SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

Charleston Marriott Hotel
Charleston, SC

September 13, 2011

SUMMARY MINUTES

Spiny Lobster Committee

Bill Teehan, Chair
John Jolley
Dr. Roy Crabtree
LT Robert Foos

Council Members

David Cupka
Robert Boyles
Mac Currin
Doug Haymans
Tom Swatzel
Dr. Michelle Duval
Tom Burgess
Duane Harris
Dr. Wilson Laney
Charlie Phillips

Council Staff:

Bob Mahood
John Carmichael
Mike Collins
Dr. Kari MacLauchlin
Kim Iverson
Myra Brouwer
Dr. Brian Cheuvront
Gregg Waugh
Dr. Mike Errigo
Roger Pugliese
Andrea Grabman
Julie O'Dell
Anna Martin

Observers/Participants:

Dr. Bonnie Ponwith
Dr. Mike Travis
Andy Herndon
Kate Michie
Monica Smit-Brunello
Bob Gill
Rick DeVictor
Dr. Jack McGovern

Other Participants Attached

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 13, 2011, and was called to order at 1:15 o'clock p.m. by Chairman William Teehan.

MR. TEEHAN: I would like to call the Spiny Lobster Committee Meeting to order. I'm here, Roy is here, Ben Hartig is not here, Robert Foos is here, and it is my understanding that John Jolley is also on this committee, so everybody but Ben is here. I would like to entertain a motion to approve the agenda unless somebody has something they want to add to it or delete. With no opposition we will move the agenda.

The second item on the agenda is the Joint Spiny Lobster Minutes from last June. Does anybody have any corrections or additions? I have one on Page 2 and the top of Page 3. It says, "Dr. Crabtree: I apologize for that oversight on my part, Mr. Teehan." That must be a mistake. (Laughter) All right, do I have any objection to approving the minutes? No objections, then the minutes are approved as written. The next item on the agenda is the biological opinion, which is Attachment 1, and we have a review actions to meet biological opinion requirements to protect staghorn and elkhorn corals, and I believe Andy Herndon is here for that.

MR. HERNDON: My name is Andy Herndon, fisheries biologist, Protected Resources Division, Southeast Regional Office. I've actually kind of screwed up your agenda already. I'm going to kind of combine kind of the two items that I was going to discuss into one, and so I'm going to briefly run through kind of Spiny Lobster Amendment 11. I will also talk a little bit about the stakeholder meeting that we had previously, some changes to Amendment 10, and that kind of thing.

Really quickly, like I said, I'm going to discuss the stakeholder meeting that we had back in July down in Marathon, Florida; briefly go over the alternatives for Action 1. Action 1 is currently the closed area action. Once I'm done with that, I will take questions regarding Action 1. Following that, I will get into the discussion regarding the rationale and necessity behind the trap line marking requirements that are currently in the document, go over the alternatives for that action and then take some questions on that action.

Real quickly, back in June at the Key West joint council meeting on spiny lobster, they got together and discussed Amendment 10; and following that meeting it became pretty clear that the councils wanted some more discussion with stakeholders regarding the proposed closed areas that had been proposed in Amendment 10.

On July 12th and 13th of 2011 we had that meeting. The Florida Keys Commercial Fishermen's Association hosted that meeting. In attendance were some Florida Keys National Marine Sanctuary staff as well as Sanctuary Advisory Council members. We also had FWRI staff there. Obviously, we had industry members. Nature Conservancy staff was also involved and then I was there representing NMFS Protected Resources.

The meeting itself discussed kind of three primary issues; the first one being the data and the quality of data regarding the acropora colony locations. There have some concerns under Amendment 10 about the quality of that data, so we discussed that. We also discussed the

inclusion of coral nurseries in the proposed closed areas, and then we also discussed modifications to the proposed closed areas in terms of how they were laid out and ways we could reduce impacts to the industry.

Real quickly, the data itself, as I think everyone remembers from Amendment 10, there was a lot of concern raised particularly from the industry as well as some of our other stakeholders regarding the quality of that data. It turned out that those concerns were well founded. In following up with FWRI staff who provided us that data, we found that there was a pretty significant quality control issue with that first data set, and a lot of the data we had received was incorrect.

In speaking with them, they were able to track down what that problem was, fixed that problem and get us some new revised data. That new data is what the new proposed closed areas have been based on. The good news was is during the stakeholder meeting, I provided some of that new data to everybody there, and most everyone there agreed that this was much more accurate data. Lots of things had been corrected, and everyone there agreed that this was a far better data set than we previous had.

As the meeting unfolded, we kind of talked about the best ways to site these proposed closed areas and five primary criteria came out as things that should guide the closed area selection. You can see them up there; I'll run through them quickly. It's that we should be protecting all areas of elkhorn coral because of their relative rarity in the Florida Keys.

