

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 13, 2010

SUMMARY MINUTES

Spiny Lobster Committee:

Mark Robson, Chair
George Geiger

Dr. Roy Crabtree
Ben Hartig

Council Members:

Duane Harris
Robert Boyles
Dr. Brian Chevront
Charlie Phillips
Tom Swatzel
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David Cupka
Dr. Wilson Laney
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Kate Quigley
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Dr. Julie Neer
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Gregg Waugh
Roger Pugliese
Rick DeVictor
Anna Martin
Myra Brouwer
Julie O'Dell

Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Dr. Jack McGovern

Nik Mehta
Dr. Bob Shipp

Additional Observers and 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, 2010, and was called to order at 1:40 o'clock p.m. by Chairman Mark Robson.

MR. ROBSON: We will convene the Spiny Lobster Committee. The first order of business is approval of the agenda. With everybody's concurrence, we want to make a slight change to the agenda. We thought it would be helpful to move Monica's part of the agenda on the re-evaluation of the FMP withdrawal to further up in the agenda because it might have a bearing on some of the discussions.

If everybody is okay with that, we're going to move it up right under Item 2, after approval of the minutes. If there is no objection to that, show the agenda as revised. All right, we'll move now to the approval of the minutes. If everybody has had a chance to look at those, particularly the June minutes were obviously quite extensive. Are there any changes, additions or corrections to the minutes for the December and June meetings? Seeing none, show the minutes for those two meetings approved.

Okay, we're going to move now into – as we revised the agenda, what was Item 4, if Monica is ready to help us with this, to give us a report on taking another look at the possible issues around removing the FMP from spiny lobster and the impact on import regulations. Monica.

MS. SMIT-BRUNELLO: We did take another look at it, and I talked with my colleagues who were involved with NOAA General Counsel in the International Section who were of great help to get the import rule passed in the first place. Just this as quick background; you all know that there were two amendments to two Spiny Lobster FMPs; one to the Caribbean Spiny Lobster FMP and one to the Gulf and South Atlantic FMP.

That was Amendment 8 and Amendment 8 primarily put in place through a final rule a minimum size restriction for importation of spiny lobster into the United States. We believe, after looking at it from all kinds of different directions and turning it upside down and everything else, that if you withdraw – if this council and then the Gulf Council decides to withdraw the Spiny Lobster FMP, that import restriction would also go away. There would be one import restriction left in place through the Caribbean Amendment that would be in place for the Caribbean area, Puerto Rico and U.S. Virgin Islands. That's pretty much the bottom line, which is what I think you want at this point.

MR. ROBSON: Are there any questions for Monica? I have just a clarification. If you still have the Caribbean Plan, you said that the importation requirement – the size limit requirement would only apply to species coming from the Caribbean; is that what you meant to say?

MS. SMIT-BRUNELLO: No, what I meant to say is the species that are being imported into the Caribbean. Let me just very quickly from the final rule, and it just reminds everybody what it did: "The final rule established two minimum size restrictions for importation of spiny lobster into the United States; one applicable to spiny lobster imported into any place subject to the jurisdiction of the United States other than Puerto Rico and the U.S. Virgin Islands; and a more

restrictive minimum size limit that applies to spiny lobster imported into Puerto Rico and U.S. Virgin Islands.”

MR. GEIGER: Mr. Chairman, when we took this issue up, there was a lot of input from the lobster fishermen in Florida about this. I hate to act precipitously here and perhaps we need to go out and see if we can solicit some input from the fishermen because they were the ones – if I recollect correctly, they were the ones who were pushing this issue to begin with to get these minimum size limits put in place. If we’re going to do something or consider doing something here, I don’t think we should move ahead without the advice at least of our AP.

MR. ROBSON: Well, I don’t think we’re talking about doing anything right now. I think currently in the amendment this alternative of removing the FMP has been taken out of the amendment as an alternative. This was just from the last meeting we had asked them to go back and take a second look to make sure that there was no other mechanism to control imports if in fact the FMP was removed. This was just a second look. Right now the council has decided not to include that as an alternative in the amendment; the removal of the FMP. Roy.

DR. CRABTREE: I think if you decided you wanted to withdraw the FMP, you would need to just pass a motion with a three-quarter vote, and I guess the Gulf would have to pass a similar motion, and you wouldn’t proceed with the amendment at all. You would submit your request to withdraw the FMP to the secretary with the rationale, and then the secretary would make a decision. It doesn’t seem like to me withdrawing the FMP belongs in the amendment. If that’s what you want to do, then I would think you wouldn’t even proceed with the amendment.

MR. ROBSON: Well, I think if we go through the alternatives in the amendment, this will be a little clearer because I don’t think that – right now there is no discussion in the amendment of removing it to the considered but rejected. The key issue, of course, was that we would not be able to control imports in other states if in fact there was no South Atlantic or Gulf FMP.

Monica has confirmed that yet again, so I think we’re back to where we were originally as far as our understanding of the issue. Are there any other questions? Okay, with that we’ll move into the amendment itself. Gregg is going to give us an overview of some of the actions that we took up at the last meeting with the joint committees and also an overview of the Gulf Council; some of the actions that they went through in their most recent meeting. Gregg.

MR. WAUGH: Rather than going through each of those attachments, what I’ve done is folded that information into the amendment itself that we’ll be going through. You do have before you Attachment 1 is the committee report from our joint Gulf and South Atlantic Council June committee meeting, so you’ve got the committee report from that.

Attachment 2 is the Gulf Council motions from their June meeting. Attachment 3 is the South Atlantic Council June motions. Attachment 4, the Gulf Council met in August and that is the listing of their motions that they have approved. What I’d suggest we do is then just pick up with the amendment discussion, and I can indicate what their new positions are, if that is okay. All right, if you turn to Attachment 6, this is Amendment 10, Draft Spiny Lobster Amendment

10, and go to PDF Page 27, this gets you to Section 2 where we're looking at the management alternatives.

One thing I'm going to point out as we go through this, there are some instances where the team has modified the language of the alternatives, and it is not clear from the document what those changes are, so I've gone through and compared our previous positions, those attachments that I just about, and I'll show where there are significant differences.

The first one that comes up under Action 1, which is the issue of dealing with the species in the Spiny Lobster FMP; Alternative is no action. Alternative 2 is to set ACLs and AMs for Spanish slipper lobster after we add them to the management unit; and for ridged slipper lobster that is currently in the management unit.

And then Alternative 3, which the amendment indicates that the South Atlantic preferred is to say "place any of the following species in the fishery management unit and list them as ecosystem component species", but I've put our actual wording of our alternative that we approved is to list species as ecosystem component species. The intent of our preferred from the June meeting is to list all four of these species, smoothtail, spotted, Spanish and ridged, as ecosystem component species.

Now, there was discussion at the Gulf Council meeting and their staff raised some concerns about whether Spanish slipper lobster and ridged slipper lobster meet the criteria for ecosystem component species, and so the Gulf picked as their preferreds Option A and B, which would just designate smoothtail spiny lobster and spotted spiny lobster as ecosystem component species.

That would leave the two slipper lobsters then that we would have develop ACLs and AMs for. The Gulf also approved a motion that is shown here in yellow to allow the appropriate staff people as well as legal counsel and committee chairs of the respective councils to meet and resolve differences in the Draft Joint Spiny Lobster Amendment. This wording just applies to Action 1.

There is a concern that we have different preferred alternatives between the councils and particularly on this issue we should get together and try and resolve those. Now, in the past we have gone out to public hearings with different preferreds. They have to be resolved after public hearings before we submit it to the Secretary of Commerce.

I think it would be a good idea for us to work with the Gulf Council and schedule a Joint Spiny Lobster Committee meeting at their June meeting. They meet the week before our June meeting in the Keys, and I think it would be helpful to have a joint committee meeting scheduled to resolve any outstanding differences. Now whether we have to try and resolve them all before going out to public hearing is up to you.

It is not a requirement, but we would have to resolve them before we submit to the secretary. The plan timing is to submit to the secretary after our June meeting. Right now these are the preferreds. Our preferred is to list all four of these species; the Gulf is just to list these two. We

need to determine – if the two slipper lobsters are staying in, then we’re going to have to develop ACLs and AMs for them.

MR. ROBSON: And, Gregg, just to be clear, are there a couple of other alternatives where the Gulf and the South Atlantic had different directions as far as preferred?

MR. WAUGH: There may be one or two but none as significant as this.

MR. ROBSON: Okay, this is the one that jumps right out as something that we would need to coordinate in terms of the preferred options between the two councils. Are there any questions or comments about the four species as ecosystem component species, because that is currently our preferred? Monica.

MS. SMIT-BRUNELLO: Just a general question for Gregg; Gregg, did you say that there are differences between the two councils in what they have chosen in a number of places, right, in addition to Action 1, but some feel or you feel that it would be a good idea to try to get consensus between the two councils at least for Action 1 prior to next June?

MR. WAUGH: Well, the Gulf Council felt that it was important to resolve differences on this before it went out to public hearing, and so that’s why they passed this motion saying to get the committee chairs and staff and legal counsel together. I made the observation to Carrie Simmons, who is the Gulf staff person, that we’ve gone out to public hearings before with different preferreds.

We may end up with other differences going out to public hearing, but also after we review public comments we don’t want to have each council reviewing those public comments and taking positions separate from each other because they’re likely to then result in some differences. We don’t have a lot of time. The intent is to submit in June so NMFS can implement before the end of 2011.

MS. SMIT-BRUNELLO: But the Gulf’s primary concern was with Action 1 and the differences between the two councils?

MR. WAUGH: Yes.

MR. CUPKA: Mr. Chairman, I’m not a committee member, but I think what Gregg is suggesting is a good way to go on this because we have gone out with different preferreds in the past, and the way to resolve it would be at a joint committee meeting before the document is finalized for submission.

