

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

**Town & Country Inn
Charleston, South Carolina**

October 2, 2018

Summary Minutes

Spiny Lobster Committee Members

Jessica McCawley
Dr. Kyle Christiansen
Dr. Roy Crabtree
Art Sapp

Chester Brewer
Chris Conklin
LCDR Jeremy Montes

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Tim Griner
Steve Poland

Anna Beckwith
Doug Haymans
Spud Woodward

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Myra Brouwer
Dr. Chip Collier
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John Hadley
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Amber Von Harten
Julia Byrd

Dr. Brian Chevront
Kimberly Cole
Mike Collins
Dr. Mike Errigo
Kim Iverson
Cameron Rhodes
Christina Wiegand

Observers and Participants

Dr. Jack McGovern
Dr. Tom Frazer
Rick DeVictor
Dr. Marcel Reichert

Monica Smit-Brunello
Dr. Erik Williams
Erika Burgess

Other observers and participants attached.

The Spiny Lobster Committee of the South Atlantic Fishery Management Council convened at the Town & Country Inn, Charleston, South Carolina, Tuesday morning, October 2, 2018, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: I will call the Spiny Lobster Committee to order. Equal rights for inverts this morning. These are the folks that are on the committee. It's myself, Chester Brewer, Kyle Christiansen, Chris Conklin, Roy Crabtree, Jeremy Montes, and Art Sapp.

The first order of business is Approval of the Agenda. Are there any changes or additions to the agenda? Seeing none, the agenda stands approved. The next order of business is Approval of the June 2018 Committee Minutes. Any modifications or changes or concerns with the minutes? Seeing none, the minutes stand approved, and now I'm going to turn it over to Christina to go over the catches versus the ACL.

MS. WIEGAND: All right, and so here are the catches for the 2017/2018 season. If you will remember, we don't have any recreational estimates this year, because of Hurricane Irma, and commercial landings were at just about 3.6 million, which is quite a bit lower than it has been in recent years, again most likely attributed to the hurricane.

At the last meeting, you guys had asked for a little bit more information on when hurricanes had occurred that might impact landings, and so what I added to this document was a table that lists all the hurricanes that made landfall in Florida either during spiny lobster season or directly before, and what category it was at landfall, the date as well as the city where it made landfall, and then, on the next page, there is just this table that graphs landings, and hurricane occurrences are noted here, just to give you guys a little bit more information on why some of these low landing years might be occurring.

MS. MCCAWLEY: Thanks for doing that, Christina. Any questions about the landings information or the hurricane years or anything of that nature? All right. Are you going to now give us the status of amendments under review? Do we have a hand up over here?

MR. DEVICTOR: Good morning. I will give an update on Regulatory Amendment 4. If you remember, this increased the catch limit and catch target for spiny lobster as the ABC recommendation increased, and it also prohibited recreational harvest via spiny lobster using traps, and that was in place for Florida, and so this extended that prohibition to North Carolina, South Carolina, and Georgia. I am happy to report that this is in place right now. The final rule published in the Federal Register on June 22, and regulations were effective on July 23.

MS. MCCAWLEY: Thank you. All right. Back to Christina.

MS. WIEGAND: All right, and so I've got a presentation, just to sort of orient you guys and remind you what we've got in Spiny Lobster Amendment 13, which addresses some gear requirement changes in the EEZ off of Florida as well as the cooperative management procedure between NMFS and FWC.

At the last meeting, you guys moved actions related to degradable panel specifications and artificial habitat definition and restrictions to the Considered but Rejected Appendix, and that move was based on comments from the Spiny Lobster Advisory Panel as well as some NOAA GC

concerns. Additionally, you approved this amendment for public hearings, which are going to occur during the public comment period at this council meeting.

Here we are for the potential timing. In August, the Gulf did approve this amendment for final review, and so, if you guys make any substantial changes to actions and alternatives at this meeting, it will have to go back to the Gulf before it can be approved. Again, at this meeting, you guys will go back through, and you will review the actions and alternatives, and then you will vote whether to recommend sending this amendment to the Secretary of Commerce for approval.

As a reminder, there are now three actions in this amendment. The first action deals with new regulations in -- Well, not so new anymore, but regulations for bully nets in Florida state waters and extending those regulations out into the EEZ off of Florida. Action 2 is going to address commercial spiny lobster bully net and dive gear trip limits, again aligning the EEZ off of Florida with regulations in Florida state waters, and then Action 3 establishes that enhanced cooperative management procedure, where FWC will be able to propose rules for implementation in the EEZ off of Florida directly to NMFS without having to go through the full amendment process. With that, I will jump up into the document.

