

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER ADVISORY PANEL

Webinar

May 7, 2018

SUMMARY MINUTES

Spiny Lobster Advisory Panel Members

Bruce Irwin, Chair

Gary Nichols

William Whittington

Robert Burton

Peter O'Bryan

Council Staff

Christina Wiegand

Mike Collins

Dr. Brian Chevront

Observers & Participants

Simon Stafford

Bill Kelly

Other observers and participants attached.

The Spiny Lobster Advisory Panel of the South Atlantic Fishery Management Council convened via webinar on May 7, 2018 and was called to order by Mr. Bruce Irwin.

MS. WIEGAND: All right, and so I think that's everyone that I know that is going to be joining us. Peter will be here, but he's just going to be running a little bit late, but, Bruce, if you are ready to get started, we can go ahead and start rolling through this agenda.

MR. IRWIN: Sure. Let's go.

MS. WIEGAND: Did you want to approve the agenda and the minutes from the last meeting?

MR. IRWIN: I need a motion to approve the agenda, don't I?

MS. WIEGAND: You can just do it by consensus, if you would like. We don't necessarily need a formal motion.

MR. IRWIN: Okay. Anybody that objects to approving the agenda, speak up. Okay. We approve the agenda. Now do you want to move on to Approval of the Minutes?

MS. WIEGAND: You bet.

MR. IRWIN: Okay. Let's approve the minutes. I do have one question on the minutes of the last AP meeting. In that meeting, we had worked through a formula of coming up with the ACL and the ACT, and it was updated to -- The ACL was around 9.6 million pounds, is what we had updated, and do you know the status on that, or should we bring that up in a later topic?

MS. WIEGAND: I can go ahead and answer that for you now. That is all in Regulatory Amendment 4, which both councils formally approved, and the proposed rule was published back in March. Right now, the final rule package for that amendment is under General Counsel review, but there shouldn't be any issue getting that ACL in place by the start of the spiny lobster season this coming August.

MR. IRWIN: Okay. Thank you. I was just wondering about that. If there's no objections, we'll approve the April 2016 AP Minutes. Okay. They are approved.

MS. WIEGAND: All right. Then I will go to the overview of Amendment 13. Amendment 13 is going to address inconsistencies in regulations between Florida and federal waters off of Florida, and so perhaps one of the most important things to note with this amendment is that this is only going to be changing regulations for the EEZ off the Florida coast, and it will not affect Georgia or the Carolinas.

As you can see, in this graph, the proportion of commercial landings by bully net has increased over the last few years. Back in 2012/2013, they were only accounting for about 1 percent of commercial landings, and, over the last few seasons, we have seen that jump up quickly, to almost 3 percent of commercial landings, and stakeholders went to FWC and let them know that there were some issues with conflicts between recreational and commercial bully netters as well as homeowners in the area.

Through a series of public hearings, FWC implemented the following new regulations related to bully netting, and so, first, they updated the definition of a commercial harvester to include a commercial bully net permit, and it's actually a permit and not an endorsement. They created this open access bully net permit that is required in conjunction with all of the other harvester and saltwater products license and restricted species and crawfish endorsements that are required to harvest spiny lobster.

They required that vessels that are used for the commercial harvest of spiny lobster with a bully net are marked with that bully net permit number in reflective paint. They prohibited trap pullers aboard those commercial bully net vessels and then prohibited the simultaneous possession of bully nets and any underwater breathing apparatus, and so now these regulations exist in Florida state waters, but they do not currently exist in federal waters off of Florida, and, additionally, there are a couple of other inconsistencies between the two, including bag limit regulations degradable panel specifications, and the definition of artificial habitat.

In the spiny lobster fishery management plan, there used to be this enhanced cooperative system, and that system was implemented so that Florida Fish and Wildlife could propose rules directly to the National Marine Fisheries Service without having to go through the full council process, and this procedure was put into place to create a timelier mechanism for creating consistency in regulations between Florida and federal waters off of Florida, but, when Amendment 10 went through, part of that procedure was left out, and so, currently, as it stands, Florida cannot ask the National Marine Fisheries Service to update regulations in federal waters through that process, and so any changes have to go through the council's full amendment process or framework amendment process, which can take anywhere from a year to three years, depending on the regulations. This amendment is to address the inconsistencies identified between Florida and federal waters as well as to reinstitute and update this cooperative management procedure.

