

**SUMMARY REPORT
FROM THE SPINY LOBSTER COMMITTEE MEETING
New Bern, NC
December 6, 2010**

The Spiny Lobster Committee met on December 6, 2010 in New Bern, NC. The committee received a presentation by: Gregg Waugh, Council Staff, who reviewed actions from the Joint GMFMC/SAFMC SSC Sub-Committee review of the SEDAR Update Assessment for Spiny Lobster. The Chair provided the following information:

“As chair of the Review Workshop, all I am comfortable reporting at this time is that the Review Workshop Panel rejected the assessment and concluded that the outputs from the models were unreliable and not useful for estimating stock status benchmarks, current levels of mortality, recruitment or spawning stock biomass. The primary reasons for rejecting the assessment were twofold: 1) The severe levels of retrospective patterns in the model outputs were not resolvable by additional model runs with alternative inputs; and 2) Reliable genetic evidence was provided that clearly documented the southeast US lobster stock was being supported by recruitment from at least four different upstream populations with little or no evidence of recruitment coming from the local spawning stock. There also were other concerns that will be identified in our final report.”

The committee provided guidance and approved the following motions:

I. SEDAR Spiny Lobster Update – the Committee Chair deferred this item until June to allow both Councils’ SSCs to review the assessment and the recommendations of the SSC Subcommittee.

II. Spiny Lobster Amendment 10/DEIS

2.1 Action 1: Other species in the Spiny Lobster FMP

~~MOTION #1: ADOPT OPTIONS A AND B IN ALTERNATIVE 3 AS OUR PREFERRED APPROVED BY COMMITTEE~~

~~South Atlantic Preferred Alternative 3:~~ List species as ecosystem component species:

~~**Gulf Preferred Option a:** smoothtail spiny lobster, *Panulirus laeviscauda*~~

~~**Gulf Preferred Option b:** spotted spiny lobster, *Panulirus guttatus*~~

~~**Option c:** Spanish slipper lobster, *Scyllarides aequinoctialis*~~

~~**Option d:** ridged slipper lobster, *Scyllarides nodifer*~~

Note: Motion #2 replaces Motion #1.

MOTION #2: ADOPT OPTIONS A-D IN ALTERNATIVE 4 AS THE COUNCIL’S PREFERRED

APPROVED BY COMMITTEE

Alternative 4: Remove species from the Joint Spiny Lobster FMP:

Option a: smoothtail spiny lobster, *Panulirus laeviscauda*

Option b: spotted spiny lobster, *Panulirus guttatus*

Gulf Preferred Option c: Spanish slipper lobster, *Scyllarides aequinoctialis*

Gulf Preferred Option d: ridged slipper lobster, *Scyllarides nodifer*

2.2 Action 2: Modify the Current Definitions of Maximum Sustainable Yield, Optimum Yield, Overfishing Threshold, and Overfished Threshold for Caribbean Spiny Lobster

2.2.1 Maximum Sustainable Yield (MSY)

**MOTION #3: ADOPT ALTERNATIVE 3 AS OUR PREFERRED ALTERNATIVE FOR MSY AND INCLUDE DISCUSSION IN THE DOCUMENT ABOUT THE RANGE OF LANDINGS AS AN INTERIM PROXY FOR MSY
APPROVED BY COMMITTEE**

Alternative 3: MSY equals the yield produced by fishing mortality at maximum sustainable yield (F_{MSY}) or proxy for F_{MSY} . MSY will be defined by the most recent SEDAR and joint Scientific and Statistical Committee process.

2.2.2 Optimum Yield (OY)

**MOTION #4: ACCEPT THE IPT RECOMMENDATIONS ON OY
APPROVED BY COMMITTEE**

The IPT recommends that OY be folded into the ACL action based on NOAA GC and NMFS RA guidance provided at the September 2010 South Atlantic Council meeting; a similar approach is being taken in the South Atlantic Council's Comprehensive ACL Amendment. This would move the OY alternatives shown below to Appendix A, Alternatives Considered but Eliminated from Detailed Consideration.

