

Public Hearing Summary for Spiny Lobster Regulatory Amendment 4

Modifications to Management Benchmarks, Annual Catch Limit, Annual Catch Target, and Prohibition of Traps for Recreational Harvest in the South Atlantic Exclusive Economic Zone



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Why are the Gulf and South Atlantic Councils taking action?

Stock status determination criteria and catch limits

The current overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL), and annual catch target (ACT) for spiny lobster were established through Amendment 10 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (Amendment 10; GMFMC/SAFMC 2011). The ACL and ACT for spiny lobster went into effect on January 3, 2012 (76 FR 75488). **Table 1** shows landings from 1991/1992 through 2015/2016. In the 2013/2014 fishing year, landings exceeded the ACT, ACL, and OFL. In 2014/2015, landings exceeded the ACT, and in the 2015/2016 fishing year the ACT and ACL were exceeded.

Table 1. Spiny lobster landings (in thousands of pounds, whole weight (ww)) from 1991/1992 through 2015/2016. The 2012/2013 fishing year was the first season after implementation of the ACL (7.32 mp) and ACT (6.59 mp).

Year	Commercial	Recreational	Total
1991/92	6,836	1,816	8,652
1992/93	5,369	1,353	6,722
1993/94	5,311	1,883	7,194
1994/95	7,219	1,906	9,125
1995/96	7,021	1,930	8,951
1996/97	7,745	1,923	9,668
1997/98	7,641	2,304	9,945
1998/99	5,447	1,302	6,749
1999/00	7,667	2,462	10,129
2000/01	5,570	1,949	7,519
2001/02	3,080	1,251	4,331
2002/03	4,573	1,455	6,028
2003/04	4,160	1,411	5,571
2004/05	5,451	34*	5,485
2005/06	2,969	1,130	4,099
2006/07	4,824	1,304	6,128
2007/08	3,794	1,215	5,009
2008/09	3,285	1,264	4,549
2009/10	4,394	1,266	5,660
2010/11	5,970	1,417	7,387
2011/12	5,855	1,230	7,085
ACL (7.32 mp) and ACT (6.59 mp) implemented January 2012			
2012/13	4,079	1,559	5,638
2013/14	6,373	1,602	7,975
2014/15	5,453	1,621	7,074
2015/16	6,060	1,492	7,552
2016/17	5,151	Will be added when available	

* Recreational surveys were not conducted during the 2004/2005 fishing year due to the active hurricane season.

** 2016/17 commercial landings are preliminary; recreational and total landings not available at this time.

Data source: Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute (FWRI)

The Councils convened the Spiny Lobster Review Panel in 2015 and 2016. The 2016 Review Panel recommended modifying the time period used to establish an ACL, and recommended if the (updated) most recent ten years (2006/2007through 2015/2016). The 2016 Review Panel report is available here:

http://safmc.net/download/Briefing%20Book%20June%202016/Spiny%20Lobster/Att2_SpinyLobReviewPanelReport_032816.pdf

The Gulf and South Atlantic Scientific and Statistical Committees' (SSCs) reviewed the Review Panel recommendation, and concurred. The Councils are proposing modifying the OFL, ABC, ACL and ACT for spiny lobster based on the recommendation.

Trap prohibition

In 2016, an individual from North Carolina contacted the NMFS Southeast Regional Office to request information on applicable regulations for recreational harvest of spiny lobster using traps in the EEZ off North Carolina. NMFS provided regulatory information and also assigned a buoy color to the individual. The level of harvest using traps in the EEZ off Georgia, South Carolina and North Carolina is unknown, but is likely minimal. However, the South Atlantic Council expressed concern about potential habitat impacts and protected species interaction from traps, particularly because traps are not effective for spiny lobster harvest north of Florida and that there is also no limit on the number of traps. Currently recreational harvest of spiny lobster with traps in the EEZ off Florida is prohibited, but there are no specific regulations on recreational traps in the EEZ off other states in the South Atlantic.

To address these concerns, the Councils are considering extending the prohibition on recreational traps to the EEZ off Georgia, South Carolina and North Carolina.