We held scoping webinars back in January, after which both the Gulf and South Atlantic Councils approved the actions and alternatives that are currently included in this document, and the South Atlantic and Gulf Councils are then going to review a fully fleshed out document at their June meetings and approve them for public hearings. If they are approved for public hearings, we would be looking at holding those sometime this summer, after which both the Gulf and South Atlantic Councils would review that public input and make any changes that they deem necessary, and, if there are no changes necessary, then they would be looking at approving the final document.

I will dive right into the actions and alternatives, and this first action addresses those bully net regulations, and so Alternative 1 would leave things as they are. There would be no commercial bully net permit required for harvest in the EEZ off of Florida or any regulations related to bully nets for spiny lobster commercial harvesters in the EEZ.

Alternative 2 would align federal regulations to be consistent with those Florida regulations that I talked about for spiny lobster commercial harvesters that are using bully gear, and so they would have to have the commercial bully net permit from Florida, and they would have to be marked with the harvester's Florida bully net permit number, and it would also prohibit the commercial bully net vessels from having trap pullers onboard, and it would prohibit the possession of bully nets and any underwater breathing apparatus together.

The council is looking to do this, one, to provide consistency in regulations in Florida in federal waters and also to help out law enforcement. Public testimony includes a number of statements about illegal use of commercial gear, and so fishermen blending in with the bully net fishery in order to trap rob at night or work traps at night or work traps without the proper permits, and so labeling those commercial bully net vessels with that number is going to aid law enforcement in identifying any perpetrators at night, and, additionally, it helps quantify participation in the commercial bully net fishery. I will go ahead and stop there, if anyone has any questions about this action. If there are no questions, I will go ahead and move on.

This second action is going to address spiny lobster bully net and dive gear trip limits in the EEZ off of Florida. Under Alternative 1, there currently aren't any commercial daily vessel harvest or possession limits for spiny lobster that are harvested by bully net or dive gear in the EEZ off of Florida.

Alternative 2 is going to establish a commercial daily vessel harvest and possession limit of 250 lobster per day harvested by bully net for the entire EEZ off of Florida, which is consistent with regulations in Florida state waters, and Alternative 3 would establish a commercial daily vessel harvest and possession limit of 250 lobsters harvested by diving in the EEZ off of Broward, Dade, Monroe, Collier, and Lee Counties, and, again, this is consistent with regulations that are currently in Florida waters, and the council would be able to pick both Alternative 2 and Alternative 3 as preferred if they so choose. Again, the goal of these regulations is just to create consistency and to reduce any confusion or law enforcement issues between Florida state waters and federal waters. Again, I will go ahead and pause, if anyone has questions about these proposed bag limits.

MR. NICHOLS: I just think we should definitely at least -- We have to establish something, especially on the dive end of things, because I didn't know it was unregulated until a few weeks ago, when I started reading this, for the EEZ, but I think it's very important that we do that. As far as the bully netting, I don't know of anybody that is going to bully net in federal waters down here in the Keys or in Miami. I don't think there is any, but there possibly is, but I would say that we definitely want to go forward, and would that be Alternative 3, I guess. That most likely would be my suggestion.

MS. WIEGAND: I am going to ask you guys to do me a favor. For the record, if, when you speak, if you could go ahead and identify yourself by name, so that it's recorded. Bruce, did you want to add anything?

MR. IRWIN: Yes. A couple of things. One is they wouldn't be allowed -- Just a limit of 250 per day per vessel, and that's in federal waters and state waters, and so they couldn't combine the two, correct?

MS. WIEGAND: Correct. They couldn't combine the two.

MR. IRWIN: Okay, and the only other thing I would say is, just for discussion, is I think, like Gary said, with the bully netters, it's not really a huge issue, except for making it consistent and for law enforcement. I think law enforcement would support both of these, making it consistent with the Florida law, so it's easier on them. Thank you.

MS. WIEGAND: One of the main goals with this amendment is to help create consistency for law enforcement purposes specifically. If there are no other questions, I will continue on. This next action deals with specification of degradable panels in spiny lobster traps for the EEZ off of Florida.

Currently, federal regulations are a bit more vague than the regulations in Florida state waters. In federal waters, traps must be constructed of wood, cotton, or any material that is going to degrade at the same rate as a wooden trap. When removed, there has to be an opening in the trap that is no smaller than the diameter that is found at the throat of the entrance, and that panel has to be located on the upper half of the sides or on top of the trap, and so that's what the regulations would continue to be under Alternative 1.