2.2.3 Overfishing Threshold

**MOTION #5: ADOPT ALTERNATIVE 3 FOR MFMT
APPROVED BY COMMITTEE**

Alternative 3: Specify the Maximum Fishing Mortality Threshold (MFMT) as F_{MSY} or F_{MSY} proxy. The most recent SEDAR and joint Scientific and Statistical Committees will define F_{MSY} or F_{MSY} proxy. This should equal the Overfishing Limit (OFL) provided by the Scientific and Statistical Committees. The Councils will compare the most recent value for the current fishing mortality rate (F) from the SEDAR/SSC process to the level of fishing mortality that would result in overfishing (~~maximum fishing mortality threshold~~ or MFMT) and if the current F is greater than the MFMT, overfishing is occurring. Comparing these two numbers:

$$\bullet FCURRENT/MFMT = X.XXX$$

*This comparison is referred to as the **overfishing ratio**. If the ratio is greater than 1, then overfishing is occurring.

**MOTION #6: ADD NEW ALTERNATIVE 4 THAT WOULD USE THE ACL AS THE OVERFISHING THRESHOLD
APPROVED BY COMMITTEE**

2.2.4 Overfished Threshold

**MOTION #7: ADOPT ALTERNATIVE 2 AS THE PREFERRED FOR THE OVERFISHED THRESHOLD
APPROVED BY COMMITTEE**

Alternative 2: Specify the MSST as ~~7.56 million pounds or 1.150×10^{12} eggs~~. The MSST is defined by the most recent SEDAR and joint Scientific and Statistical Committees process. The Councils will compare the current spawning stock biomass (SSB) from the SEDAR and

Scientific and Statistical Committees process to the level of spawning stock biomass that could be rebuilt to the level to produce the MSY in 10 years. Comparing these two numbers:

- $SSBCURRENT/MSST = Y.YYY$

This comparison is referred to as the **overfished ratio**. If the ratio is less than 1, then the stock is overfished.

2.3 Action 3: Establish Sector Allocations for Caribbean Spiny Lobster in State and Federal Waters from North Carolina through Texas

MOTION #8: ADD TWO NEW ALTERNATIVES USING BOYLES LAW (50% LAST 10 YEARS AND 50% LAST 3 YEARS) AND ENTIRE TIME SERIES TO ALLOCATE SPINY LOBSTER ACL

APPROVED BY COMMITTEE

MOTION #9: MAKE ALTERNATIVE 6 (BOYLES LAW; 76% COMMERCIAL AND 24% RECREATIONAL) OUR PREFERRED

APPROVED BY COMMITTEE

2.4 Action 4: Acceptable Biological Catch (ABC) Control Rule, ABC Level(s), Annual Catch Limits, and Annual Catch Targets for Caribbean Spiny Lobster

2.4.1 Acceptable Biological Catch (ABC) Control Rule

MOTION #10: MOVE ALTERNATIVES 4 AND 5 TO APPENDIX A, ALTERNATIVES CONSIDERED BUT REJECTED

Alternative 4: Establish an ABC Control Rule where ABC equals a percentage of yield at MFMT:

Option a: $ABC = \text{yield at } 65\% \text{ MFMT}$.

Option b: $ABC = \text{yield at } 75\% \text{ MFMT}$.

Option c: $ABC = \text{yield at } 85\% \text{ MFMT}$.

Alternative 5: Establish an ABC Control Rule where ABC is a percentage of OFL. The percentage is based upon the level of risk of overfishing (P^*):

Option a: $ABC = X\% \text{ of OFL}$. The $X\%$ is based upon P^* equals .20.

Option b: $ABC = X\% \text{ of OFL}$. The $X\%$ is based upon P^* equals .30.

Option c: $ABC = X\% \text{ of OFL}$. The $X\%$ is based upon P^* equals .40.

Option d: $ABC = X\% \text{ of OFL}$. The $X\%$ is based upon P^* equals .50.

MOTION #11: ADD ABC ALTERNATIVES 6-8:

APPROVED BY COMMITTEE

Alternative 6: Adopt the South Atlantic Council's SSC Control Rule and specify ABC as equal to the mean of the last 10 years landings.

Alternative 7: Adopt the South Atlantic Council's SSC Control Rule and specify ABC as equal to the high of the last 10 years landings.

Alternative 8: Adopt the South Atlantic Council's SSC Control Rule and specify ABC as equal to the low of the last 10 years landings.