What would Regulatory Amendment 4 do, and what are the proposed actions?

The actions in this amendment will increase the annual catch limit and annual catch target for spiny lobster, and prohibit use of traps for recreational harvest of spiny lobster in the EEZ off Georgia, South Carolina and North Carolina.

The actions in Regulatory Amendment 4 include:

➤ **Action 1: Modify the Current Definitions of Management Benchmarks**

- **Action 1.1: Maximum Sustainable Yield (MSY) and Overfishing Threshold (Maximum Fishing Mortality Threshold [MFMT])**

Preferred Alternative: The MSY proxy and MFMT will be equal to the revised OFL as recommended by the Gulf and South Atlantic SSCs using the mean landings from the years 1991/1992- 2015/2016 plus two standard deviations (10.46 mp).

- **Action 1.2: Modify the Annual Catch Limit (ACL) and Annual Catch Target (ACT) for Spiny Lobster**

Preferred Alternative: The ACL is equal to the ABC as recommended by the Gulf and South Atlantic Councils' SSCs using the mean landings from the years 1991/1992- 2015/2016 plus 1.5 standard deviations (9.6 mp). The ACT is 90% of the new ACL (8.64 mp).

***Note: A review panel will be convened if there are two consecutive years of low landings, i.e., landings below 5.3 mp; this will NOT replace the existing accountability measure.**

➤ **Action 2: Prohibit the Use of Traps for Recreational Harvest of Spiny Lobster in the South Atlantic Exclusive Economic Zone (EEZ)**

Preferred Alternative: Prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic EEZ.

Who is Proposing the Management Measures?

The spiny lobster fishery is managed jointly by the Gulf of Mexico Fishery Management Council and the South Atlantic Council. Both Councils will be reviewing the proposed actions and will give final approval on the actions. The Gulf and South Atlantic Councils develop the fishery management plan and associated amendments to the plan, and submit them to the National Marine Fisheries Service (NMFS). NMFS implements the actions on behalf of the Secretary of Commerce. NMFS is a line office in the National Oceanic and Atmospheric Administration.

This Public Hearing Summary includes the actions and alternatives, and a summary of the potential biological, economic and social effects.

For full analysis of potential effects of the actions, please see the Spiny Regulatory Amendment 4 (full document) at <http://safmc.net/safmc-meetings/public-hearing-and-scoping-meeting-schedule/>

ACTION 1 - Modify the Current Definitions of Management Benchmarks

Action 1.1: Maximum Sustainable Yield (MSY) and Overfishing Threshold (Maximum Fishing Mortality Threshold [MFMT])

Alternative 1: No Action - The MSY proxy and MFMT are equal to the previous overfishing limit (OFL) as set by the Gulf and South Atlantic Councils' Scientific and Statistical Committees (SSCs) using the mean landings from the years 2001/2002-2009/2010 plus two standard deviations (7.9 mp).

Preferred Alternative 2: The MSY proxy and MFMT will be equal to the revised OFL as recommended by the Gulf and South Atlantic Councils' SSCs using the mean landings from the years 1991/1992- 2015/2016 plus two standard deviations (10.46 mp).

Summary of Effects

Physical/Biological

Under **Alternative 1**, (No Action) the biological reference points for OFL, MSY and MFMT would be set equal to each other and at a level that came close to being exceeded in the 2015/2016 fishing year and was exceeded in the 2013/2014 fishing year (OFL=MSY=MFMT=7.9 mp). Exceeding the OFL would lead the spiny lobster stock to be considered to be undergoing overfishing. This may happen even though juvenile spiny lobster that settle in south Florida have a high probability of recruiting from several spawning populations throughout the greater Caribbean and are not locally self-recruited.