As he pointed out, there may be other differences that come forward as a result of the public hearing process. I sat in on the discussion at the Gulf Council meeting, and again I think part of this gets back to this issue about just what constitutes an ecosystem component species; and until we get a better feel for that, I think everyone is trying to grapple with where those lines are. If you catch this amount of it, then it is not an ecosystem species; if you catch less than that, it is. The guidance on that at least to my way of thinking hasn’t always been clear, but that was some

of what the Gulf Council was wrestling with was were these really ecosystem component species or not. Whereas we regard them as qualifying for them, they had some hesitation about it.

MR. ROBSON: And just on the timing issue, though, if you had the discussed the possibility of a joint Lobster Committee meeting at the June meetings in the Keys, that would be prior to the public hearing document or after public hearings?

MR. WAUGH: After, and this is shown in our overview document. I'll just put that up. There is one date that needs to be corrected. We're looking, timing-wise, the SEDAR Updated Assessment is supposed to be sent to our SSC by October 18th of this year. Our SSCs will review it during the week of November 15-19, and the SSCs will provide their OFL and ABC guidance.

And then our council will review and approve the document for public hearings at December 6-10, 2010 and then the Gulf at their next meeting, so we'll have a chance to incorporate the results of the stock assessment into the document before our council sees it in December. It will be approved for public hearings by the two councils as of early February.

Public hearings are tentatively planned for April, which is after the season closes. We have the comment period leading up to the two councils' meeting. These dates have been changed. The Gulf is meeting the week before our so the Gulf is meeting June 6-9 in the Keys and we are meeting the following week.

That would be to review public hearing input, public comments, provide final guidance and approve the document to go to the secretary. That gives NMFS six months to implement. If we have issues unresolved at that time or if the EIS comment period has not ended prior to our June meeting, then the two councils next opportunity to approve it would be in August and September, but that is going to jam NMFS pretty tight to have that implemented by the end of 2011.

MR. ROBSON: So we would have an opportunity in June to try to reconcile any differences in the amendment. Any desire to change our preferred alternative at this time? Gregg.

MR. WAUGH: All right, the next item is Action 2 – and this is PDF Page 34 – and this gets into the definitions for MSY, optimum yield, overfishing threshold, overfished threshold. The Gulf Council didn't take any actions on these, and the wording for these alternatives has not been changed.

The idea here is we would come back and revisit these items once we get the results of the stock assessment, so we'll look at these and pick – we've already gotten guidance from you that this is a range of alternatives, and we will incorporate the information from the stock assessment and then in December hopefully you will pick preferreds to go out to public hearing for these items.

MR. ROBSON: Any questions or comments on the management criteria? Seeing none, we'll move on.

MR. WAUGH: Okay, Action 3 is on PDF Page 37.

DR. CRABTREE: Before we leave this one; on the overfished threshold the only action we have other than status quo is that the MSST is defined by the recent SEDAR. I don't think as a general practice that is true, that SEDARs define MSSTs. They would define Bmsy but the council would then have to select one minus M or something else for use of that, Gregg, so I think that needs some wordsmithing. I don't think, unless the council puts something on the table for them, that the SEDAR would define that. I'm not sure that we have an MSST right now for spiny lobster. Wasn't that one, I think was not approved? We don't appear to have one in the South Atlantic.

MR. WAUGH: Okay, back to Action 3; and here since our meeting, at the Gulf's June meeting they added Option B to Alternatives 2, 3, 4, 5 and 6. When we looked at this in June, we were looking at the alternatives – these alternatives just included the information under what is now shown as Option A.

These are a range of alternatives that came from the Florida Fish and Wildlife Commission's stakeholder process and dealt with developing sub-allocations among the user groups. There is contention between the commercial dive fishery and the commercial trap fishery. The bully net fishery is pretty small, and I don't think is a significant issue.

The Gulf Council in August approved a motion to move Alternative 6 to the considered but rejected section. I think more significantly and something that warrants some discussion here is that they also approved a motion to delete Option A in Alternative 2 through 5. The discussion – and David and Bob Shipp may want to add to this, but the concern that was expressed was some of these allocations are small, and it would be difficult to track them in a timely manner.

The Gulf Council voted to remove those, and so we would just have a recreational and commercial allocation. I think some issues to discuss is, one, this went through a whole stakeholder process in the state of Florida. There is a lot of contention between the commercial divers and the commercial trappers.

If we were to not take this out to public hearing and then you get to June and based on a lot of public comment you want to address it, then we don't have the time to address it. The other is it appears to be a reasonable alternative under NEPA and would we be violating NEPA if we didn't take this out to public hearing? That's for you to decide and give us some guidance, but right now the position of the Gulf Council is to not take Option A out to public hearings.

MR. GEIGER: Mr. Chairman, I agree with Gregg. I think in all these allocation issues that the public needs to be able to weigh in and have their say. There has been a tremendous amount of back and forth between the commercial divers and the commercial trappers, and I believe we need to hear that and make our judgment accordingly.

DR. CRABTREE: Well, I'm not convinced that the 1 percent to the bully net fishery is reasonable. One, it is too small, I think; and, two, it is an entirely state water fishery. I mean, bully nets, you have to be in very shallow water and so I don't think that part of it really is

reasonable. Mark, you guys don't have explicit allocations between the commercial dive and commercial trap fishery; do you? I know you've got permitting arrangements and things, but you don't have an explicit allocation; do you?

MR. ROBSON: No, we don't have allocations at all in terms of commercial or recreational. But as you said, we do have different programs. We have, of course, the trap program and then we have commercial dive endorsements, but there are no quotas. And it's true, the bully net fishery is imperceptible in most regards although it does exist, and it is a shallow water state waters fishery. But the suggestion is now – and, of course, we are looking at a range of alternatives that could go back out to public comment. With the exception of maybe the bully net fishery, these do capture the different commercial sectors in particular in terms of how they would parse out their part of the fishery. George.

MR. GEIGER: As a question, Gregg, is there any way we can eliminate that 1 percent. After we take it to public hearing, we can't alter the alternatives. We can only pick from the preferred alternatives that had. Is there any way we can add another alternative that would not include the bully net fishery, that 1 percent?

MR. WAUGH: Yes, we could add that alternative here and you could add that alternative after the public hearing as long as what you're doing is not more restrictive.

MS. SMIT-BRUNELLO: Gregg said most of what I was to say. As long as it's within the range of alternatives that went out to public hearing, you are able to choose something within that range.

MR. GEIGER: Well, let me try this; can we just make a motion to eliminate the 1 percent from the alternatives that we currently have up there, Alternatives 2 through 5?

MR. ROBSON: Is that a motion?

MR. GEIGER: Yes, and we would have to accommodate that 1 percent in the commercial allocation, so we would have to change the allocation commercially by 1 percent – increase it by 1 percent in each of the options.

MR. ROBSON: Well, it would be half a percent.

MR. GEIGER: Okay, we'll add it to the recreational sector seeing as it is a light group, anyway, here.

MR. ROBSON: Okay, we have a motion – is that your motion?

MR. GEIGER: I said facetiously add it to the recreational sector; I didn't mean to do that, but we were trying to figure out what to do with that 1 percent and you brought up the nasty half a percent each. How do you split the baby? Maybe we could do alternating years, recreational one year and commercial the next year. Is 1 percent even worth worrying about?

DR. CRABTREE: Yes, there is recreational bully net gear used. I think what you've got to figure out with George's alternative is whose ACL – I guess if you do this allocation, the implication is you're going to have a separate ACL for the trap fishery and the dive fishery, but what are you going to count the commercial bully net landings against? They're going to have to count against somebody's ACL. Otherwise, you may see a huge increase in commercial bully landings all of a sudden to avoid having them count. They're going to need to count somewhere.

MR. GEIGER: Yes, Mac is whispering in my ear and he makes a good point that bully netting is all done via diving, anyway, isn't it?

MR. ROBSON: No.

DR. CRABTREE: When I've done bully nets, it is basically a long dip net handle with a round, flat net on the end and you hook it down over the top of the lobster and he jumps up and gets tangled in the net and you pull him up.

MR. ROBSON: It's a shallow water boat type activity. Is it possible, instead of going this route, maybe have a motion to add a new alternative that has the various commercial allocations except for the commercial bully fishery, and then figure out how we want to reconfigure the percentages to take into account that 1 percent instead of messing with taking it out of all of these options? Well, we have a motion but we don't have a second yet. If there is not going to be a second, then it will die and we can try to figure a different approach. George, I don't see a second to your motion. Roy.

DR. CRABTREE: I'll just make a comment. If you look at these allocations, there is very little difference between any of them in terms of the percentages. I guess these are based on, Gregg, different years or what are they based on?

MR. WAUGH: Yes, different years.

DR. CRABTREE: So it seems like it has been fairly stable; and from just a management perspective, I'm not sure you could really tell the difference in any of these because of the uncertainties in the data collection. The problem that you've got here is you've got one gear that makes up the vast majority of the landings and then a couple of very minor gears.

I think it is going to be very difficult to monitor the ACLs because they're going to be so small that they could be potentially caught up before we even get the first amount of data in. I think that really gets back to where the Gulf Council was when you start looking at this; are they really reasonable in terms of being able to actually implement them and execute them.

I guess that partly comes down to your guys, Mark, because I'm not sure who is going to track these ACLs, if we're going to have Florida track them with the dealers – you guys have historically done those kinds of things – or whether the science center will set up a quota monitoring plan for spiny lobster or something like that.

I think that's really the question here; from a practical standpoint, is it reasonable to try and have such small subdivisions of the catch or are you better off to just have a commercial allocation and let the state of Florida, through their rulemaking, continue to deal with dive restrictions and what they've done in the past addressing this problem.

MR. CUPKA: Just a question for you, Mark; I guess what the Gulf did does simplify it considerably, but if it is all one commercial ACL, now is there an opportunity for the dive component, say, to grow at the expense of the pot component or do they stay fairly much the same year after year.