2.4.2 Set Annual Catch Limits (ACLs) for Caribbean Spiny Lobster

MOTION #12: ADOPT ACL ALTERNATIVE 3A AS OUR PREFERRED APPROVED BY COMMITTEE

Alternative 3: Set Annual Catch Limits for each sector based on allocations determined in Action 3:

Option a: Annual Catch Limit = OY = (sector allocation x Acceptable Biological Catch).

2.4.3 Set Annual Catch Targets for Caribbean Spiny Lobster

MOTION #13: SET ACT ALTERNATIVE 1 AS PREFERRED APPROVED BY COMMITTEE

Gulf Preferred Alternative 1: No Action – Do not set Annual Catch Targets.

2.5 Action 5: Accountability Measures (AMs) by Sector

MOTION #14: ADOPT THE IPT WORDING FOR ALTERNATIVE 2A AND MAKE IT OUR PREFERRED

APPROVED BY COMMITTEE

Alternative 2: Establish commercial in-season accountability measures:

Option a: close the commercial fishery when the ACL or ACT is projected to be met.

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

MOTION #15: ADOPT ALTERNATIVE 2 AND ALTERNATIVE 4, OPTION 1 AS OUR PREFERRED

APPROVED BY COMMITTEE

Gulf Preferred Alternative 2: Update the current Protocol for Enhanced Cooperative Management.

Alternative 4: Revise the current Regulatory Amendment Procedures to create an expanded Framework Procedure:

Option 1: Adopt the base Framework Procedure

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

MOTION #16: ADOPT ALTERNATIVE 3B AS OUR PREFERRED

APPROVED BY COMMITTEE

Alternative 3: Allow undersized Caribbean spiny lobsters, but modify the number of allowable undersized lobsters, regardless of the number of traps fished:

Option b: allow 35 undersized lobsters

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

No change to preferred alternatives.

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

MOTION #17: ACCEPT THE IPT RECOMMENDATION FOR WORDING OF ACTION 9

APPROVED BY COMMITTEE

IPT Recommends changing to read: Action 9: Limit Spiny Lobster Fishing in Certain Areas in the EEZ off Florida to Protect Threatened Staghorn and Elkhorn Corals (*Acropora*)

MOTION #18: ACCEPT IPT RECOMMENDATION FOR ALTERNATIVE 2-4 APPROVED BY COMMITTEE

IPT Recommends replacing Alternatives 2-4 with the following:

Alternative 2: Prohibit spiny lobster trapping on all known hardbottom in the EEZ off Florida in water depths less than 30 meters.

Alternative 3: Expand existing and/or create new closed areas to prohibit spiny lobster trapping in the EEZ off Florida.

Option a: Create 25 “large” closed areas to protect threatened *Acropora* corals.

Option b: Create 37 “medium” closed areas to protect threatened *Acropora* corals.

Option c: Create 52 “small” closed areas to protect threatened *Acropora* corals.

Alternative 4: Expand existing and/or create new closed areas to prohibit all spiny lobster fishing in the EEZ off Florida.

Option a: Create 25 “large” closed areas to protect threatened *Acropora* corals.

Option b: Create 37 “medium” closed areas to protect threatened *Acropora* corals.

Option c: Create 52 “small” closed areas to protect threatened *Acropora* corals.

MOTION #19: MAKE ALTERNATIVES 2 AND 4 OUR PREFERRED APPROVED BY COMMITTEE

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

MOTION #20: ADOPT THE IPT RECOMMENDATION APPROVED BY COMMITTEE

IPT Recommends replacing Alternatives 2-4 with the following:

Alternative 2: Require all spiny lobster trap lines in the EEZ off Florida to be COLOR, or have a COLOR marking along its entire length. All gear must comply with marking requirements no later than August 2014.

Alternative 3: Require all spiny lobster trap lines in the EEZ off Florida to have a permanently affixed 4-inch COLOR marking every 15 ft along the buoy line or at the midpoint if less than 15 ft. All gear must comply with marking requirements no later than August 2014.

Alternative 4: Require all spiny lobster trap lines in the EEZ off Florida to be marked in accordance with either Alternative 2 or Alternative 3. All gear must comply with marking requirements no later than August 2014.

Note: Staff was directed to move Alternative 4 to the Considered but Rejected Appendix.