Preferred Alternative 2 would modify the years in the calculation to include a larger time span, therefore incorporating high and low landings years and raising the OFL to 10.46 mp. The MSY proxy and MFMT would be set equal to the OFL, which is consistent with the method used to set these biological reference points in Amendment 10 (GMFMC/SAFMC 2011). By incorporating the longer time period and also including the most recent four years, the MSY proxy and MFMT are expected to better capture the dynamics of the fishery, which are based on factors beyond biology and harvest. Spiny lobster were not undergoing overfishing based on the MFMT proxy definition of $F_{20\%}$ static spawning potential ratio in either the benchmark or update assessments, but the overfished status could not be evaluated without a pan-Caribbean wide stock assessment (SEDAR 8 2005; 2010 Update Assessment).

Economic

While the decision to use a longer time series for determining the MSY proxy and MFMT is not expected to result in direct economic effects, indirect economic effects would be anticipated. The longer time series is expected to provide a better overview of the dynamics of the spiny lobster fishery; if the OFL is a better reflection of the stock, then the possibility of a management response due to the OFL being exceeded would be reduced. Management responses could translate to economic losses to the fishing sectors. While the indirect economic effects from

using a longer time frame cannot be quantified, **Preferred Alternative 2** is expected to yield greater economic benefits than **Alternative 1** (No Action).

Social

Under both alternatives, fishermen could be affected by future restricted access to spiny lobster due to an overfishing designation, which could have negative effects on associated fishing businesses and communities. Setting the MSY and MFMT to incorporate the best available information (**Preferred Alternative 2**) is expected to contribute to achieving management goals and minimizing risk of overfishing, resulting in greater expected long-term benefits to the commercial fleet and recreational fishermen than under **Alternative 1** (No Action).

Action 1.2: Modify the Annual Catch Limit (ACL) and Annual Catch Target (ACT) for Spiny Lobster

Alternative 1: No Action – The current ACL is equal to the ABC recommended by the Gulf and South Atlantic Councils’ SSCs using the mean landings from the years 2001/2002-2009/2010 plus 1.5 standard deviations (7.32 mp). The ACT is 90% of the ACL (6.59 mp).

Preferred Alternative 2: The ACL is equal to the ABC as recommended by the Gulf and South Atlantic Councils’ SSCs using the mean landings from the years 1991/1992-2015/2016 plus 1.5 standard deviations (9.6 mp). The ACT is 90% of the new ACL (8.64 mp).

***Note: A review panel should be convened if there are two consecutive years of low landings, i.e., landings below 5.3 mp; this will NOT replace the existing accountability measure.**

Summary of Effects

Physical/Biological

This action does not change how the fishery is prosecuted; it is setting a management benchmark to best reflect the dynamics of the stock. **Preferred Alternative 2** extends the time series used to define the ACL/ACT more accurately captures what are likely normal fluctuations in stock abundance and does not result in direct adverse impacts. If internal recruitment is occurring, increasing the ACL/ACT could have a negative impacts to the spiny lobster population and associated habitat if fishing effort increases or the state of Florida issues more trap permits. Additionally, spiny lobster make their homes in sheltered regions of coral reefs; thus, if effort were to increase, there could be negative impacts to these habitats. However, negative effects on the spiny lobster are not expected as effort is not expected to increase, and Florida is not considering an increase to the number of allowable traps. As such, it is unlikely to change effort in the fishery from what it currently is experiencing, and **Preferred Alternative 2** is, therefore, unlikely to have negative effects on the physical and ecological environment.