I mean, that would be the only reason I would see that it might create a problem if you just collapse them all together is if, one, your gear type may not be held to a certain amount and they may be able to draw from that pool commercial ACL and maybe see one grow at the expense of the other and create some problems. I don't know how likely something like that might happen.

MR. ROBSON: Well, right now there is a cap on the number of commercial dive endorsements, and that cap was just extended. That doesn't mean it couldn't be released and you could open it up to more commercial dive endorsements. The cap was put in place when we implemented the commercial dive program, working with the industry.

There were concerns about keeping that particular component of the fishery in check. Of course, at the same time we've been reducing the number of traps in the trip fishery, so there is a level of control going on for each one. I don't us, as a state, making any significant changes in that just for the sake of trying to keep the proportion of those commercial fisheries kind of stable. We do track commercial landings by gear, and so we do have that capability. There is also a trip limit on the commercial dive fishery as well. Brian.

DR. CHEUVRONT: Are you still trying to get the second for George's motion or are –

MR. ROBSON: No.

DR. CHEUVRONT: Well, I'm not a member of your committee so I didn't want to get in the way of the process here, but my question is we've got these different alternatives, two through, what, six, and they covered year periods; can we see a trend over what those years are between – the allocation between recreational and commercial?

Is there a change or is it just – my suggestion would be is like I'm agreeing with Roy, I think we've got way too many alternatives here, and I was just going to put something out there for the committee to consider is that if there really doesn't seem to be any other reason to the range of the allocation for commercial through all the different options is – I believe it was 74 and 80, so if you split that baby in half and it becomes six; and you add three to the lowest, it becomes 77 percent commercial and then the remaining 23 percent becomes recreational, and then that's Alternative 3.

Is it easier just to go ahead and get rid of – I'm just saying this as a suggestion as Alternative 2 and then 4, 5 and 6; get rid of those. But I think it's all contingent on how the year breakdown

went and whether there are trends or something going on there, but I was just going to offer that to the committee as a suggestion for simplifying it.

MR. ROBSON: Gregg, you can shed some light on that?

MR. WAUGH: Well, just to point out that the Gulf Council, at their August meeting, did move Alternatives 3 and 6 to the considered but rejected section. Perhaps rather than combining, if we just were to agree with that and remove those two, then that gets you down to having Alternative 2 would be, depending on which one you took, 75 percent to commercial trap or 80 percent total; and then Alternative 4, 74 percent commercial or 70 percent trap; and then Alternative 5, 72; so you've got a little bit of a range there. Try to keep in the back of your minds that we've got two councils; and as we move along, to the extent that we can be consistent, it helps.

DR. CRABTREE: I would move that we accept the Gulf Council's modifications to the document.

MR. HARTIG: Second.

DR. CRABTREE: And my motion includes both the alternatives and the subalternative – or I guess we're calling it option, so I'm removing the Option A from all of them and then removing, Gregg, 3 and 6?

MR. WAUGH: Yes, moving 3 and 6 to the considered but rejected appendix and deleting Option A to the remaining alternatives.

DR. CRABTREE: And my rationale is I don't think, as I look at this, that Option A really is workable. I think it parses things too finely, and so to me it is not a reasonable option. I think you can remove 3 and 6 because there is really very little difference, 1 percent in many cases between these, so I still think it leaves us with a pretty reasonable range.

It seems to be a very stable fishery. I don't see much evidence that things are shifting a whole lot, and I haven't heard much that indicates the state of Florida is really desiring to put hard limits or hard allocations on the trap fishery. I think they've come at it through effort controls, and they seem to be working as best I can tell, so I'm comfortable with that.

MR. ROBSON: All right, we have a motion and a second. David.

MR. CUPKA: When Roy made his motion, he said "the document", but actually what he meant I think was Action 3, but that is the way Gregg has put it up there, so that's good.

DR. CRABTREE: That is what I meant.

MR. GEIGER: Yes, I can certainly support that motion based on your explanation as to how the effort control is in place within the commercial sector. It doesn't seem like the commercial dive industry has much room to expand with trip limits and restrictions on the number of vessels. I would certainly support that motion.

MR. ROBSON: I had Ben and then I want to make sure I clarify what I said to George.

MR. HARTIG: George covered what I was going to say. The effort controls on the dive industry have acted to keep that part of the fishery in check and that's why I support the motion.

MR. ROBSON: And just to clarify what I said, the operation of the commission at this point has been that as the dive industry developed, particularly as trap reduction was occurring, took actions to place some constraints on the growth of that commercial dive fishery, and so there was a cap, there is a commercial dive endorsement, there are trip limits.

That is not to say that the commission would necessarily keep either the trap reduction scenario that it has or keep the constraints on the dive endorsement it has from here on out. I mean, they could change their mind depending on how they view the differences in those two commercial types of gear. I can't sit here and say that is never going to change.

MR. GEIGER: Recognizing the considerable influence that you carry to the FWC commissioners and your ability to convince them of the right thing to do, I'm convinced that you'll be able to maintain status quo.

MR. ROBSON: Thank you, I think.

MR. HARTIG: Yes, just for the record, also the emphasis that has been placed on the casitas in recent years has certainly slowed that dive fishery down some, also. Removing that type of gear from the fishery has brought that dive portion into line with what they can actually produce without them.

DR. CRABTREE: My recollection was a lot of the concern about the dive portion of it was because it was employing an illegal gear, which was the casitas, and there were concerns about not only how that may change the fishery but habitat. I know we won't resolve this today, but I think in terms of shifting things around and all the changes the real issue is going to be how the commission is going to respond to the annual catch limit and what will the position of the commission be if we close the fishery down because their annual catch limit has been hit.

If the commission leaves state waters open, then you're going to see just a huge shift because people are going to move traps, and then I think the whole fishery is going to dramatically change. I think that's really something to get the commissioners thinking about, Mark, because I think that's the thing the council is going to want to hear some guidance from Florida on is what they think their likely position on that would be.

MS. SMIT-BRUNELLO: I think it would help to have early in the document maybe a page discussion of exactly what regulations are in place for spiny lobster fishermen from the state of Florida because Florida is such a main focus here. Then members of both councils could see that. I'm sure it can change potentially by the time the document is final, but I think some sort of substantive discussion or at least outline of how Florida manages it and what regulations are in place would be helpful.

MR. ROBSON: I'm sure we can provide that. All right, we have a motion and a second. The motion is to adopt the Gulf Council recommendations. Roy, do you want to read your motion?

DR. CRABTREE: My motion is to approve the Gulf Council's changes to Action 3; move Alternative 3 and 6 to the considered but rejected appendix; and delete Option A in Alternatives 2, 4 and 5. It would also be 3; wouldn't it, Gregg, or was that – did they leave it in?

MR. WAUGH: In the appendix.

DR. CRABTREE: You're correct; okay, so 2, 4 and 5.

MR. ROBSON: Is everybody clear on the motion? Any other discussion of the motion? **Any objection to the motion? The motion carries.**

MR. WAUGH: The next item is Action 4 on PDF Page 40. This deals with ABCs, ACLs and ACTs. What the Gulf Council did is they approved a motion to add two suboptions. Alternative 2 read before "establish an ABC based on the South Atlantic Council's SSC Data-Poor Control Rule". The Gulf Council approved a motion to add two suboptions. Option A would be the South Atlantic Data-Poor ABC Control Rule. Option B would be the Gulf Council Data-Poor ABC Control Rule. We would just need some editorial license to modify the wording of the alternative to not reference the South Atlantic Council's SSC Data-Poor Control Rule.

DR. CRABTREE: Well, I'm not sure I consider this a data-poor stock really in the sense of most of the things we have called data-poor stocks. This is the data-poor control rule that we rejected at the last council meeting; is that correct?

MR. WAUGH: Well, this is anticipating modifications from the SSC. Again, this is just one alternative. We do have other ABC Control Rule alternatives in here.

DR. CRABTREE: We didn't get any modification from the SSC? If this is the control rule that started at zero and worked up that I think we've rejected at the last meeting, then I think we need to reject that from this document as well. If there is some other control rule, then I don't know what it is, but I think the way it is described down below, Gregg, it is that one that started at zero and – yes, you can see it in the second or third sentence under comparison. **I would move that we remove Alternative 2 to the considered but rejected.**

MR. CARMICHAEL: Regarding the control rules, spiny lobster would be an assessed stock, so you would be using the assessed stocks control rule. You wouldn't be using the one that the SSC had worked on for unassessed stocks that the council rejected, so that one shouldn't be in there, for sure, if that is what is listed. Roy is exactly right.

MR. ROBSON: All right, we have a motion to remove Alternative 2 to the considered but rejected. Is there a second? Ben seconds. Any discussion of the motion? Any objection? **Show that motion passes, so Alternative 2 to establish ABC based on the South Atlantic Council's SSC Data-Poor ABC Control Rule is to be moved to the considered but rejected.**

DR. CRABTREE: And, Gregg, I'm not exactly sure how you want to do this, but I think it is going to be something that we're going to have to address in all these documents. We have somehow got to reconcile optimum yield with the ABC/ACL process. Otherwise, we could set up a management regime that keeps us from achieving OY.

I think staff needs to look at how to do those; and maybe when we're specifying ABCs and OY and all that, we ought to specify OY – all of those in one action. I don't know, but somehow they've got to be reconciled. Because, like Alternative 4, if we selected Option B, then I think that would be how we'd normally set OY; but if you selected one of the other ones, it seems to me you would need to reset OY there, too.

MR. ROBSON: All right, have you got that guidance, Gregg?

MR. WAUGH: Yes.

MR. ROBSON: Okay, we'll move on here. First, is there any other discussion of the ABC or ABC Control Rule alternatives? Seeing none, we will move ahead. Mac.