The buffers around these colonies in the proposed areas themselves; it may make sense to make them slightly larger on the seaward side of colonies and the reefs because of what we know about trap movement due to storms and the direction of storms. We also wanted to protect areas where both elkhorn and staghorn colonies occur together, which is pretty rare, but that was obviously a hot item for protection.

The other criteria mentioned was to have these areas occur throughout the Keys to try and minimize one area being disproportionately affected. And then finally there was a discussion about trying to select areas that would provide protection for some species of corals that are currently being proposed for listing under the Endangered Species Act.

They have not been finalized yet or that decision has not been made, but that was also mentioned as probably a good thing to do if we could do it in the first place. Then moving on, that was kind of the first day, a little bit of the same discussion was had on the second day, the 13th, but finally on the 13th what I did is presented a set of maps.

Five sets of maps, identical maps were presented to all the stakeholders there. In groups of about two or three; we actually went around and folks actually drew on the maps comments that they had regarding areas that acropora may occur that wasn't marked on the map and areas that may have had colonies in the past and weren't there now. I also got some really helpful feedback from industry regarding ways that we could kind of change the orientation of some of these proposed closed areas so actually that it would still provide a good level of protection for the colonies while at the same time helping to minimize the impacts to the industry.

Following that meeting, I took all this information back to the office, kind of worked up some changes, and it led to some kind of significant changes between Amendment 10 and Amendment 11. Here they are real quickly. The first primary difference was that obviously we discarded areas based on the inaccurate data that we had in Amendment 10.

Particularly we had some areas that when we looked at the data again, we actually had some areas that were protecting nothing but sand, so we decided to get rid of those so obviously there were no corals there. We also used this new data to revise some of our existing closed areas that were held over from Amendment 10.

The other helpful thing is during the meeting I was able to track down some new and additional sources of information on colony locations from the actual stakeholders themselves. That new information was also integrated into our existing maps that we're working with right now. We also discussed and we now are going to try and include coral nurseries in our proposed closed areas.

Finally, as I mentioned earlier, based on information we received from industry, we've kind of changed the orientation of some of our closed areas to try and run along the reef tract. On the left there you can see kind of an image from Spiny Lobster Amendment 10, and that was actually – in the original amendment the boundaries of these areas were designated along north, south, east and west lines of latitude and longitude in an attempt to try and improve compliance and enforcement and all that kind of stuff.

But as you can see hopefully from that map, they're on that kind south/west corner and that north/east corner, and you can see how the proposed closed area extends off into a sand flat. Based on what we know about the species biology, we would never anticipate finding colonies in those locations while that may be a good fishable area for industry.

So, again, based on information from the industry, we said, well, let's see if we can tweak that, so you can see on the right there, while the number is different that actually happens to be the same proposed closed area around the same colonies, and you can see how we tried to tighten it up and orient it more along the length of the reef tract so that it's no longer extending or has minimized the extension into the small sand flat areas.

Real quickly, based on information, we now have four alternatives regarding closed areas. The first two alternatives are unchanged from Amendment 10; the first one being the no action alternative. I believe the second is in reference to closing all hard bottom habitat in the Florida Keys to trapping in order to protect colonies.

The Alternatives 3 and 4 no longer refer to options for large and medium area closures. Those were a little controversial in our last round so we've removed those and now we're only talking about the smaller areas. Areas that were deemed smaller in Amendment 10, they no longer hold that name in this amendment, but they're the only ones now we're kind of looking at. Another thing of note is that there are two suboptions under Alternatives 2, 3 and 4.

The first option, Option A, would apply any proposed closed areas to just spiny lobster trapping while Option B would apply those closures to all spiny lobster fishing, and that would include diving as well. And then just real quickly, all the alternatives other than Alternative 1 would meet the requirements of the biological opinion as they're currently designed. That's kind of brief rundown on that; anyone have questions now just on this first action?

MR. TEEHAN: Any committee members have questions of Andy or any other council members? Well, I have one or two, Andy, if you'll indulge me. On Options A and B, Option B in each one of those is closure to all spiny lobster fishing. I'm not sure if we biologically justify closing to diving. Has that been the way the public testimony is going or have you all considered that?

MR. HERNDON: Yes, that was a good question. Obviously the biological opinion didn't address that. We have heard both from – actually the Sanctuary Advisory Council just recently passed a resolution at one of their meetings requesting that actually I guess the council at this point does close them to all spiny lobster fishing.

The other public comment we've gotten has been the concern that if we have a specific area closed just to spiny lobster trapping, it may actually attract divers and other recreators that would use the area because they know that it's protected, there are protected corals there, which could lead to impacts as well. The biological opinion obviously only addressed trapping but there has been input from the public suggesting that they would prefer – or members of the public, anyway, would prefer closure to all spiny lobster fishing.