Under Alternative 2, they would match Florida state regulations, which specify that degradable panels must be constructed of cypress or untreated pine slats that are no thicker than three-fourths of an inch. The degradable panels must be no smaller than six inches by four inches or no smaller than the dimensions of the throat of the trap, whichever is larger. Then they must be located on the top horizontal section of the trap. Again, with this, we're just looking to create consistent regulations between Florida and federal waters off of Florida. Does anyone have any questions about the degradable panel action?

MR. NICHOLS: This is a little bit -- We're not really doing anything with the trap construction on this, but we're just basically talking about the panel, which is kind of strange, because this panel is -- I kind of would just stick with the way it has been in the federal zone, and I don't think we need any action, because one thing about a trap construction that is very different, and I've been involved in the federal process for the spiny lobster fishery for probably thirty-five or forty years, driving up and down the road and trying to keep a little bit of a difference between the State of Florida and federal waters for the lobster trap, especially in lieu of the lionfish deal going on, but, as far as the panel goes, that is already in place, and so I would kind of keep it the same, and I would go for -- I would stay with Alternative 1, I guess it is.

MS. WIEGAND: I don't know if anyone else wanted to make a comment about this, but it's my understanding that the Florida state waters regulations are written the way they are, one, to ensure that that panel is degrading at a rate that's reasonable for any trapped lobsters to escape and that it mirrors how fishermen down there are constructing their traps or were constructing the traps when the regulation was implemented.

MR. NICHOLS: That's true, and that's fine, and I don't see anything really in that, but I guess I always thought that it mirrored that anyway, and I don't really see anything that -- I don't know if anybody else has some comments, but I don't see anything that upsets me.

MS. WIEGAND: All right. Any other questions or comments about this action?

MR IRWIN: I understand trying to make the laws the same, but federal waters and state waters are different. Federal waters, if you use -- What would you call it, but not treated lumber, like cypress, and I don't even know if you can get cypress anymore. I didn't even think anybody made it, and most people don't fish anything but wood traps in state waters, but, once you get outside, into federal waters, the worms that eat the traps are way worse. They eat it faster, and we have used Honduran pressure-treated, and they get eaten in about one year. They're gone. By the time

we bring the trap in, it's gone, and I'm not sure that cypress one would make it for ninety days out there, and that's my one concern about changing that and going with what the State of Florida has.

They have made a law which really doesn't even affect anybody, hardly, because nobody fishes those kind of traps in state waters, because wire is illegal, and plastic traps really kind of went by the wayside for lobster, and so that's my big concern with changing that. I'm not sure if we could work with the state to get that changed to where we could fish it like that, but that's my concern with that anyway, and thank you.

MR. NICHOLS: I agree with Bruce, and that's pretty much what my point was, and we have such a -- When you get in deeper water -- When I fish out in the deeper water out in the wintertime, in like 200 feet of water, 150 to 200 feet of water, the worms are so bad in the traps, especially after this hurricane season we had, that I don't think -- I don't have any lids left now from this season, and they were all the heavy, pressure-treated, and so the biodegradable panel you're talking about basically is the entire top of a trap right now that we have, just using pressure-treated, and that would really be an inconvenience to try to put something lesser in there. I don't think we have an issue with -- We have plenty of degradation, especially in the deeper water, and so I think where it is right now, and it's worked for a long, long time, and I think we could stay with what we've got.

MS. WIEGAND: All right. Thank you, guys, very much for that input, particularly for the guys that are out there in federal waters with these traps, as opposed to state waters. If there are no other questions about degradable panels, I will move on to Action 4, which addresses harvesting restrictions near artificial habitat.

Currently, under Alternative 1, federal regulations have no formal definition developed for artificial habitat for spiny lobster, and so there are no restrictions for harvest and possession of spiny lobster in the EEZ off of Florida from an artificial habitat. Florida, on the other hand, does have a specific definition of artificial habitat. Theirs says that artificial habitat means any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster.

Such material may be constructed of, but is not limited to, wood, metal, fiberglass, concrete, or plastic, or any combination thereof, and may be fabricated for this specific purpose or for some other purpose, and this term does not include fishing gear allowed by rule of the commission, legally-permitted structures, or artificial reef sites constructed pursuant to permits issued by the United States Army Corps of Engineers or by the Florida Department of Environmental Protection.