MR. CURRIN: Mark, before you leave this – and I'm not on the committee – I agree with the removal of the action to use the SSC's Control Rule for data-poor stocks, but as John indicated they also have an ABC Control Rule for assessed stocks, and I just ask the question of whether the committee would like to consider adding that back in as an alternative?

MR. ROBSON: Interesting suggestion. Roy.

DR. CRABTREE: I had thought that was Alternative 5, which is the P-star. The assessed stock control rule; isn't that what Alternative 5 is? Okay, so there is an alternative that uses the P-star.

MR. ROBSON: That's right. All right, so we'll move on.

MR. WAUGH: The next item is on PDF Page 42, setting ACLs. Alternative 1 is not set them. Alternative 2 is to set them for the entire stock based on the ABC. The Gulf has a preferred option of ACL equals to the ABC. At their August meeting they approved a motion to move Alternative 3, which sets separate state and federal ACLs based on landing, to move that to the considered but rejected appendix.

There was some wording, remove from the wording of Alternative 5 where we talk about gear type. Before we had in there; that is recreational and commercial diving, bully netting and commercial trapping, but now that those alternatives have been removed, it is best not to have that wording in here. We need to address the Gulf Council's August motion and then see if you want to pick a preferred; either the same one the Gulf did or a different one.

MR. ROBSON: Okay, they have moved this to the considered but rejected, Alternative 3. Is there any thought of that issue from this committee? I don't know at this point that we as the state of Florida are going to be setting or working off of state ACLs. Monica.

MS. SMIT-BRUNELLO: Gregg, sorry if I missed it, but do you know the rationale behind the Gulf's elimination of that particular alternative?

MR. ROBSON: It is possible because it sets up the kind of potential problem that Roy mentioned earlier where if you do have separate ACLs and you're going to have people bouncing in and out of state/federal waters, that it seems like it is going to potentially be a big management problem. I don't know if that is what the Gulf Council discussed, if either Dr. Shipp or David recall. Roy.

DR. CRABTREE: Well, I don't recall the specifics, but I think that was exactly it. We haven't set up separate state and federal water ACLs for anything so far except for fisheries that are closed in the EEZ and open in state waters. I think if we set that up here that is exactly what would happen, you would end up shifting all the traps from one area – and then I don't know that the state water ACL would have any impact, anyway. We certainly wouldn't have any authority to implement it.

MR. ROBSON: That was my question was if you can even legally set up a state waters ACL under a federal amendment.

DR. CRABTREE: Well, there is language in the guidelines about doing that. You could do it but you don't have any ability to enforce it, so essentially you're just backing out the state water landings from the federal ACL. I think, again, Mark, we're going to need some guidance; because if we set up an overall ACL from the fishery and we close federal waters when it is hit but Florida remains open, then obviously we're going to have overruns on the ACL virtually every year. And then we may have to, in the next year, project out and make all these adjustments like we've had to do in Gulf of Mexico red snapper some years on it and I think it gets to be a kind of a mess. Beyond that, I don't remember the specifics of the Gulf discussion.

MR. WAUGH: The Gulf Council's Committee Report talks about how at the June meeting we moved delegation of management to Florida to the considered but rejected, and so the issue was then do you still need to have this separate state versus federal ACLs. The feeling was that, no, we didn't so the Gulf moved it to the appendix.

DR. CRABTREE: I'll move that we agree with the Gulf Council and move Alternative 3 to the considered but rejected.

MR. ROBSON: Okay, we have a motion to move Alternative 3 to the considered but rejected; is there a second? George seconds. Any discussion? Any objection to that motion? Show the motion approved. Roy.

DR. CRABTREE: Gregg, so we've got these subalternatives that have X-percentages in it. At what point does someone need to start actually putting some numbers in there?

MR. WAUGH: The feeling was once we get the assessment, that will give us some values and then they'll trickle through the document. When we see this in December, you'll have those values in there.

DR. CRABTREE: Okay, and one more thing. So in Alternative 4, as I recall, we logically ought to remove the gear type from that since we removed the gear types from the allocations. Do we need a motion for that, Mr. Chairman, or just direction to staff?

MR. ROBSON: I think a motion would be good.

DR. CRABTREE: All right, I'd move that in Alternative 4, remove the words "and gear type".

MR. ROBSON: And a second by George. Any discussion, questions, debate? Any objection to that motion? The motion passes, so for Alternative 4 the motion is to remove the term "gear type" from the language in the alternative.

MR. WAUGH: The next item is ACTs on PDF 43. Just coming back to the ACLs, I guess there is no desire to pick a preferred at this stage? The Gulf had picked Option A. We don't need one now but just to double-check.

MR. ROBSON: I don't see a desire at this point.

MR. WAUGH: All right, then looking at ACTs, the Gulf's preferred is to not set ACTs. Remember, an actual catch target is not required; and certainly on the commercial side in cases where you're tracking the quota more closely, you may not want to use an ACT. In some of our amendments we're looking at specifying ACTs on the recreational sector because our ability to track their landings is not as good. When we get to this measure, you'll see in here we're not proposing to do in-season tracking. The Gulf's preferred is Alternative 1, do not set ACTs. I think in Alternative 4, to be consistent with the previous action, we want to remove this "and gear type" from Alternative 4.

DR. CRABTREE: Yes, I think to be consistent with annual catch limit discussion we just had, we should Alternative 3 to set state and federal ACTs. Obviously, we're not going to do that if we're not going to set state and federal ACLs. **I move that we remove Alternative 3 to considered but rejected.**

MR. ROBSON: Okay, we have a motion to remove Alternative 3; is there a second? Second by George. Any objection to the motion? The motion carries. Roy.

DR. CRABTREE: And then the same line in Alternative 4 I move that we remove the words "and gear type".

MR. ROBSON: Okay, we have a motion to remove the term "gear type" from Alternative 4; is there a second? Second by Ben Hartig. Any discussion? Any objection to the motion? The motion carries. All right, the Gulf again had selected no action, do not set ACTs as their preferred alternative. Is there any desire to set a preferred alternative? Okay, we'll move on.

MR. WAUGH: Okay, Alternative 5 on PDF Page 45 gets into the accountability measures by sector. Under Alternative 3 the wording for Suboptions 1 and 2 here are new wording that was

added by the team. The Gulf Council approved a motion at their August meeting to remove Suboptions B and C in Alternative 2; move them to the considered but rejected section. Alternative 2 would establish in-season accountability measures.

The rationale here is that there is no ongoing data collection program to track the recreational sector, so there would be no way to track the sector, monitor it in season and close it. I think we should just have some discussion to make sure this is legal to go forward without this so again we don't get into a timing issue in June where we get guidance that we need to look at it and haven't taken it out to public hearing.

DR. CRABTREE: Well, I do remember this discussion. John Hunt from the FWC was at this meeting, and we discussed just how we get recreational lobster numbers. So everybody is aware, the MRFSS Survey that we normally use for recreational fishery estimates is finfish only and does not estimate catches of spiny lobster.

The commission has a – I guess it is a mail survey that do, Mark, that is used to estimate the recreational catches, but what we were told was that system cannot provide estimates to be used for in-season quota monitoring, so right now there simply is not a data collection program that would allow in-season adjustments of the recreational quota, and so that led to the removal of Option B just because the data doesn't exist to do it; and also Option C because if you had a combined total, you can't do in-season on the recreational so you couldn't do on the recreational and commercial combined. I don't think, Gregg, there is anything in the statute or the guidelines that require that you do in-season closures. It is one way to do it, but I don't think it is a requirement. I think without a commitment from Florida to make significant changes to the estimation that is used, that they're just not doable ways right now, Option B and C.

MR. ROBSON: That is an accurate description of the discussions that we had, and we have no plans right now to make any changes in the recreational survey that is done in Florida. David.

MR. CUPKA: And the bulk of those recreational landings occur in the early part of the season, though, but you still don't survey it until much later in the season, correct?

MR. ROBSON: The survey is done somewhere after – it is in the fall so it is mainly capturing that big recreational effort at the beginning of the season. There has been a suggestion that of the components of Alternative 2 dealing with in-season AMs for recreational and/or recreational and commercial combined are not feasible under our current monitoring program. Again, the Gulf Council has opted to move those out. Roy.

DR. CRABTREE: So based on the same rationale the Gulf Council used, I'll move that we move Option B and C to considered but rejected; the rational being that they're simply not workable.

MR. ROBSON: For Alternative 2?

DR. CRABTREE: Yes.

MR. ROBSON: So, again, the motion is to remove Options B and C of Alternative 2 for establishing in-season accountability measures to the considered but rejected category. Second by George. Any discussion of the motion? Any objection? The motion carries. All right, is there any other discussion on the accountability measures? All right, we'll move on, then.

MR. WAUGH: Action 6 is on PDF Page 48. This deals with updating the framework procedure and protocol. We've got four alternatives; Alternative 1, no action, do not update the protocol. Alternative 2 is update the current protocol, and that is the process between the councils and the state of Florida.

Update the current regulatory amendment procedures to develop a framework procedure to modify ACLs and AMs. We're adding this to all our other amendments so we need to add it here. Alternative 4 is to revise the current regulatory amendment procedures to create an expanded framework, and this has three subalternatives; one, to adopt a base framework procedure; adopt a more broad framework procedure; and Option 3 is to adopt the more narrow framework procedure.

We can choose more than one preferred here because there are two parts to this updating the protocol which we really need to do to reflect the changes at the state level and then we also need to deal with the framework procedure that is in the plan. The Gulf Council did not pick a preferred at this state, and they did not take any action.

MR. ROBSON: All right, is there any discussion regarding these alternatives? Are we comfortable with leaving these the way they are? They're pretty general.

MR. WAUGH: Yes, and the broad one pretty well covers about everything you could imagine to add.

MR. ROBSON: All right, I don't see any burning desire to change any of this or add anything.