DR. CRABTREE: And I think if you believe that those divers may be touching the corals as they try to grab lobsters or get them out from under corals, you could easily build a rationale based around that.

MR. TEEHAN: Does anybody else have any questions? John.

MR. JOLLEY: I do think that you'll see over time if you allow divers to go in, they're going to realize that the probability of lobsters therefore is going to be higher than maybe in some of the other heavily fished areas, so they're probably going to frequent those areas once the learn it more often.

Certainly, some divers are better than others and some can be quite destructive I know, but there has been a good education program down there. I'd be wary that if you didn't – if wouldn't be fair if you're not going to let the trapper to be there to also let the divers have exclusive access as well.

MR. TEEHAN: Good points, John. The other question I had, Andy, was on Alternative 4, the 500-foot buffer. Would that just be for traps; would that be for – if it did go to closure to all spiny lobster, would that be somebody within 500 feet that have lobster in a bag? What are the enforcement concerns there?

MR. HERNDON: That's a good question to be quite honest. At this point we've really kind of only looked at what the impacts to trapping would be, so that's a good question. Yes, I think the idea would be that anyone inside that area with lobster could be considered in violation. Also, I'm going to talk about transit provisions and whether or not transiting across those areas would be appropriate. That's a good question; I think that's something we would have to analyze if we went down that route.

MR. TEEHAN: Any other questions before we let Andy proceed? All right, Andy, if you want to continue with your presentation.

MR. HERNDON: Now on the trap line marking, it's the other action being taken up in the amendment. Just real quickly, some of the purpose and rationale behind it, the Endangered Species Act requires us to monitor any take we authorize, and taking is basically prohibited under the Endangered Species Act unless it has some prior authorization.

Any taking of protected species by the spiny lobster trap fishery would have been illegal up to this point, but through the biological opinion we have authorized some amount of incidental taking to occur that is no longer prohibited based on certain criteria and that sort of thing. The issue we have then obviously is going to be tracking it and monitoring it.

The purpose of the trap line marking – and I'll get into kind of some of the issues we've run into with it, but the purpose here is just simply to fulfill that obligation under the biological opinion to make sure that we monitoring the impacts of the fishery. Real briefly, some of the issues that we ran into while doing the biological opinion is the information we have indicates that most trap lines, particularly in the Keys when we've got a couple of different fisheries using similar trap lines, is that when those trap lines are found without buoys or without traps still attached, as they often are, it's almost impossible to determine what the source of that line is.

For example, something we've had an issue with is, just to give you an idea, in looking at sea turtles, so sea turtle stranding information is the only information we have available to us based on entanglements or information regarding entanglements. That information is basically provided to us via volunteers.

In terms of deciphering sea turtle entanglements that may be related to spiny lobster fishing, we are basically stuck with taking their word or their interpretation of the gear that was found on the animal in terms of what fishery it might belong to. For example, we have several records of entanglements that simply state that the animal is entangled in – quote-unquote – lobster line or – quote-unquote – trap line or just line, and we have no real way to know whether or not that interpretation is correct.

We do occasionally find records that have a buoy attached to it. For example, we've have had some that will say entangled in line with buoy number X, blah, blah, blah, in which case we can pretty much know definitively at that point that it was associated with a specific fishery, but that is certainly the exception and not the rule.

The other concern we have is that we're currently getting between 5 and 20 percent of all strandings that we think are being recorded, so obviously there is between potentially 75 percent and 95 percent of all strandings are going unnoticed for a variety of reasons. Our concern there is the potential for entanglement could be much – the potential impacts of entanglement could be much higher than we currently know, and we're trying to get a better handle on those sorts of things.

The proposed alternatives under this action are simply meant to try and improve our accuracy, and particularly in the Florida Keys we're trying to improve our accuracy between determining whether or not it might be a stone crab trap, it might be a spiny lobster trap, or I guess possibly even a blue crab trap that may have had some interaction with protected species since we're stuck with just the line itself for identification.

Just real quickly, I spoke briefly about sea turtle impacts, but here you can see these are pictures of – these are actually protected acropora corals that have been impacted. I was sent these pictures in early August of this year, so those are less than a month old. As you can tell there, there are no identifying marks, no real way to know how long that line has been there, what fishery it may have been associated, if it was even associated with a fishery. That's the kind of issue that we're trying to resolve here.

So on to the actual alternatives; one important note we talked about I believe at the last council meeting, there has been a change in the biological opinion. There was a five-year phase-in period that was supposed to phase in in 2014, but we've had that changed recently, within the last few weeks, and it is now extended out to 2017; the purpose there being that we'd like to actually have a five-year phase-in period from the time it's effective, so that's the purpose of that, so that's something we need to remember.