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

MOTION #21: ADOPT WORDING FOR ACTION 11 AND ALTERNATIVES FROM THE IPT

APPROVED BY COMMITTEE

IPT Recommends changing Action 11 to read: Allow the Public to Remove Derelict or Abandoned Spiny Lobster Traps Found in the EEZ off Florida

IPT Recommends changing the alternatives to read (Note: The Councils will need to clarify preferred.):

Alternative 1: No Action – Do not allow the public to remove any derelict or abandoned spiny lobster trap found in the EEZ off Florida.

Alternative 2: Allow the public to completely remove from the water any derelict or abandoned spiny lobster trap found in the EEZ off Florida from the end of lobster season trap removal period (usually April 5) until the beginning of the next season’s trap deployment period (August 1).

Alternative 3: Allow the public to completely remove from the water any derelict or abandoned spiny lobster trap found in the EEZ off Florida during the closed seasons for both spiny lobster and stone crab (May 20-July 31).

Alternative 4: Allow the public to remove spiny lobster trap lines, buoys, and/or throats, but otherwise leave in place, any trap found in the EEZ off Florida from the end of season trap removal period (usually April 5) until the beginning of the next season’s trap deployment period (August 1).

Alternative 5: Allow the public to remove spiny lobster trap lines, buoys, and/or throats, but otherwise leave in place, any trap found in the EEZ off Florida during the closed seasons for both spiny lobster and stone crab (May 20-July 31).

Alternative 6: Delegate authority to regulate the removal of derelict or abandoned spiny lobster traps occurring in the EEZ off Florida to the Florida FWC.

MOTION #22: ADOPT ALTERNATIVE 6 AS OUR PREFERRED

APPROVED BY COMMITTEE

III. Other Motions

MOTION #23: APPROVE SPINY LOBSTER AMENDMENT 10 FOR PUBLIC HEARING AND DEIS REVIEW AND APPROVE ANY ADDITIONAL

ALTERNATIVES/MODIFICATIONS SUGGESTED BY THE GULF COUNCIL
APPROVED BY COMMITTEE

MOTION#24: APPROVE SPINY LOBSTER AMENDMENT 10 PUBLIC HEARING LOCATIONS AND DATES WITH THE UNDERSTANDING THAT THEY WILL BE COORIDNATED WITH THE GULF COUNCIL AND SCHEDULE A SOUTH ATLANTIC SPINY LOBSTER AP MEETING ON APRIL 20TH IN KEY WEST

APPROVED BY COMMITTEE

Public hearings would be held from 5-7 pm?

GM Dates (April 2011) DRAFT	SA Dates (April 2011) DRAFT	Spiny Lobster Am 10 Gulf Approved	Spiny Lobster Am 10 SAFMC Planned
4/20	4/20		Key West, FL
4/19	4/19	Marathon, FL	Marathon, FL
?	4/18		Cape Canaveral, FL
?	4/14		Jacksonville, FL
?	4/13		Savannah/Pooler, GA
?	4/12		Charleston, SC
?	4/11		New Bern, NC

**MOTION #25: ADOPT THE TIMING AND TASK ITEMS 1-6:
APPROVED BY COMMITTEE**

1. MAKE THE NECESSARY REVISIONS TO SPINY LOBSTER AMENDMENT 10/DEIS AND PROVIDE THE REVISED DOCUMENT TO THE GULF COUNCIL FOR USE AT THEIR FEBRUARY 7-10, 2011 MEETING.
2. MAKE THE NECESSARY ARRANGEMENTS FOR PUBLIC HEARINGS AND COORDINATE WITH THE GULF COUNCIL.
3. MAKE THE NECESSARY ARRANGEMENTS FOR THE SPINY LOBSTER ADVISORY PANEL MEETING.
4. ENSURE THE SAFMC'S SSC REVIEWS THE SEDAR UPDATE ASSESSMENT AND SSC SUBCOMMITTEE REPORT AND PROVIDES GUIDANCE TO THE COUNCIL PRIOR TO PUBLIC HEARINGS WHICH BEGIN ON APRIL 11, 2011.
5. COORDINATE WITH THE GULF COUNCIL TO SCHEDULE THE JOINT SPINY LOBSTER COMMITTEE MEETING DURING THE GULF COUNCIL'S JUNE 6-9, 2011 MEETING IN KEY WEST.
6. TARGET FINAL APPROVAL OF SPINY LOBSTER AMENDMENT 10/DEIS FOR THE SAFMC'S JUNE 13-17, 2011 MEETING IN KEY WEST.