MR. WAUGH: Okay, the next item is Action 7, which deals with undersized attractants. This is on PDF Page 63. Here the team added a new Alternative 4, which reads "to allow undersized spiny lobster not exceeding fifty per boat and one per trap aboard each boat if used exclusively for luring, decoying or otherwise attracting non-captive spiny lobsters into the trap." This is based on a motion from the AP, and it also tracks what is currently in place in Florida regulations. The Gulf Council reviewed this and they chose Alternative 4 as their preferred.

MR. GEIGER: Well, I have a question concerning that. It says "allow not to exceed fifty per boat and one trap," so does that mean if they've got 25 traps aboard they can have 75 shorts?

MR. ROBSON: They can one per trap plus fifty.

MR. GEIGER: And that was the intent?

MR. ROBSON: Yes, and that mirrors the state rule for the number of shorts that are allowable. That also goes along with the live well requirements and the other things that are in the state rule.

DR. CRABTREE: So, the problem here with the Gulf preferred is we have a National Standard 9 that requires us to minimize bycatch to the extent practicable. The current situation has been in place for years now, and we've got a disparity between the federal regulations and the state regulations.

The question is why are we taking an action that will actually increase the allowance for shorts and how does that comply with National Standard 9? There was quite a bit of discussion at the Gulf Council over this issue. There were arguments made that spiny lobsters aren't bycatch. They are allowed to possess these and they're used and all of that, but they weren't very straightforward or clean arguments. I opposed the Gulf Council's motion for a preferred, and I'm going to continue to oppose it until I hear some sort of rationale for how allowing additional use of shorts in this fishery complies with our mandates to reduce bycatch.

MR. ROBSON: Well, if I may, again, I think the issue at the state level was the requirement of live wells or other actions that would minimize the mortality of shorts. I know there has been quite a bit of discussion ongoing with the current Lobster SEDAR about what the estimated short mortality rate is, but it is not believed to be that high in terms of other fisheries or relative to other fisheries.

I don't think the state of Florida has ever had a problem with this rule basically because of the requirement for a live well and other things that are used to keep those shorts from actually being mortality. It was added an alternative because these are the existing rules in the state of Florida. I don't anticipate a strong desire on the part of the state of Florida to change this without a considerable discussion at the public level. Roy.

DR. CRABTREE: Well, I would move that establish Alternative 1 as our preferred alternative.

MR. GEIGER: Second.

MR. ROBSON: We have a motion and a second to make Alternative 1 the preferred, which would be to allow the possession of no more than 50 undersized Caribbean Spiny Lobsters or one per trap aboard the vessel, whichever is greater, for use as attractants. Is there any discussion?

For the record, I will oppose the motion based on the discussion I just had and current state regulations allowing the 50 per boat and one per trap aboard each boat. Is there any discussion of the motion? Any objection to the motion. The chairman objects and one other objection, so I think we may need a show of hands for the committee. **Those of you who are on the Lobster Committee, if you support the motion to make Alternative 1 the preferred, signify by raising your hand; all opposed. The motion fails.**

DR. CRABTREE: On the committee you are allowed to vote, and the Coast Guard is a member of this committee; is that not correct?

MR. ROBSON: Yes.

DR. CRABTREE: So I think we should give the Coast Guard an opportunity to cast the decisive vote.

LT. FISCHER: Well, I appreciate all this attention, but my understanding was I was a non-voting member here on this council. Remember, this is my first meeting of this council.

DR. CRABTREE: Well, we're just working on you a little bit, so the motion fails and I'd suggest we move on.

MR. ROBSON: Okay, we haven't chosen a preferred at this point. All right, that motion failed; we have not chosen a preferred alternative for the issue of undersized attractants. Is there any other discussion on this action? All right, Gregg, we'll move on.

MR. GEIGER: Well, is there anymore discussion on this? At that meeting where we had the representatives from Florida down, we actually heard from AP members who were opposed to allowing any shorts whatsoever in the fishery. Again, this is a public hearing document and perhaps we need to hear from the public and allow them to comment.

MR. ROBSON: Well, there is an alternative to prohibit possession and the use of lobster as attractants.

MR. GEIGER: I'm sorry; you're right. I apologize.

MR. ROBSON: That's okay, George, but I think we've got those alternatives covered in terms of a range. All right, any other discussion? Okay, go ahead and move on, Gregg.

MR. WAUGH: Action 8 deals with modifying the tailing requirements, and here there is a notation that more than one alternative may be chosen. Alternative 1 is no action. Alternative 2 is to eliminate the tail separation permit. Alternative 3 is to revise the current regulations to clearly state that all vessels must have either a federal spiny lobster permit or a Florida restricted species endorsement associated with the Florida saltwater products license in order to obtain a tailing permit.

Alternative 4 is to modify the requirements, and Alternative 5 is to require that all Caribbean Spiny Lobster landed must either be landed all whole or all tailed. The Gulf Council, at their August meeting, chose Alternatives 3 and 5 as their preferred. And just as a note, we should look at Alternative 4 again because that just says generically to modify it and Alternatives 3 and 5 do modify it, so it looks like we can get rid of Alternative 4.

DR. CRABTREE: I move that we remove Alternative 4 to the considered but rejected.

MR. ROBSON: All right, motion to remove Alternative 4 to the considered but rejected. It is kind of handled in other alternatives. Is there a second? Second by Ben Hartig. Any discussion on the motion? Any objection? The motion carries. Again, is everybody clear; the Gulf Council has selected Alternatives 3 and 5 as their preferreds. These work in tandem. Is there a desire to select a preferred? Roy.

DR. CRABTREE: Well, just a question, Mark. Florida doesn't issue tailing permits.

MR. ROBSON: That's correct.

DR. CRABTREE: So you're not allowed to harvest lobster in state waters and tail it.

MR. ROBSON: That's correct.

DR. CRABTREE: Do you all have a position on the federal permit? I mean, is this a practice you want to see continued or is this something that perhaps you could raise with your commission to see if Florida could take a position on this?

MR. ROBSON: We have raised the issue with the commission as a point of information and they didn't specifically provide direction or vote on the issue. We basically stated that we did not favor tailing, and we don't have it in state waters. It is also not as much of an issue in state waters because of the proximity.

That has been the position at this point of the state, that they don't support tailing, and we don't have that rule in state waters. However, I've heard discussion at the federal level of different purposes for tailing either out in the Tortugas or on the east coast. We've heard some public testimony about the need – you know, if there are multiple-day trips. I don't know if the commission, hearing all of that public testimony, would change their mind.

MR. HARTIG: Just to that point, I don't think there is any question there is a need for a tailing permit as far as quality of product. I've caught lobsters in the Bahamas and you have to tail the product or you get that black ring around the tail, which causes problems and able to move the product. There is a real need, and I don't know – Bill is here – there are multi-day trips for fishermen way on down south, so there certainly is a need for it.

I agree with what the Gulf Council actually did to put those two together. It will eliminate some of the problem with tailing permits not issued to people who should have them. **Okay, I'll make the motion that we adopt the Gulf Council's recommendation and that is a preferred option of Alternative 3 and 5 as preferred.**

MR. ROBSON: All right, we have a motion for selection of Alternatives 3 and 5 as preferred; is there a second? Second by George or Roy. Any discussion? This is, again, selecting those as preferred alternatives for the amendment. It doesn't change any of the other alternatives. Any discussion? **Any objection to the motion? The motion carries.**

MR. WAUGH: The next item, Action 9 on PDF Page 67, and this deals with addressing – the next three actions address endangered species, impacts on staghorn and elkhorn. Action 9 deals with limiting spiny lobster fishing in certain areas of the EEZ off Florida. The wording in Alternatives 3 and 4 were expanded significantly from the wording that you saw at the last meeting. The critical wording is the same but the team has expanded the wording.

The Gulf Council did not pick a preferred at this stage. Alternative 1 is no action. Alternative 2 is to prohibit spiny lobster trapping on all known hard bottom in the EEZ off Florida in the areas under the SAFMC's jurisdiction with water depths less than 30 meters. Alternative 3 expands existing and/or creates new closed areas to prohibit spiny lobster trapping in the EEZ off Florida. Alternative 4, instead of just trapping, prohibits all spiny lobster fishing.

And then we've got three subalternatives that are basically the same between Alternatives 3 and 4. Option A is to expand existing and/or create new areas with no buffer zone between the boundary of the closed area and closest acropora colony. Option B is similar but adds a buffer zone at least 15 feet but less than 300 feet. Option C has a buffer of a hundred feet.

MR. ROBSON: All right, any discussion of these alternatives; any different alternatives to add?

MR. HARRIS: Mr. Chairman, I heard Gregg say something about 300 feet; am I misreading that? Did I hear that?

MR. ROBSON: 100 feet.

MR. HARRIS: Okay, that's what he said, then?

MR. WAUGH: Sorry, it should be 100.

MR. HARTIG: In the interest of taking something to a public hearing that we're probably not going to do, I would take Alternative 2 and move it to the considered but rejected alternatives.

MR. ROBSON: All right, we have a motion to move Alternative 2 to the considered but rejected alternatives; is there a second? Alternative 2 is to prohibit spiny lobster trapping all known hard bottom in the EEZ off Florida in areas under the South Atlantic Council jurisdiction with water depths less than 30 meters. Is there a second? I don't see a second, Ben. Again, this would move that alternative to the considered but rejected. Okay, sorry, Ben. Roy.

DR. CRABTREE: Gregg, do we have – I mean, I think what we're going to ultimately do is something along the lines of Alternative 3 or 4; but to choose a preferred I would need to see some maps that show exactly where we're talking about. I don't know where all of the – these are just too vaguely worded right now for me to be able to tell what we've talking about.

We talked about new closed areas, but it doesn't say what the new closed areas are. I know we've had a number of meetings with the guys down in the Keys – Bill has been part of them – to talk about acropora and where it is. I think that there is some – I'm not going to say a consensus, but I think a lot of the fishermen are supportive of not putting traps on corals.