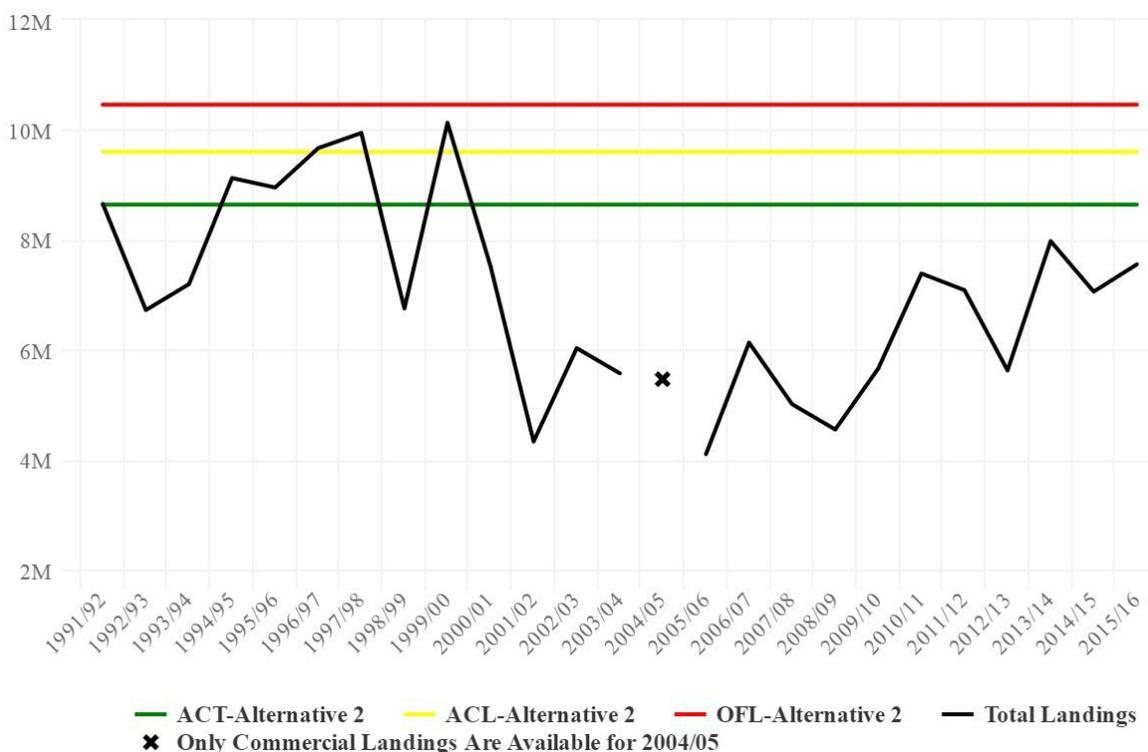


Figure 1. Caribbean spiny lobster landings from 1991/92 through 2015/16 with lines indicating green yellow and red lines indicating the ACT, ACL, and OFL calculated for Alternative 2.

Economic

Alternative 1 (No Action) would maintain the current ACL of 7.32mp and the current ACT of 6.59, which is 90% of the ACL. **Alternative 1** (No Action) would not be expected to result in any additional direct economic effects to the commercial sector. **Preferred Alternative 2** would result in an increase to the ACL to 9.6mp and would subsequently increase the ACT to 8.64mp. If commercial landings increase to meet the new ACL, **Preferred Alternative 2** would be expected to result in an increased annual ex-vessel commercial revenue of \$71,760,251. **Alternative 1** (No Action) would not be expected to result in any additional direct economic effects to the recreational sector. If recreational landings increase to meet the new ACL, **Preferred Alternative 2** would be expected to result in an increased annual recreational consumer surplus of \$33,909,568.

Social

In general, the effects on fishermen of changes to the ACL and ACT would be associated with the level of risk that landings would exceed the ACT and require corrective action by the Councils, which could affect access to spiny lobster. Currently, there is no accountability measure that directly restricts access to spiny lobster (e.g., an in-season closure when landings are expected to reach the ACL). However, if landings exceed the ACL for several years, the Councils could be required to consider actions to slow and reduce harvest. **Preferred Alternative 2** would result in a higher ACL and ACT than **Alternative 1**, (No Action) and the higher ACL and ACT are expected to be more beneficial to fishermen and Florida Keys communities because this alternative would reduce the likelihood of exceeding the ACL and ACT, and triggering corrective action that would restrict access to spiny lobster.

ACTION 2 – Prohibit the Use of Traps for Recreational Harvest of Spiny Lobster in the South Atlantic Exclusive Economic Zone (EEZ)

Alternative 1: No Action – Traps are prohibited gear for recreational harvest of spiny lobster in the EEZ off Florida waters, but are not prohibited for recreational harvest of spiny lobster in other parts of the South Atlantic EEZ. Traps must comply with requirements for vessel and gear identification, trap construction, and harvest limits as specified by [50 CFR Part 622](#).