Just to review, here is the purpose and need statement. It currently reads that the purpose of this action is to align federal regulations for spiny lobster that apply to the Exclusive Economic Zone off of Florida with Florida state regulations, reestablish the procedure for an enhanced cooperative management system, and update management measures to aid law enforcement. The need for this action is to effectively manage and enforce the harvest of spiny lobster to prevent overfishing while achieving optimum yield. If everyone is still comfortable with that purpose and need statement, then I will move on to the actions and alternatives.

MS. MCCAWLEY: Okay. I see heads nodding. Let's move on.

MS. WIEGAND: All right. Again, Action 1 addresses the Florida state bully net permit marking requirements, gear prohibitions for bully net gear in the EEZ off of Florida, and this includes requiring -- Currently, your preferred alternative is Alternative 2, which would require commercial bully net vessels in the EEZ off of Florida to have a bully net permit from Florida. It would require that the vessel be marked with the harvester's Florida bully net permit number, using reflective paint or other reflective material. It would prohibit bully net vessels from having trap pullers aboard, and it would prohibit the simultaneous possession of bully net gear and any underwater breathing apparatus onboard a vessel that is being used to harvest or transfer spiny lobster for commercial purposes.

MS. MCCAWLEY: Any discussion on this action? All right. I see heads nodding no, and let's move on to the Action 2.

MS. WIEGAND: All right. Action 2 addressed the spiny lobster bully net and dive gear trip limits in the EEZ off of Florida. Right now, you have selected Alternative 2 and Alternative 3 as your preferred. Alternative 2 is going to establish a commercial daily vessel harvest and possession limit of 250 lobster per day per vessel for bully net gear in the entire EEZ off of Florida, and Alternative 3 is going to establish that same 250 per day per vessel spiny lobster limit for diving off of Broward, Dade, Monroe, Collier, and Lee Counties, and, again, this matches what is currently in place in Florida state waters.

MS. MCCAWLEY: Any discussion here? We have two preferreds, one about bully netting and one about diving. Any questions? Okay. I am seeing heads nod no, and on to the next action.

MS. WIEGAND: Last, but not least, this is the enhanced cooperative management procedure for federal and Florida state agencies for the management of spiny lobster, and your preferred alternative is to re-establish that enhanced cooperative management procedure, and the language for that is listed in the document and does include the updates that you requested at your last meeting, and it has combined both the procedure and the protocol into one document, so that we don't get into a situation again where they get separated. Again, this simply allows FWC to propose rules directly to NMFS without having to go through the full amendment process.

MS. MCCAWLEY: Just a couple of points on this one. I see that this is called the protocol and the procedure, and so we're including both of those words in the title, I guess, so that they are indicating that they're now combined, and so another couple of points to mention here.

The Gulf talked about this, and there is two items that are not in the codified text, but we just want to indicate that it is in the list of gear restrictions that FWC would be able to submit to NOAA for modification, which would be the bycatch levels that may be taken as incidental catch in non-directed fisheries and changes to the soak and removal periods and requirements for traps, and I bring this up because, last week at our FWC commission meeting, we changed the soak period for state waters, and we're hoping that we can use a procedure or something else this year to get that also in place in 2019 for federal waters, and so I just wanted to bring that up. It's not listed out in the codified text, but I just want to make it clear that it is the intent that that is part of something that FWC could submit for a change. Any more discussion on this particular action?

MS. WIEGAND: The only thing we have for you guys to do now would be to approve Spiny Lobster Amendment 13 for formal review. We are doing -- We've got sort of one of those weird situations again where we're going to do public hearings for this during the public comment period for this meeting, and so, if you guys wanted to wait to take final action on this until Full Council, that's an option, whatever is the pleasure of the committee.

MS. MCCAWLEY: We might want to wait, since we are going to have a public hearing this week, and then we can come back to this in Full Council to send it to the Secretary. I don't want to be premature, just assuming that we're not going to have any comments on this, and so I think we're good with that decision document, and I'm looking around to see if there is anything else. All right. Is there any other business to come before the Spiny Lobster Committee this morning? All right. Seeing none, we're going to move into Habitat next.

(Whereupon, the meeting adjourned on October 2, 2018.)

Certified By: _____ Date: _____

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Amanda Thomas
October 18, 2018

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September Council mtg webinar - day 2 - 10/2/18

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Tuesday Sign-in Sheet - 10/2/18

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Dean	Foster				NGO
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