They tell me they don't do that and they don't want to do that, but I think what we need to get to in this is some actual maps that go along with these alternatives so we can see exactly where we're talking about. I think most of the areas with acropora and the corals, Mark, are in state waters probably more than the EEZ, but I think some of them are in the EEZ.

We certainly don't want anybody dropping traps on some of the few stands of threatened corals that are down in the Keys, but I think we've got to get some maps, Gregg, and I think we have those maps. Maybe they're somewhere in all of this, but we need to get them up front with the alternatives so that we know what we're looking at. We need to get some specificity to the "create new closed areas" so we can see exactly what we're looking at, I think.

MR. CUPKA: I think a lot of those areas are already protected. From what I understand, they have been designated as areas that can't be fished, but again it would be good to see where those areas are that have already been protected or designated in relation to any other areas that might be unprotected. If that information is available, I think it would be useful to see it, but I think a lot of that is already protected.

MR. WAUGH: Yes, Appendix J has this material. It is at the very back of the document we're working from. I apologize; I don't know the PDF Page number here, but it is Appendix J. If you just scroll all the way down to the bottom, you will see –

MR. CURRIN: Page 225.

MR. WAUGH: 225; thank you, Mac. This shows 17 charts; provide two types of data on acropora colonies, so we've got some information in here. I think at some point what it is going to take is some time for the committees to work through some of this information and figure out which ones they want to pull up.

I agree with Roy's suggestion to move those up; but rather than moving all the information from this appendix up there, perhaps at some point – hopefully at the next meeting or you can take it out to public hearing without any preferred alternatives, but some evaluation of these distributions and some discussion of what sort of areas the committee may want to include.

I know there is a workgroup looking at this, there is a lot of activity between the industry working with the federal agencies, so perhaps this is something we can get a lot of guidance from the public process and then resolve this when we come back and review public hearing input, but Appendix J has the material.

MR. ROBSON: Yes, I would agree that it is a little hard to – Roy.

DR. CRABTREE: Yes, I guess kind of what I'm looking for, Gregg, is to have the alternatives set up, so, okay, here is an alternative, here is the map that shows exactly where it would close, something like that; and maybe staff is going to have to do some work to arrange some of those, but we need to be able to say if we choose this as the preferred, then here are the areas that it would close, something like that.

MR. WAUGH: And I think, certainly, that is something the team could do is go through and pick some sample alternatives. The question is would it be better in this case, given that there is an activity between the industry and the feds and the state level, to go through the public hearing process and let the public hearing process suggest some alternatives rather than the team developing the alternatives.

MR. ROBSON: My inclination would be to try to get some pretty specific areas laid out as alternatives that the public can see and understand what the areas are, but that could still be done working with industry group as well.

LT. FISCHER: I would also suggest that alternatives include a range of complexity of the MPAs. I think overall the total MPA burden for the whole southeast region our individual boarding officers need to know is getting very cumbersome and having to expect them to know and monitor every single one of these individual areas as they're presented up there would be quite difficult.

MR. WAUGH: So then the direction to the staff and the team is to work up some specific alternatives for each council to look at this prior to going to public hearing so that we have some specific alternatives in here before we go to public hearing?

MR. ROBSON: That would be my suggestion, that we need to see some specifics.

DR. CRABTREE: Yes, because I'm afraid if we go out with it general like it is and the map is way back at the back the public just won't – it won't connect and we won't get the response that we need. I hope, Bill, you guys will help us with this and look at it.

MR. ROBSON: So given that, I don't think that we're at a point of selecting a preferred for the acropora.

MR. WAUGH: Okay, the next item is Action 10, requiring gear markings, and again this is coming out of the biological opinion. The wording on these alternatives have been changed from what you've see in the past. The Gulf Council, at their August meeting, voted to delete this phrase "not currently in use in other fisheries". The rationale was that it was vague and not clear enough to reflect what the intent was.

The idea here from the biological opinion is that the biological opinion – this is shown in the discussion under comparison of alternatives – will require the establishment of trap line marking no later than 2014. What these alternatives were getting at was coming up with some type of marked line to be used in the spiny lobster trap fishery that was not used in other fisheries; so that if you found derelict gear, if you found the line wrapped around something, you could tell it was a piece of spiny lobster gear.

That is the intent of this phrase "not currently in use in other fisheries". It would also allow enforcement to look at those trap lines – look at the buoy lines and determine that it was a spiny lobster trap without necessarily having to pull the trap. But the Gulf Council did approve a motion deleting that wording in Alternatives 2 through 4.

MR. ROBSON: I have a question maybe for Monica on this one. I'm just thinking about it now. Is this something – I mean, we're basically putting together alternatives that would single out a very specific management requirement for one particular type of fishing gear. Does that present any kind of problem because there are other types of traps and there are other types of trap lines where there wouldn't be any kind of requirement for an individual type of gear marking? Is there anything that prohibits us from singling out the lobster trap fishery for this kind of specific requirement?

MS. SMIT-BRUNELLO: I don't think so, Mark. I think the biological opinion was very specific to this fishery and this gear; and because of that, I don't see a problem with specifying it with only this particular fishery and particular gear.

MR. ROBSON: Okay, and, again, the intent would be just to be able to identify when lobster trap gear is involved in acropora areas?

MS. SMIT-BRUNELLO: I will have to read the biological opinion again and refresh my recollection as to whether it was also for turtles or specific to the coral.

MR. ROBSON: I guess the question is was it an enforcement issue; was it something designed for enforcement? I see there are other questions so I'll be quiet. George and then David.

MR. GEIGER: Mr. Chairman, I don't have any problems or qualms about a specific colored line for use in the trap fishery. That would make sense; but to have a pattern on the line such as a color pattern that they currently employ on the marker buoys, that means you'd have to have the colored markings, at the bottom and possibly in the middle.

The growth that occurs on those lines, would you be able to see it after a relatively short period of time? It seems to me to be an impractical solution. Now, an entire colored line of a specific color, blue, red, yellow, whatever, makes sense; but to have a specific marking or pattern of markings I don't believe will work.

MR. ROBSON: I was trying to formulate what I was thinking, and I guess my thinking is what was the intent in the biological opinion of – was it so that enforcement could be enhanced? Obviously, the colored lines aren't going to make a difference as to whether that – Okay, David, maybe you have an answer.

MR. CUPKA: Well, a lot of this goes back to protected resource interactions. Like in the Mid-Atlantic and South Atlantic where we're dealing with marine mammals, for example, a lot of times they recover lines and they're trying to set up where lines are identifiable to a specific fishery so they know which fisheries are generating the problems, so that they can try and address those specifically; so that they know, say, whether it came from a black sea bass pot line or a lobster trap pot line.

A lot of times you can't tell. Obviously, if the trap is still on there it is identifiable and if the buoy is there, but a lot of times it is just a line and you have no idea where that line came from. In some areas, like in the Mid-Atlantic, they were coming up trying to come up with ways to

mark lines specifically so that they could be traced back to a specific fishery; so if there is a probably, they can try and address it within that fishery. I think that's where a lot of this is coming from. It's not just coral; it's marine mammals, turtles, all kinds of things.

MS. SMIT-BRUNELLO: I agree. I was reading in Section 4 and it gives a little more description as to why this was being proposed, and much of it is along the lines of what David was just saying. Also, if you did have the marked gear, it allows for better monitoring of any kind of incidental take that is currently authorized under – or allowed actually under biological opinion as well.

MR. HARTIG: Mark, specific to Monica, do they mention the species they're interested in? Basically the migration of whales occurs outside the time of when the lobster gear is in the water. Certainly, turtle interactions would be one thing that you could probably track with lobster, and I don't know how much of that occurs. Who are we trying to protect with this option?

MS. SMIT-BRUNELLO: Ben, I think it is turtles, but I'm going to look into it a little bit further and I will get you a better answer.

MR. WAUGH: It is also the corals. If you find it wrapped around coral, you want to be able to identify what fishery it came from.

MR. CURRIN: It may well include bottlenose dolphins as well. There are known interactions with dolphin that have been wrapped up in crab pot lines, and I suspect there is no difference. I don't know what the incidents is.

MR. ROBSON: And, again, I think I understand that, and this is a spiny lobster amendment, but I'm still trying to reconcile that. If this is a management measure to try to determine whether there are incidental interactions or whether there are problems with that particular type of gear, but there is already an assumption that there is this kind of interaction and that is why the lobster trap fishery has been kind of singled out. I'm not clear as to why we're singling out that particular type of trap gear for this type of marking. Roy.

DR. CRABTREE: Well, I think there are takes. I don't have the biological opinion in front me. I think maybe the next time we go through this amendment, Gregg, if we could put the biological opinion in the briefing book, that might be helpful. I think there are turtle takes and other protected resources in it, so I don't think we're singling anything out. We would go through this with any fishery like this.

But if you have ropes going to the surface in this, you're going to have an occasional turtle take, and I think we do have those; and maybe bottlenose dolphin takes, I don't know. That would be an MMPA situation. We as a council, because it is a federal fishery, have an obligation to make sure that we are minimizing to the extent possible interaction with protected resources.

MR. GEIGER: I hear what you're saying but unfortunately if you go down to the comparison of the alternative section, below the alternatives, the first sentence tells us it is required by 2014. So it is a moot point whether or not you like it for this fishery or you don't like it for the fishery,

we're now adjudicated with the responsibility of trying to figure out the most practical way of employing some type of identification, I think. Correct me if I'm wrong.

And my original point was if you're going to argue a colored line versus intermittent markings or some type of colored markings applied to the line, it is much more practical, in my opinion, to have a solid-colored line for a specific fishery than it is to have a marking, an intermittent marking which wouldn't be observable from the air possibly whereas a colored line could even be observed from the air.

