps in the line will begin to slide and so you may get some movement similar to what you've seen.

Mr. Matthews: In the Miami area, because of the increased boat traffic and threat, the majority of gear is fished on strings. Now, that is only about 5 percent of the number of traps in the fishery. Beyond a hundred feet, the majority of traps are also fished on strings. Overall, it's probably about 10 percent of the gear in South Florida is fished on strings and I regret that because of this depth constraint that we haven't been able to collect -- Basically, what I want to do is simply video the activity.

Most of the gear is not put in reef or hard bottom habitat, because those ropes would tangle and float, unlike the golden crab fishery that uses a floating rope. Most of the people using strings in the Florida Keys use just the typical trap rope that is available for every other trap, but yes, if the boat started moving sideways along the line, it could be a big source of impact, but it's simply difficult work to do.

Mr. Iarocci: Joe, to that point also, during the storm events that we did have, when the single traps do move off the edge of the reef, the fishermen that are fishing, like Tom says, off a little deeper that are using the traditional -- Most everybody -- I would say 90 percent of the fishermen use the five-sixteenths and not the heavier three-eighths, because of the drag and the cost factor, too.

Their bottom line is similar to what the golden crab fishermen do. There's a trap and then there's that little belly in between and not being on the bottom. As Tom stated, if you do set on top of that coral with a trawl, you're going to bust that up.

Like I said, I want this committee and this council to know that industry right now is doing everything it can to address not only this issue, but the issues of prioritizing the management of this between state and federal and looking at the reduction and how we're going to deal with these issues and get these amendments moved forward as quick as possible. Any other questions or comments?

Dr. Laney: To you, Tony, or Tom, either one, has anybody thought about putting an anti-skid device of some sort on the bottom of the trap? For example, it seems to me if you just stuck a galvanized nail through the middle of it, maybe, that it would keep it from sliding around quite as much during storm events.

Mr. Iarocci: Wilson, right now, what we're looking at is -- I'm going up to Fish Expo in about a month, but they've designed some attachments to the bottom for traps up in New England of exactly what you're talking about and we've talked about exactly what you're saying, whether they be -- I don't think metal is -- We've talked about putting wood, one-by-two corner, and have that trap being just high enough up, but it is something we're looking at and I probably should have stated that earlier, but, Wilson, thank you and that's a very good comment.

Mr. Zimmerman: Just a quick comment on what the Association is doing for education and outreach on this issue. We're working together with the Sanctuary on putting together an educational video on best management practices in the fishing industry and we're -- Like Tony said, the spiny lobster workgroup that we've put together is actively addressing these issues and the Florida Keys Commercial Fishermen's Association is taking the lead on putting those groups

together and we're looking forward to continuing to work together with Tom and the state on cooperative research on this issue.

Mr. Robson: Thank you, Scott. I appreciate the efforts of your organization in the Keys and all of the commercial fishing interests in trying to sit down at the table and work out a number of things that will help the fishery for the long term.

I have to hearken back to yesterday's discussions about the deepwater coral HAPCs and all of the work that's being done to try to coordinate with the various user groups and the interests there, both commercial and environmental, to try to continue to have sustainable fisheries, but also to make sure that we're protecting the resources that we're depending on, including coral and other bottom resources that are important. I really encourage the commercial industries and organizations to keep working on this and be at the table and try to make sure that we do the right thing for the resource in the end.

Mr. Iarocci: Thank you, Mark. To that point, I also want to say we're doing everything we can, as I stated earlier, but also, when you look at Tom's report stating there's 15,000 traps, I think by the next time -- I think right now, this year, there were less and I think next year there's going to be significantly less and hopefully by then there will be areas designated.

If they're not passed through the councils or the state, but I think the fishermen themselves are going to look at these areas and become proactive and say we don't set traps on top of this area, especially where the corals are and especially significant areas that we find where there's hard bottom and areas that are there. We're working on that and I hope to have an update on that by the June council meeting. Any other questions or discussion?

Mr. Geiger: Again, Tony, thank you for your leadership. It's really important and we appreciate it. It was a very good committee meeting and we're going to take a fifteen-minute break and we'll start up at 9:45 and we'll come back and do Shrimp.

Mr. Iarocci: We're adjourned.

(Whereupon, the meeting adjourned at 9:25 o'clock a.m., March 6, 2008.)

Certified By: _____ Date: _____

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April 2008

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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.

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Jekyll Island, GA
Thursday, March 6, 2008**

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