Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

Draft Trip Limit Options for Vessels Operating Outside of Florida

Background

At the March 2019 meeting the South Atlantic Fishery Management Council (South Atlantic Council) passed a motion requesting options for vessels with a federal South Atlantic unlimited snapper grouper permit (SG1) and a federal spiny lobster tailing permit (LC) to be able to retain commercial quantities of spiny lobster (excluding federal waters off Florida).

Spiny lobster is managed jointly by the South Atlantic Council and the Gulf of Mexico Fishery Management Council (Gulf Council). The management unit extends from the Gulf of Mexico to the North Carolina/Virginia line. Currently, spiny lobster fishermen operating in federal waters off Atlantic states (excluding Florida) are limited to 2-lobster per person with a year-round season. Commercial fishermen operating in federal waters other than off Florida are required to possess a federal vessel permit for spiny lobster (LC). Additionally, a valid federal tail-separation permit (LT) must be issued to the vessel for a person to possess a separated spiny lobster tail in or from federal waters. Both the LC and LT permits are open access.

As of April 10, 2019, there are twenty-one vessels that hold a valid SG1 and LC permit and twenty-seven vessels that hold valid SG1, LC, and LT permits. There are twenty-three vessels that hold an SG1 and LT permit (but not an LC permit), these vessels are exclusively

homeported in Florida where, instead of an LC permit, state permits are required to harvest spiny lobster in federal waters.[1]

Potential Action in this amendment

- **Action 1**: Modify the commercial trip limit for spiny lobster for vessels holding a federal South Atlantic unlimited snapper grouper permit and federal spiny lobster tailing permit.

Objectives for this meeting

- Review options to adjust the spiny lobster commercial trip limit for vessels with a South Atlantic Snapper Grouper permit and a federal spiny lobster permit.
- Decide whether the Committee recommends the Council start work on a regulatory amendment.

Expected amendment timing

	Process Steps	Dates
	Begin work on a regulatory amendment.	June 2019
	Scoping hearings – if necessary.	Summer 2019
	Select preferred alternatives, modify the document as necessary, and approve for public hearings.	September 2019
	Public hearings	Fall 2019
	Review public hearing and advisory panel comments, approve all actions and alternatives, consider approval for Secretarial review.	December 2019
	Implementation	Mid-2020

Proposed Action and Alternatives

Action 1. Modify the commercial trip limit for spiny lobster for vessels holding a federal South Atlantic unlimited snapper grouper permit and federal spiny lobster tailing permit.

Alternative 1 (No Action). The commercial possession limit for spiny lobster in or from the exclusive economic zone off the southern Atlantic states, other than Florida, is two per person.

Alternative 2. For vessels that hold a federal South Atlantic unlimited snapper grouper permit and a federal spiny lobster tailing permit the commercial possession limit for spiny lobster in or from the exclusive economic zone off the southern Atlantic states other than Florida is:

Sub-alternative 2a. 20-lobster
Sub-alternative 2b. 30-lobster
Sub-alternative 2c. 40-lobster

[1] Based on "All SERO Vessel Permits" information from the Southeast Region's Frequent Freedom of Information Act Requests: https://www.fisheries.noaa.gov/southeast/frequent-freedom-information-act-requests-southeast-region

Discussion:

Things to consider:

- Majority of spiny lobster are landed in Florida. Landings from North Carolina, South Carolina, and Georgia have increased in recent years, but still account for less than 1% of total spiny lobster harvest.
- The spiny lobster fishery has a stock (commercial and recreational) annual catch limit (ACL). Effective July 2018, Spiny Lobster Regulatory Amendment 4 increased the ACL from 7.32 million pounds to 9.6 million pounds.
- The majority of spiny lobster larvae are believed to come from sources outside the South Atlantic Council and Gulf Council jurisdictions.
    - Analyses of DNA indicate a single stock structure for the Caribbean spiny lobster throughout its range and recent genetic studies have shown almost all recruits in U.S. waters are from elsewhere in the Caribbean (Lipcius and Cobb 1994; Silberman et al. 1994; Hunt et al. 2009).
    - Some studies have shown that wind effects or the presence of local gyres or loop currents in certain locations could influence the retention of locally spawned larvae in some years more than others (Johnson 1960; Phillips 1989; Yeung and McGowan 1991; Yeung 1996; Yeung et al. 2001).
        - A more recent study has shown retention of local larvae in Florida ranges between 10-40 percent (Kough et al. 2013). While recruitment is considered stable, it is not thought to be linked to production.
- There may need to be some regulatory changes regarding allowable gears in the snapper grouper and spiny lobster fisheries, namely spiny lobster traps on board snapper grouper vessels.
    - Currently, "a spiny lobster may not be taken in the exclusive economic zone (EEZ) with a spear, hook, or similar device, or gear containing such devices. In the EEZ, the possession of a speared, pierced, or punctured spiny lobster is prima facie evidence that prohibited gear was under to take such a lobster. Hook, as used in this paragraph (a), does not include a hook in a hook-and0line fishery for species other than spiny lobster; and possession of a spiny lobster that has been speared, pierced, or punctured by such a hook is not considered evidence that prohibited gear was used to take the spiny lobster, provided no prohibited gear in on board the vessel." (50 CFR §622.404(a)).
    - Fish traps may not be used for possessed in the Gulf or South Atlantic EEZ (50 CFR §622.9(c)). In the South Atlantic EEZ a fish trap is defined as "a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking fish, except a sea bass pot, a golden crab trap, or a crustacean trap (that is, a type of trap historically used in the directed fishery for blue crab, stone crab, red crab, jonah crab, or spiny lobster and that contains at any time not more than 25 percent, by number, of fish other than blue crab, stone crab, red crab, jonah crab, and spiny lobster) (50 CFR §622.2).

Questions for the Committee:

- The Spiny Lobster FMP is a joint plan with the Gulf Council and will require their approval. Is it the South Atlantic Council's intent that this increase apply only to North Carolina, South Carolina, and Georgia?
- Should the increase in commercial trip limit be considered for vessels that hold a SG1 and LC permit, but not a LT permit?
- Should the increase in commercial trip limit be considered for vessels that hold a federal South Atlantic 225-lb trip limit snapper grouper permit?
- How does the Council intend to deal with the issue of spiny lobster traps on board a vessel with snapper grouper species?

Committee Action:

DIRECT STAFF TO BEGIN WORK ON A REGULATORY AMENDMENT
MODIFY ALTERNATIVES AS NECESSARY
ACCEPT ALTERNATIVES 1 THROUGH X
OTHERS?

References

Hunt, J. H., W. Sharp, M.D. Tringali, R. D. Bertelsen, and S. Schmitt. 2009. Using microsatellite DNA analysis to identify sources of recruitment for Florida's spiny lobster (*Panulirus argus*) stock. Final Report to the NOAA Fisheries Service Marine Fisheries Initiative (MARFIN) Program, Grant No. NA05NMF4331076 from the Florida Fish & Wildlife Conservation Commission, Fish and Wildlife Research Institute, File Code: F2539-05-08-F.

Johnson, M. W. 1960. The offshore drift of larvae of the California spiny lobster, *Panulirus interruptus*. California Cooperative Oceanic Fisheries Investigations Report 7:147-161.

Kough, A.S, C.B. Paris, and M.J. Butler IV. 2013. Larval connectivitiy and the international management of fisheries. PLOS One 8(6).

Lipcius, R.N., and J.S. Cobb. 1994. Introduction: Ecology and fishery biology of spiny lobsters. Pages 1-30 in B.F. Phillips, J.S. Cobb, and J.K. Kittaka, editors. Spiny lobster management. Blackwell Scientific Publications, Oxford.

Phillips, B. F. 1989. Phyllosoma larvae and the ocean currents off the Hawaiian Islands. Pacific Science 43:352-361.

Silberman, J. D., S. K. Sarver, and P. J. Walsh. 1994. Mitochondrial DNA variation and population structure in the spiny lobster *Panulirus argus*. Marine Biology 120:601--608.

Yeung, C. 1996. Transport and Retention of Lobster Phyllosoma Larvae in the Florida Keys. PhD dissertation, Coral Gables, FL, USA: University of Miami, pp. 217.

Yeung, C. and M. F. McGowan. 1991. Differences in inshore-offshore and vertical distribution of Phyllosoma larvae of *Panulirus, scyllarus* and *scyllarides* in the Florida Keys in May-June, 1989. Bulletin of Marine Science 49(3):699-714.

Yeung, C., Jones, D. L., Criales, M. M., Jackson, T. L., and W. J. Richards. 2001. Influence of coastal eddies and counter-currents on the influx of spiny lobster, *Panulirus argus*, postlarvae into Florida Bay. Marine and Freshwater Research 52:1217-1232.