Alternative 1 obviously is the no action alternative. Currently it does not meet the biological opinion requirements. Alternatives 2 and 3 are very similar to those we saw in Amendment 10. However, Amendment 10 did not specify a particular color that we would like the lines to be marked as, and that was simply because we were waiting to try and get some comment from the public on what colors might be acceptable to industry and whether or not the public itself might have some input on what color would be most appropriate.

We did receive some comments both from industry as well as some scientists indicating that the color white may be an appropriate color that would be appropriate for the industry in terms of acceptable for the industry as well as not increasing the likelihood of sea turtle entanglements. There has been concern that adding colored lines or using specific colored lines could actually attract sea turtles to the lines themselves. In an attempt to avoid that concern we selected the color white.

So real quickly, Alternative 2, the title is title is incorrect up there, but the idea here is to use a tracer line through an existing line that would be white or to switch to an entirely white line itself. You can see there this alternative would require the use of a white rope or a black rope with a white tracer running throughout its entire length.

I've included some examples there, but we'd talking about obviously – the one on the left is an example of an entirely white line. The picture on the right, I was unable to find – in a quick scan I was unable to find a black rope with a white tracer, but you can see there this is the kind of thing we'd be talking about. It would be black line with a white tracer running through it.

This alternative would allow fishers to choose either of those options. If they prefer the white line, they could go with that. If they wanted to stick with the black line with a white tracer, they could also use that. However, we've gotten significant industry feedback on this particular alternative to this action indicating several concerns regarding it.

I've heard some pretty convincing arguments; the first one being the scarcity of the product. There has been a discussion about whether or not – if only one distributor is carrying this type of line, the required line and they can't get it, that would put them in the position of either fishing illegally or possibly not being able to fish at all because they couldn't fish without a specific type of line.

The other concern that is kind of related to that, if there is only one distributor of a particular line, it's possible that some of the other fisheries that we're doing our best to try and distinguish between could actually buy that line and use it in their own fishery and then we would be stuck right back where we're at in not being able to distinguish the difference two fisheries.

There has also been concern about faster degradations due to UV light exposure. There has been a couple of studies done and some information provided by the industry indicating that white line or colored tracer, rather, would break down more quickly than black line and putting a tracer through it or using a line that's of a different color may actually degrade faster, causing high replacement cost and requiring more labor to make those changes.

There is obviously also the other concern about potential increasing cost. If this line costs more than existing line, there would be a concern there as well as increased labor that would be required to switch out this line. However, now with a five-year phase-in period the intent would be that increased labor would be less of a concern.

Now the other alternative currently proposed is to have a mark. It would be a white mark at least every 15 feet. The idea here is that this would allow – a very important thing to remember here is that this would allow for the exact same lines currently used in the fishery to remain in use. This would just require some sort of addition to the line to mark it.

I have provided some examples here. These are examples of what people have done in other regions. You can see the top there is an example of a spliced line. That's where they've actually taken an existing line and spliced in pieces of colored twine into that line. The second one there is spray paint. That is where obviously spray paint has been applied to a dry line. Then finally it's electrical tape and that again is where tape has been applied to a dry line.

With regard to Alternative 3, to be quite honest, I've gotten very little feedback and very little specific discussion about this alternative. There has been lots of discussion about the cost that would be associated with swapping out entire lines and the cost to the industry required to

completely replace new lines, but I have not heard much discussion about what those costs or impacts would be if you were continuing to use the existing line as it is and just adding some kind of marking to the actual rope itself.

I mentioned three examples that would work. It's also possible that additional alternatives could also work as long as they met those requirements. The industry feedback we've gotten so far on this alternative in particular is again a concern about additional initial cost for supplies, so obviously additional costs related to buying electrical tape or twine or spray paint. Obviously another concern is increased labor that is required to mark those lines.

Another issue that has come up recently has been the staying power of the mark and whether or not those line markings would be able handle a commercial fishing season. The information I've received from other regions is that they are holding up; they will last a season, but admittedly those are from other regions and may not be as applicable down here in the southeast.

Then a quick summary of the Action 2, the line marking action, we've got Alternative 1, which is the no action alternative and it does not meet the current requirements of the biological opinion. Alternative 2 is the colored line or tracer. This would achieve our ESA obligations and would likely increase our accuracy in determining protected species interactions, though it may result in faster line degradation and scarcity issues and potential increasing cost and labor.

Finally, the third alternative, which is the marking every 15 feet, would also achieve those ESA obligations and improve our accuracy and may also lead to an increased cost and labor, but I personally believe this will have the fewest impacts of these alternatives to the industry than the no action, I guess. That's it; any questions on trap line markings?