LT. FISCHER: Yes, I would agree fully with that, and it probably also would be much easier for the fishermen to comply with that also. I remember talking about having a different color of thread banded into the line or are they talking about putting tape or sewing something into the line, but either way a solid color would be the most straightforward for enforcement and probably the easiest to comply with for the fishermen.

MR. ROBSON: Well, we have two of the alternatives cover either a pattern or – one covers a pattern and one would cover a color, and there may be commercially available products that would – either way, we don't know, we're speculating.

MR. GEIGER: Well, I'd make a motion that we select Alternative 2 as our preferred alternative.

LT. FISCHER: I would second that.

MR. ROBSON: Alternative 2 and there is a second to require all spiny lobster trap lines in the EEZ off Florida to be a specific color not currently in use in other fisheries along its entire length. And, again, "not used currently in other fisheries" was the language that the Gulf Council took out? So the Gulf Council had removed that language "not currently in use in other fisheries" and right now we still have that in our alternatives. There is a motion and a second to make Alternative 2 the preferred. Is there discussion? Roy.

DR. CRABTREE: Well, at some point you're going to have to specify what that color is because we're going to have to write a regulation. And I guess we're going to have to – and I think this gets to where the Gulf Council was – we're going to have to ask staff to identify all of the colors currently used in other fisheries. I don't know it is realistic or not.

Unless the colors are required in the regulations, I don't know how we're going to figure out what colors are used in other fisheries. I don't know that anyone keeps data on that, so I suspect that may why the Gulf Council took that language out.

MR. GEIGER: Mr. Chairman, this is a public hearing document, and we're taking it to the public to get their opinion as to which they feel – I mean, it is a required item. We've got alternatives. One requires banding or some type of identifiable markings. Another option is a totally colored line. We're not acting on this, we're taking it to public hearing and we certainly have time for staff to do research and identify the potential colors that could be used. In lieu of that, I would suggest red.

MR. CUPKA: I was just going to say there are marking requirements already in place under the Marine Mammal Protection Act and NMFS somewhere ought to have that information, Roy, on exactly what types of markings are required to date in some the various fisheries like the American lobster fishery or crab pots.

At some point we do need to assemble that and see what the current requirements are in other fisheries so that we can, if we go this route, write a rule so that we don't select something that is already being used in another fishery. I mean, that's the whole purpose is to be able to identify it. I'm not sure why the Gulf took that wording out. It's not going to work if you pick something that is in use in another fishery.

MR. WAUGH: It seems to me it is incumbent upon the Protected Resources Division or community that is looking at this to come up with some specific set of colors for each fishery. It isn't just the spiny lobster fishery being singled out. It is finally getting to the spiny lobster fishery, so there must be some sort of accounting. We can certainly get in touch with those individuals, but the biological opinion shouldn't be so general as to say some color. They should have some specifics based on colors that have already been specified in other fisheries. We will certainly work with them to find that.

MR. ROBSON: So we have a motion and a second for Alternative 2 being the preferred. It specifies a color, but we don't have to get into – it doesn't get into the details of what color and whether or not that matches other fisheries. Charlie.

MR. PHILLIPS: Mr. Chairman, I'm not on your committee, but I'm just thinking supply houses, fishermen, and if you start down this road where every fishery has got to have a different color of rope, it could easily turn into a nightmare. The fish house has got this color of rope; it doesn't have that color or rope, or the supply house.

Getting the manufacturers to make a lot of different ropes, it would be much easier to put a marker on your rope, either splice a line in it, slide a tag in it, kind of like a shrimp tag or a fish tag on each end, that you can use the same rope and you've still got it identified. It makes a whole lot more sense than trying to have every fishery starting down this road.

MR. CUPKA: Charlie, I think they are looking at that. They're looking at trying to interweave different colors at every so many feet along the line. They've even discussed the use of pit tags which could be implanted in the rope that could be identifiable. They're looking at a lot of different things. I agree with you; that was a concern all along that you could get out of hand with this and you've got to work with rope manufacturers and all, but, again, it would be useful to compile all that information because there are a number of alternatives being looked at rather than just a solid-colored rope, all one length or something. There are other ways of marking it.

MR. ROBSON: All right, we have a motion and a second to select Alternative 2 as the preferred. Is there any further discussion of the motion? Tom.

MR. BURGESS: Mr. Chairman, I'm not a member of your committee, but in the South Atlantic what is done is halfway down the line we have a piece of orange surveyor's tape weaved into the

line. Up and down the coast there are different colors for different geographical areas, and this is related to a take of a protected species.

That's how we do it; it is pretty simple and straightforward, and basically that is all it is to address. If the buoy is not there or the trap is not there, they're trying to come up with an idea of where the rope came from, and then maybe some gear, possibly, but when you have a piece of rope you've got a piece of rope, so they just have some area-specific markings with colors. Has there ever been a reported take of a protected species with a lobster pot at this time or documented interaction?

MR. GEIGER: I can't answer Tom's question about the protected resources, but I was wondering who established the convention of color up and down the coast as to what color gets placed inside the line? Where did you receive your instructions to put – what color do you have in your sea bass trap lines?

MR. BURGESS: Well, we have orange and it is part of the Atlantic Large Whale Take Reduction Plan.

MR. GEIGER: So it sounds like there is a framework already in place for doing this type of marking, so all you have to do then probably is add fisheries to it possibly? Is there anybody on the council that represents the council?

MR. CUPKA: Well, Tom and I both serve on Take Reduction Teams and that's what I've been trying to point out in these protected resource things, particularly marine mammals, that they're looking at ways to mark vertical lines by interweaving different colored line or tape. All of that is published as part of a Federal Register Notice and is a requirement for people operating in those fisheries.

MR. GEIGER: Well, is that a test or is it a requirement of the rule that is in effect for everybody in the trap fishery with lines, then?

MR. CUPKA: Yes, it is published as a rule; it's in effect. I'm saying that information is available and it is just a matter of compiling it and seeing what is already in effect.

MR. ROBSON: So, really, our alternatives would cover the waterfront as far as options for whatever comes out of any guidelines or rules for protected resources either through a specific marking type of system or interweaving or through colors. But we still have a motion and a second to select Alternative 2 as the preferred; is that necessary?

MR. GEIGER: I withdraw the motion.

MR. ROBSON: Okay, so the maker of the motion is withdrawing the motion if that is acceptable to the seconder; is that acceptable to the committee? All right, so show the motion withdrawn. All right, I think we can move on now.

MR. WAUGH: So we will compile the information and include the biological opinion in the next version and work in some of the discussion on the level of interaction and so forth.

MR. GEIGER: In addition to the level of interaction or potential interactions, however it is addressed, we need to get a handle on this published convention on line marking and figure out how we get our fisheries in the southeast here included in this convention with a distinguishing color for that fishery.

DR. CRABTREE: Yes, and looking at the biological opinion – and there are incidental take allowance for various sea turtle species – when you look at this condition and opinion, it looks like they’re talking about the southeast, so they’re talking being able to distinguish spiny lobster, stone crab, blue crab pot fisheries. I think if you’re talking southeast, particularly Florida, it’s probably workable. If you were talking nationwide, I think we run out of colors.

I think that is what they’re looking at, but I think we need to flesh this out and maybe the “not used in other fisheries” needs to be more specific as to what that means because obviously we don’t want say worldwide it can’t be used in the other fisheries, and it is just kind of unworkable that way. I think if staff will kind of take a look at the opinion and try to translate this into something more specific, Gregg, that would be useful.

MR. ROBSON: I think it would be. All right, let’s move on.

MR. WAUGH: The final action is Action 11 and this on PDF Page 70. This gets into allowing the public to remove trap line, buoys or otherwise make unfishable any spiny lobster gear found in the EEZ off Florida. Again, the intent here is to get at the issue of derelict gear that is left after the season. I just call attention to the issue of poaching of pots.

This is a contentious issue and has been a contentious issue with people robbing traps, so that any activity that allow the public even at a certain time period to go out and handle traps is going to raise issues. We’ve got alternatives in here that don’t allow the public to remove any spiny lobster traps; to setting up certain specific time periods.

MR. GEIGER: Yes, and I know you’ve got the no action, do not allow the public to remove it but allowing the public to even think about these other actions, but in the state of Florida it is a Class 3 felony to touch deployed commercial gear, traps, lines, obviously abandoned crab traps, anything. I don’t know; this is a touchy area.

MR. ROBSON: I would agree. There are programs in place in Florida to deal with gear removal after the season closes. There is also a mechanism for groups or other individuals outside the fishery to remove trap debris – and that is defined in different ways – through a more formal process which we work through along with the industry and with environmental organizations and local governments to allow for trap debris to be removed under kind of controlled conditions that deals with the problem of people just going out there on their own and just removing traps without any kind of controls. There are mechanisms in place to deal with this at this point.

MR. HARTIG: Based on your and George's rationale and based on the letter we got from the organization in the Keys, I would move that we move Action 11 into the considered but rejected alternatives.

MR. ROBSON: We have a motion to put Action 11 into the considered but rejected. I haven't seen a second, but, Monica, you had your hand up?

MS. SMIT-BRUNELLO: I do. The biological opinion requires the Fisheries Service and with the councils to explore this option. My suggestion would be that you leave it in the document now and take it out to public hearing. I think the Gulf Council chose as their preferred the no action alternative, which if you wanted to do that, I think that would be fine. I'd advise you to leave it in and get some public comment on it when you take it out to public hearing.

MR. HARTIG: I'll withdraw my motion.

MR. ROBSON: Okay, do you want reframe your motion to make Alternative 1 the preferred?

MR. HARTIG: Yes, certainly, I would make a motion to have Alternative 1 as our preferred alternative.

MR. ROBSON: Second by George. Is everybody clear on the motion? Alternative 1 would be the preferred, which would be to not allow the public to remove any spiny lobster trap down in the EEZ off of Florida. Again, just for clarification, there are mechanisms in place to allow for removal of traps post season as well as to remove trap debris at any time of the year. Is there any discussion on the motion? Mac.