Preferred Alternative 2: Prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic EEZ.

Summary of Effects

Physical/Biological

Positive direct and indirect effects on the physical and biological environment could be expected under **Preferred Alternative 2** compared with **Alternative 1** (No Action) if recreational fishermen are currently using traps to harvest spiny lobster off the coasts of North Carolina, South Carolina, and Georgia. However, use of traps is considered to be very low in these areas.

Alternative 1 (No Action) would perpetuate the existing potential level of risk for interactions between ESA-listed species and the recreational fishery for spiny lobster. However, recreational fishing for spiny lobster in the EEZ off North Carolina, South Carolina, and Georgia is generally conducted by divers using SCUBA. **Preferred Alternative 2** would be unlikely to alter fishing behavior in a way that would cause new adverse effects to protected species. **Preferred Alternative 2** would also potentially decrease the amount of vertical lines and buoys in the South Atlantic EEZ, and would therefore be expected to be more biologically beneficial to ESA listed sea turtles, fish, and marine mammals.

Economic

In the EEZ north of Florida, there has been little interest expressed in using traps to recreationally harvest spiny lobster. While the actual effort is unknown, it is estimated that there is minimal or possibly no recreational use of traps to harvest spiny lobster currently in this section of the South Atlantic Region. As such, **Preferred Alternative 2** is expected to have negligible economic effects. If a limited number of traps are currently used recreationally, such a prohibition would render this gear unusable for spiny lobster, thereby creating some costs for these fishery participants. Participants will still be able to access spiny lobster recreationally by hand-harvest while diving or occasionally by hook and line, thereby preserving some of the potential consumer surplus obtained through the recreational harvest of spiny lobster in the South Atlantic EEZ. **Preferred Alternative 2** would potentially remove the potential for habitat damage and protected species interactions that may occur from the recreational use of lobster traps in the South Atlantic EEZ thus producing some potential economic benefits.

Social

The effects on fishermen of **Alternative 1** and **Preferred Alternative 2** are expected to be minimal or none. Although there was one individual from North Carolina interested in recreational traps in 2016, in general there has been little interest of fishermen in Georgia, South Carolina, and North Carolina to harvest spiny lobster with traps (commercial or recreational) because it is not an effective gear for those areas. Spiny lobster landings from the EEZ off Georgia, South Carolina, and North Carolina are minimal, but most landings come from divers. Additionally, with the possession limit of two lobsters per person per trip, the trap gear would be inefficient for lobster harvest. There may be some social benefits associated with the biological benefits of reduced likelihood of habitat damage by traps under **Preferred Alternative 2**.

Public Hearing Information

**May 9, 2017
6:00 pm EST**

Webinar

Q&A Session with Council staff followed by Public Hearing

Registration required:

<https://attendeegotowebinar.com/register/2830569921896313091>

Public hearing summary, draft amendment, presentation and video available at:
<http://www.safmc.net/meetings/public-hearing-and-scoping-meeting-schedule>

Submitting Written Comments:

Note: The Council requests that written comments be submitted using the online public comment form, available at:

[http://gulfcouncil.org/council_meetings/comment_forms/Spiny Lobster Regulatory Amendment 4.php](http://gulfcouncil.org/council_meetings/comment_forms/Spiny_Lobster_Regulatory_Amendment_4.php)

Comments by mail:

Gregg Waugh, Executive Director, South Atlantic Fishery Management Council
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North Charleston, SC 29405

Comments by fax:

843/769-4520

Comments received by 5:00 PM on May 19, 2017, will be included in the Public Input Overview under the Spiny Lobster Committee for the September 2016 South Atlantic Council Meeting Briefing Book and included in the administrative record.

Comments received between May 20 and June 12 at 12:00 PM will still be available for the Council members and public to view on the SAFMC website and included in the administrative record, but will not be included in the Public Input Overview for the Briefing Book.

What are the next steps for CMP Framework Amendment 4?