MR. TEEHAN: Does anybody from the committee have a question? John.

MR. JOLLEY: I can see where field testing of this kind of a methodology is going to be very paramount because you're talking a lot about a lot of money if you're replacing lines. Do you know how much line there is in the trap fishery in Florida, for example?

MR. HERNDON: I've seen estimates, yes.

MR. JOLLEY: So how much field testing has there been; you mentioned something about other areas?

MR. HERNDON: In the northeast region, which is where they've done a lot of this, actually I spoke with a gentleman who is one of our fisheries liaisons up there, and he actually fished it commercially for a year and said that he didn't have any problems with it. He said that he found that as long as those marks were applied – well, as long as the electrical tape and as long as the spray paint alternatives were applied to dry lines, that they actually held up very well. He said that he did find that the splicing of the colored line into an existing line was the one that held up best. Under those conditions he said that it held up very well, but again I understand that was in a region that is not the southeast so field testing may be desirable.

MR. JOLLEY: I could see where this would be a lot of work over a period of time. Some of these lines that these guys are using might be four, five or six years old, too. I would think using existing lines that are soaked with salt you might get a different reaction in marking that line than you would a brand new line. I think there has to be a lot of methodology testing before you move very far with this.

MR. HERNDON: In our stakeholder meeting I was actually able to talk to a couple of industry members and we discussed this kind of informally. They actually suggested that they would do some of that marking kind of informally and put those traps out in the water this season and see how well it held up. Again, those are informal and those would be kind of anecdotal at this point, but we do have some folks kind of looking into that already.

MR. TEEHAN: Yes, and I would suggest possibly a pilot program during this five-year period. Captain Bill Kelly is back here, and I'm sure we could challenge him about that. It might be worthwhile for all the reasons that you mentioned, John, not to mention the incredible fouling that these lines get and the treatment that they get going through a trap puller. We might want to consider looking at a pilot program. Mac, did you have your hand up?

MR. CURRIN: Yes, and I'm not on your committee, Bill, but thank you. Andy, has there been any work done or research done on adding some sort of colored marker into the rope, between he strands of rope or attaching them in some way? To me that makes the most sense and it would be the easiest to apply, replace, whatever.

I don't know about availability of materials, how they hold up where they go through trap pullers. It just occurred to me sitting here thinking that something as simple as tie wrap that – I don't know how it would hold up, whether maybe three passes through a pot puller would tear it all to pieces, I don't know, but it sure would be easy to install. It wouldn't necessarily have to be a different color. You could do a black one.

You just need to be able to identify the rope once you've got in hand. You don't need to be able to ride by in a boat and say, yes, that's a lobster trap rope. If industry, as suggested by John and Bill, could get real involved and innovative about ways to mark this line, we might make a lot of headway between now and 2017.

MR. HERNDON: And that was another big reason we wanted to extend this phase-in period for that additional five years is because, yes, that's exactly it. Part of the reason some of these were particularly vague in Amendment 10 was to try and leave room to get input from people on what is going to be the easiest for them. Again, our intention here is just to be able to identify these lines. We're not out to try and make the impact as great as possible to industry. Whatever we can come up with that's the lowest impact and still achieves our goals, that's what we're after.

MR. HAYMANS: Mr. Chairman, I'm not on your committee but making reference to something Andy said and looking back over – I mean, there are at least three people in this room that I know of who have sat on the bottlenose dolphin take reduction teams and large whale take reduction teams, and this has been beat ad nauseum and the method of marking is there.

I really don't see where we – I mean, it's a matter of working with those guys to find out what color so we don't override something that's in the black sea bass or in the gill nets in North Carolina and just go with it. The phase in is appropriate such that as new lines come in, they're marked, but the gear work has been done.

DR. CRABTREE: The purpose of the phase in, really, was to allow their existing line to go through its planned lifespan and then as they had to replace it they replace it with the marked line. If we spend the next two years testing and figuring out what we're going to do, then that part of it is not going to work out. We need to come to some resolution. I guess, Bill, what, more than half of the traps are in state waters so that's other part of this. Unless we can work something out that the commission is comfortable with and willing to put in place the same requirement, it seems to me that we wouldn't really achieve what we're trying to do, anyway. I don't know that gets us anywhere unless we can get the Florida Commission to be willing to put in place a similar requirement. Has any of this come up before the commission, Bill?

MR. TEEHAN: We spoke about it briefly last week at a commission meeting in Naples. Captain Kelly was there and we discussed it and there was really no exchange with the commissioners about it one way or another. I would think that it would be one of those things that they would look to industry to say is this a burden, is this something you want to do, is it something that is really necessary? John.