MR. CURRIN: I started not to bring it up under this motion, but I think it does have an impact. Again, I'm not on the committee, but you mentioned that Florida has regulations in place which do allow under certain prescribed circumstances for groups, the public and other people to pick these traps up, derelict traps up. Is it worth considering adding an alternative under this action that would mirror Florida's regulations regarding trap removal and disposal?

MR. ROBSON: George, did you have a comment?

MR. GEIGER: Yes, let me try a motion to that effect. I was thinking about that.

MR. ROBSON: We do have a motion and a second to make Alternative 1 our preferred alternative. Is there any discussion? I think Alternative 1, if it was selected, would preclude a different alternative that allowed some kind of prescribed removal of traps. George.

MR. GEIGER: And that is true; why don't we go ahead and vote on that and we'll talk about it. That's true, but selecting a preferred to go to public hearing does not preclude the council from changing the preferred at the next meeting either based on public comment or consideration of other ideas that have come up subsequent, and it doesn't lock us in.

MR. ROBSON: That's correct; you're right. All right, so we have a motion to make Alternative 1 our preferred at this time. Roy.

DR. CRABTREE: Well, I'm not sure that Alternative 1 is properly characterized. I believe our regulations say nothing about the public removing traps. I don't think we have anything in our regulations that prohibits it. I think this has all been deferred to Florida in the past. I think Alternative 1 probably needs to be – check on the regulations on that, Gregg, but I don't think there is any prohibition in place in our regulations on it, but I'm not sure of that.

MR. GEIGER: But doesn't Alternative 1 put a regulation then in place that precludes the –

DR. CRABTREE: No, Alternative 1 is no action so it doesn't put any regulation in place; so if you wanted to do that, I think that would have to be another action. But I think in terms of marking and all of these things, we've always deferred to Florida, so you could think of it that we've delegated that aspect of management to Florida in the past.

MS. SMIT-BRUNELLO: I know with golden crab, sea bass pots and those sorts of things, there are restrictions about people who are not the owners of a trap messing, so to speak, with that trap. I think it is illegal. It's called molesting or whatever. I think there are a number of violations that go along with that. I'll check the spiny lobster regulations specifically, but I would think there is probably something in there that does prohibit someone who is not the owner of a trap to pull that trap or deal with it in that manner.

LT. FISCHER: This is my understanding at least with certain other types of ghost fishing situations, a current mechanism probably something along the lines of if spots the trap they report it to Florida. They kind of take a look and maybe track down the owner and if no one finds it, then give permission and the okay for some kind of group to go out and remove it. Is that how the mechanism works now or is there a mechanism?

MR. ROBSON: There are two different mechanisms. There is a mechanism for post-season retrieval of traps that are still out there. Either they were lost or abandoned or whatever. That is done through a very specific program at the state of Florida level. In addition to that, there is a trap debris or a derelict trap removal program that allows for local governments or organizations or groups or fishermen to remove trap debris.

That can be either in season or outside of the season, but that's also done under a specific permit through the state of Florida or at least through a specific management plan for that kind of program. In a case you're talking about, I'm not sure exactly if an individual trap is seen somewhere post season or that is abandoned, I don't know exactly how that would get covered unless it is under one of those two programs in a general type of area removal.

LT. FISCHER: My thought is if that is what the concern is that you're trying to find some mechanism to get traps that spotted or identified by the public removed, maybe something like that, some sort of mechanism would be more appropriate than giving carte blanche after some date for the public to start pulling traps willy-nilly.

MR. ROBSON: Well, yes, except the idea that there is so much left – there is some discretion that you have to account for – if somebody sees a trap that may or may not be an inactive or an abandoned trap and then you get into trap molestation and theft issues and that’s where these very specific programs were set in place in Florida to make sure that didn’t happen. The concern is that if you just have a carte blanche – the mechanism for the public to go grab a trap, that can get out of hand, and that was the concern and that’s why those programs were put in place. Wilson.

DR. LANEY: Mr. Chairman, I’m not on your committee, but don’t you sort of have that option in there in form of Alternative 3, if I’m reading correctly? It says “allow the public to remove any spiny lobster trap found in the EEZ,” but it is specifically only during the closed season.

MR. ROBSON: Yes, but it doesn’t specifically address the Florida Program for that, because that trap removal program post season is done under very specific criteria. Well, that was I think sort of one of the alternatives that was being thought to add. I have now lost track; we still have a motion and a second to make Alternative 1 the preferred. Gregg.

MR. WAUGH: Just to clarify one thing – and it is to follow up on Roy’s direction – the no action should actually state what you described as is currently in place and what is allowed by the state of Florida. It shouldn’t say what it says now. It should reflect what is currently allowed, and that is the no action alternative.

DR. CRABTREE: Well, Monica has got the regulations, but it turns out we actually do have prohibitions on pulling another person’s trap. Monica can read those to you.

MS. SMIT-BRUNELLO: Yes, I’ll read it. It is at 50 CFR 640.22(b)(3); “A spiny lobster trap in the EEZ may be pulled or tended only by the owner’s vessel or by a vessel for which permission to pull or work traps belonging to another person has been granted.” And then it discusses how that permission is given, whether it is in the EEZ off Florida or in the EEZ off other areas. But I agree with Gregg, the team needs to work better to explain what is in place right now.

MR. ROBSON: Gregg reminds us that Alternative 1 was the Gulf Council’s preferred alternative at this point. Just to be clear now, Monica, the way that alternative is worded now, it is not inconsistent with current federal language, federal rules?

MS. SMIT-BRUNELLO: Right now there is not – in the regulations the public is not allowed to remove any spiny lobster trap.

MR. ROBSON: So it is accurate the way it is worded. Roy.

DR. CRABTREE: And, Monica, so Florida has these various programs that allow people to remove derelict traps under certain conditions and things, but they wouldn’t be allowed to do that in the EEZ, would they, or is there an exception in there for following the Florida protocols?

MS. SMIT-BRUNELLO: Well, I will have to look at it more closely, but there is definitely a difference in how someone gets permission to pull another person's trap. If you're in the EEZ off Florida, then you go under Florida rules, I believe.

DR. CRABTREE: And I know, Mark, you all sort of talked about this, but could we delegate the provisions for removal of trap lines and delegate traps and all those things to the state of Florida, and then the Florida Program could be applied in the EEZ?

MS. SMIT-BRUNELLO: Well, I think you can delegate various portions, all or maybe pieces of a management plan to the state to deal with. We'll look into that and maybe that is the answer here and it is more appropriate.

DR. CRABTREE: I think that might be easier than trying to write into our regulations what Florida has on the books now because then we'd have to change it every time Florida did; but if we just said let Florida handle the derelict traps, et cetera, it is something to think about.

MR. ROBSON: All right, we still have our motion for Alternative 1 to be the preferred alternative. Is there any further discussion? **Is there any objection to that motion? One objection; the motion carries.**

DR. CRABTREE: So I'm just wondering if we should an alternative here that would delegate removal of trap lines and all those sorts of things to the state of Florida, delegate managing that. Mark, before I make the motion, do you think that would be acceptable to you guys if it is pretty narrowly tailored. I think you're the only one doing any of this stuff now, but that would clarify that you could do some of this in the EEZ if you chose to.

MR. ROBSON: I don't think that would be a problem, Roy.

DR. CRABTREE: Then I would move that we add an alternative to delegate removal of trap line, buoys or otherwise make unfishable any spiny lobster gear – I guess, Gregg, have it say add "delegate to the state of Florida regulations regarding removal". **Okay, my motion is to add an alternative to delegate to the state of Florida regulations regarding removal of trap lines, buoys or otherwise making unfishable any spiny lobster gear."**

MR. ROBSON: Now, for this motion it might be good – and I don't have it committed to memory, but we may want to look at the specific Florida language, because what this deals with is not the trap retrieval program, the post-season trap retrieval. You're talking about derelict traps and trap debris removal programs, which are done – and there is very specific language about constitutes debris and what is unfishable, so we may want to line that up with what the state program is right now, and I don't have that language in front of me.

DR. CRABTREE: Well, could we put it in like this, Mark, and then could you help us with that when we get to full council, maybe?

MR. ROBSON: Yes.

DR. CRABTREE: Because I don't want it to be narrowly tailored.

MR. ROBSON: Yes, we'll get the language. All right, we have a motion; seconded by Ben. We'll try to make sure we have the language so it is not in contradiction or conflicting with what we actually have in our state rules right now for the trap debris removal program in Florida. Is there any other discussion of the motion? **Any objection to the motion? That motion carries.** All right, we have gotten through all of the actions and alternatives in the amendment. Gregg, where are we at now? We're on to other business?

MR. WAUGH: Other business.

MR. ROBSON: And I don't have any other business. Is there any other business from members of the committee? Seeing none, we having a timing and task motion.

MR. WAUGH: Yes, and this is in the timing – and we talked about this already. This is in the overview, and the intent is to fold in the assessment results, bring it back to you with these new – addressing the actions you have taken here at our December meeting to approve for public hearings.

And then we got direction from the committee to work with the Gulf to schedule a joint Spiny Lobster Committee Meeting with them during their – and should be June 6 through 9. They have changed their meeting dates now so they're not the same week as us. That's in the Keys so we'll work with them to schedule a joint Spiny Lobster Committee Meeting so that we can resolve any differences from the public hearing. And then the intent would be to approve this amendment for submission to the secretary at our June meetings.

MR. ROBSON: Thank you, Gregg. Any questions? All right, we have gone through our agenda unless there is any other business. I don't think there is so this committee stands adjourned.

(Whereupon, the meeting was adjourned at 3:58 o'clock p.m., September 13, 2010.)

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PLEASE SIGN IN

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

Spiny Lobster Committee
Charleston, SC
Monday, September 13, 2010

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