MR. JOLLEY: Just one final comment. I would think the best way to approach this and it would help you with your PR as well with the fishermen is to try to run some contracts with the actual fishermen. They're doing this everyday and they encounter all of the variables that would occur with something.

Rather than having the scientists do it, they could be monitoring the fishermen, but I'm sure you could find some people in Florida that would be willing, maybe for some help with some fees and stuff, to run some tests on these things over the next few years and get some valid results, but I think it would help you tremendously in your PR problems that we have with the fishermen. We've done this with king mackerel tagging in Florida in past years. One of the greatest things we ever did was work with those fishermen in those tagging programs. It really enhanced our public relations as well.

MR. BURGESS: Mr. Chairman, I'm not on your committee, but, Andy, moving back, you made a comment earlier about entanglements that are reported, and you think that there is the possibility that up 87 percent of entanglements are not reported. I was wondering where you got that number.

MR. HERNDON: Basically it depends on the papers you look at. These are studies usually done with sea turtles, but basically it's from the scientific literature; and they estimate from a release point of animals or bottles or whatever, they wait to see how many of them they can recover eventually. Because of oceanographic currents or bloating or animals that are eaten or sink or that kind of thing, they anticipate that they're getting 5 to 27 percent of those that are released back again. I've actually heard recently that with marine mammals that number may be even lower.

MR. TEEHAN: Does that answer your question?

MR. BURGESS: Yes. Well, I'm not really clear actually. Is this the survival rate or just the actual entanglement but does not result in a take or the death of the animal?

MR. HERNDON: I'm sorry, I make that clear. This is not necessarily in regards to entanglements themselves. That's of all strandings of sea turtles, for example, of all different causes. It could be a boat strike, it could be entanglement, it could be whatever. The information that we have indicates that of all strandings that we're finding we think that only about 5 to 27 percent of the total number that have occurred are the ones we're actually finding or being reported.

MR. TEEHAN: Any other questions of Andy? Mr. Gill.

MR. GILL: Mr. Chairman, clearly I'm not your committee. Andy, it seems to me that what you're trying to achieve here is narrow down the realm of possibilities of where that rope came from and hence you went to markings, et cetera, but I noticed in your presentation that you included white lines as a possibility.

It seems to me that goes the other way because that's the line commonly in use by the boating public, be it big boats, little boats, canoes, kayaks, whatever. Have you discussed that? It seems to me you're getting away from where you're trying to go to and would you comment on that.

MR. HERNDON: Yes, that's a good point and as you brought up that's exactly the kind of thing we're trying to avoid. Again, that's what we're trying to – and that's why I think moving towards Alternative 3 where we've got a specific marking kind of requirement to an existing black line would be the most appropriate type because that's going to be something that's only going to be applied to spiny lobster fishing gear as opposed to, like you say, going with the whole white line, which not only has industry indicated that probably won't work for them because of degradation issues and that sort of things, but also, as you point out, could be an issue with running into other possible uses.

DR. MacLAUCHLIN: As far as monitoring goes, is there going to be a program where it's monitored and then maybe the council can get a briefing on how many times the marked trap line was found in the coral or whatnot. How will that be used at a future place – I mean, if it turns out that there are a lot of lines that you find are identified as being lobster tap or vice versa there is not a lot of lines; what kind of future would that hold?

MR. HERNDON: That's a good question. Basically what happens when we're monitoring our incidental take, like I said, in the biological opinion there has been a level of incidental take that has been authorized and so long as the impacts or the incidental taking that occurs stays below that, that would indicate that we basically did our analysis right or that we've come up with the proper number of interactions.

If we start to find out there are lots of discrepancies or that we think the rate of interactions are higher than they were in the past, then we would have to reanalyze those impacts and see if we can't come up with further ways to reduce those impacts.

And particularly with our concern now with not being able to distinguish the information we have is – like I said before, it's difficult to distinguish between different fisheries, so for all we know the spiny lobster fishery could have far fewer impacts than we think or it could have much greater impacts than we think, and that's obviously the purpose of this. Certainly, to your other question about the councils, we would be happy to provide updates on what we've got and how that is going.

DR. MacLAUCHLIN: I may have missed this; do you have right now records of observations of all line or rope in coral; do you keep track of that?

MR. HERNDON: We do have some information coming in from our researchers. They basically do a marine debris survey throughout the Florida Keys right now, and that's the ones that have been providing to us the information that we do have on trap lines interacting with corals and that kind of thing.

MR. PHILLIPS: Mr. Chairman, I'm not on your committee, and I might have missed it. The turtle strandings you estimated at I guess 5 to 27 percent are found, but I didn't hear or missed what percentage of the turtle strandings you did get were entangled with line.

MR. HERNDON: I didn't say that so you didn't miss anything. I'm trying to think of what the ultimate number was. I've have to look. I can get you that information if you want. It's in the biological opinion. The hard part we have is obviously strandings are by nature on the beach, so we generally have to try and figure out what portion of those came from the federal fishery versus what portion of those came from the state fishery, which is obviously challenging when it's on the beach.

The biological opinion goes through a discussion on how we've done that and all that kind of thing, but in terms of the actual numbers I've got it written down and I can get it for you, but I don't want to say now because it would be a guess at this point.

MR. TEEHAN: Any further questions for Andy? I've got a couple and they're not really connected, but it's just I want to throw these out real quick. Why is there concern as to whether they're stone crab or lobster traps? And if we're just talking strictly down in the Monroe County area, there likely would not be any blue crab traps, so it would just be the two.

MR. HERNDON: The issue we have there is that because under the Endangered Species Act the spiny lobster fishery and the stone crab fishery are two separate federal actions. We are required to make two separate analyses of those two actions, and we have to monitor the impacts of those separate actions.

We have actually conducted a biological opinion for the stone crab fishery which required the same type of trap line marking requirements. But as we repeal that federal FMP, that biological

opinion gets a little sticky, but, anyway, the point being it's so we deem them basically two separate sources of impact and we're required to monitor the impact of those two separate sources. Does that answer your question?

MR. TEEHAN: Yes, and Florida is taking over the management of stone crab, so I figured that might be problematic. Another question; how far up the coast do you envision this requirement being required?

MR. HERNDON: That's a good question. To be honest, I haven't considered that and I don't believe there is any discussion currently in the amendment about whether or not we would be marking lines above or below a certain boundary, so that's a good point. It's something worth looking at and discussion.

MR. TEEHAN: And just one or things just for reference; there is an economic study that has been done by Chuck Adams, IFAS, at the University of Florida, and I think it would be helpful if we got a copy of that to the council members before we move too much further ahead. It deals with the economics of the rope replacement.

One other thought that I had – and I talked to Gregg a little bit about this and the chairman – it may very well be that there is not a lot of knowledge amongst the council members about how biological opinions operate and they're developed and the mechanisms, and I thought it might be a good idea and if the committee thought it was a good idea to see if we could get some sort of a short presentation on just general biological opinions and how they operate. They're very complex as far as I can tell. Is that something that we can do, Roy or Bonnie or whoever would be in charge of that?

DR. CRABTREE: Yes, I think if the chairman sent me a request we could do that at a coming council meeting.

MR. TEEHAN: Okay, and I'll leave that to you guys to figure out what the schedule is. As far as I can tell, that is what we have on the agenda. There are no actions that this committee needs to take.

Looking at the options and alternatives that have been put up and that Andy ran us through; is there anything else that the committee would like to see added to those before going to public hearing as far as the area closures and the line marking? Gregg.

MR. WAUGH: One question; the intent for the timing is the Gulf Council will approve this for public hearings at their October meeting and then we'll approve it at our December meeting. I would anticipate in the next version we'll see actual closed areas?

MR. HERNDON: Yes, actually back on the 1st of September I submitted a set of maps to everyone that was involved in that stakeholder meeting, and I'm waiting basically to hear back comments from them regarding whether or not they think it's appropriate. There are a couple of tweaks that will need to be made, but, yes, those are basically ready to go and they will be in the document.

MR. TEEHAN: Yes, thanks, Gregg, I would like to see the maps included also; that and if we could get the Chuck Adams' Report. Oh, I've got it. Does anybody on the committee have any additions that they'd like to see under these two actions? Robert.

LT. FOOS: In regards to Action 1, looking at Alternatives 3 and 4, Alternative 3 would be a much more enforceable action because of the straight line boundaries. It's more difficult to enforce more of that 500 rounded boundary around the acropora.

MR. TEEHAN: Whenever I ask Florida Enforcement what would be a good boundary line, they say the Georgia Line to the Alabama Line. All right, so we know what the timeline is. Bob Gill, I hope you have taken that into consideration for your agenda for the Gulf Council. Is there any other business? John.

MR. JOLLEY: Yes, it might be nice to have an idea of what the percentage increase of the closed area would be. I assume you're probably going to have that when you give us the pictures.

MR. HERNDON: I know from Amendment 10 these small area closures we're talking about four square miles total across. I think at the time it was 50-some closed areas. I actually anticipate that number will probably go down because of the way we've kind of reoriented some of them and tightened them up. But, yes, we will have that information available.

MR. TEEHAN: Anything else? All right, this committee stands adjourned.

(Whereupon, the meeting was adjourned at 2:07 o'clock p.m., September 13, 2011.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
October 2011

SHRIMP
Robert Boyles, Chair
Roy Crabtree
David Cupka
Doug Haymans
Wilson Laney
Charlie Phillips
Staff contact: Kari MacLauchlin

SNAPPER GROUPER
Mac Currin, Chairman
Robert Boyles
Tom Burgess
Roy Crabtree
David Cupka
Michelle Duval
Duane Harris
Ben Hartig
Doug Haymans
John Jolley
Jessica McCawley
Charlie Phillips
Tom Swatzel
Red Munden, Mid-Atlantic Council
Staff contact:
Myra Brouwer / Brian Cheuvront

SOPPs
Duane Harris, Chair
David Cupka, Vice-Chair
Michelle Duval
Doug Haymans
John Jolley
Staff contact: Bob Mahood

SPINY LOBSTER
Roy Crabtree
Robert Foos
Ben Hartig
John Jolley
~~Jessica McCawley~~ BILL TEAGUE
Staff contact: Kari MacLauchlin

South Atlantic Fishery Management Council
2011 - 2012 Council Membership

COUNCIL CHAIRMAN:

David M. Cupka
P.O. Box 12753
Charleston, SC 29422
843/795-8591 (hm)
843/870-5495 (cell)
palmettobooks@bellsouth.net

INTERIM VICE-CHAIRMAN

Benjamin M. "Mac" Currin
801 Westwood Drive
Raleigh, NC 27607
919/881-0049 (ph)
maccurrin@gmail.com

Robert H. Boyles, Jr.
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9304 (ph)
843/953-9159 (fax)
boylesr@dnr.sc.gov

Tom Burgess
P.O. Box 33
Sneads Ferry, NC 28460
910/327-3528
tbburgess@embarqmail.com

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

Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell St.
PO Box 769
Morehead City, NC 28557
252/726-7021 (ph); 252/726-0254 (f)
michelle.duval@ncdenr.gov

LT Robert Foos
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6768 (ph)
305/415-6791 (f)
Robert.W.Foos@uscg.mil

Charles Duane Harris
105 Demere Retreat Lane
St. Simons Island, GA 31522
912/638-9430 (ph)
seageorg@bellsouth.net

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

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

John W. Jolley
4925 Pine Tree Drive
Boynton Beach, FL 33436
561/346-8426 (ph)
jolleyjw@yahoo.com

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

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

Jessica R. McCawley
Biological Administrator III,
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0580 x 217(ph); 850/487-4847(f)
jessica.mccawley@myfwc.com

John V. O'Shea
Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
voshea@asmfc.org

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
843/222-7456 (ph)
tom@swatzel.com

BONNIE PONWITH
ANDY HERNDON
JACK MCGOVERN
MIKE TRAVIS
MONICA SMIT-BRUNELLO
RICK DEVICTON
BOB GILL
KATE MICHIE

South Atlantic Fishery Management Council
Staff

Executive Director
Robert K. Mahood
robert.mahood@safmc.net

Deputy Executive Director
Gregg T. Waugh
gregg.waugh@safmc.net

Public Information Officer
Kim Iverson
kim.iverson@safmc.net

Assistant Public Information Officer
Andrea Grabman
andrea.grabman@safmc.net

Senior Fishery Biologist
Roger Pugliese
roger.pugliese@safmc.net

Fishery Scientist
Myra Brouwer
myra.brouwer@safmc.net

Coral Reef Scientist
Anna Martin
anna.martin@safmc.net

Fishery Biologist
Dr. Mike Errigo
mike.errigo@safmc.net

Fisheries Social Scientist
Kari MacLauchlin
kari.maclauchlin@safmc.net

Staff Economist
Dr. Brian Cheuvront
brian.cheuvront@safmc.net

Science and Statistics Program Manager
John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators
Dr. Julie Neer - julie.neer@safmc.net
Kari Fenske – kari.fenske@safmc.net

Administrative Officer
Mike Collins
mike.collins@safmc.net

Financial Secretary
Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator
Cindy Chaya
cindy.chaya@safmc.net

Purchasing/Adm. Assistant
Julie O'Dell
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant
Rachael Silvas
rachael.silvas@safmc.net

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
September 13, 2011
Charleston, SC 29403

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Sera Drevenak (Pew)	910-685-5705	sdrevenak@pewtrusts.org	Bolivia, NC
RICHARD HALL (NOAA)	910-796-7247	RICHARD.HALL@NOAA.GOV	
David Hoke	252-473-5734	david.hoke@noaa.gov	Manteo NC
Bill Kelly	305-619-0039	FKCFA1@Hotmail.Com	Marathon, FL
FRANK HELIES	G-SAFF		
Rusty Hudson	DSF/ECFS		
Gretchen Bath Martin (EDF)	252-648-8543	gmartin@edf.org	PO Box 322 Morehead City, NC 28557

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10