In addition to that definition, in Florida, they prohibit harvest of spiny lobster from artificial habitat and prohibit harvest and possession in the water of spiny lobster in excess of the recreational bag limit within ten yards of any artificial habitat, and so Alternative 2 would look at taking Florida's artificial habitat definition and applying it to federal waters as well as the two, the prohibition of harvest from an artificial habitat and the bag limit within ten yards of artificial habitat.

The purpose of this is to prevent illegal dumping. There has been a lot of stakeholder input and knowledge of individuals placing artificial habitat, washers and dryers, cars, refrigerators, to try to aggregate spiny lobsters, and so this action looks at creating one more deterrent for that behavior. Does anyone have any questions about this action?

MR. NICHOLS: I have just one quick question. You are basically -- If I read this right, you can still do recreational diving within ten yards, in that area around that habitat, and is that correct, or am I seeing that you can't be within ten yards of that, in recreational diving or if you were going to commercially harvest?

MS. WIEGAND: You can't harvest off of the artificial habitat at all, and you can't keep any spiny lobster that are in excess of that recreational bag limit within ten yards of the artificial habitat, and so you can still recreational fish, but you can't keep any more than that recreational bag limit. You can't harvest directly from the artificial habitat. My understanding of this ten yards rule is that it was meant to be sort of a metric for divers down there, and so, if they stop their boat and are diving down there and they see this artificial habitat, they don't have to get back up and move, but they just know that they have to stay away from it by ten yards, if they want to harvest more than the recreational bag limit.

MR. NICHOLS: Right. When I take my family diving, we do a lot of diving on some wrecks, and, when you say artificial habitat, say the bridge rubble for instance, where they dumped all the old bridges, and then there is a lot of material from the old bridges that were dumped out in federal waters, which has never been for habitat. It's nothing like the casita thing that we're talking about with the state waters, that they have mainly in the Gulf.

I know a lot of boats, and I'm friends with divers and stuff that dive those pieces of bottom, like pieces of concrete that they've got, and I was just trying to solve -- Possibly, since we're viewing this, I kind of want to protect other people that -- We want to protect it from the casitas, but, at the same time, you don't want to put people in jail for diving on stuff that came from like the 1930s or stuff from the bridges that I actually dive on in the middle of Hawk Channel, and I've actually spearfished or caught lobsters myself. I don't know how you find somewhere in the middle. I could see if it was deployed by people or if this was something -- I don't know. It's kind of generic, and this is a very general thing, what I see here.

MS. WIEGAND: It's my understanding that, the way this definition is written, that if it's a legally-permitted structure, an artificial reef created by the Army Corps of Engineers by sinking a vessel or intentionally putting debris out there -- If it's legally permitted, then that's fine, and you can harvest from there, but it's other stuff that is not legally permitted to be out there that you wouldn't be allowed to harvest from.

MR. NICHOLS: Okay. Well, there are some things that I do know of that's been out there for fifty or sixty years. I don't know, after this hurricane, if some of that stuff is out there, but a lot of the places that we actually catch lobster is in that kind of area, but, anyway --

MS. WIEGAND: Did anyone else have anything else to add about the artificial habitat action? All right. Then I will move on to Action 5. This action looks at reestablishing that enhanced cooperative management procedure. As it is currently in the regulations, this procedure doesn't have the necessary parts to function, and so the councils have to develop an amendment to the fishery management plan for spiny lobster to establish new federal regulations that would be consistent with any new Florida regulations, whereas, under Alternative 2, Florida would be able to request changes to the spiny lobster federal regulations through the National Marine Fisheries Service rulemaking process.

Under this process, the rules that Florida would propose do still have to meet Magnuson-Stevens Act objectives as well as any objectives set up in the Spiny Lobster Fishery Management Plan, and the councils would get the opportunity to comment on whether or not those regulations are meeting those standards. Again, this is being put into place really to just create a timelier mechanism for implementing new Florida regulations in federal waters to maintain consistency. Does anyone have any questions about this action? Again, Action 5 is a mechanism for creating consistency between Florida regulations and regulations in federal waters off of Florida, and so does anyone have any questions about this process?

MR. NICHOLS: I am just kind of wanting to get Bruce's input on that a little bit. Are we leaning toward any alternative, or are we supposed to propose an alternative, as 1 or 2, or basically don't do anything and there is no action? The one thing that has always been really kind of great about the South Atlantic Council that has actually allowed me to continue to fish, and probably catch a lot of lionfish that I wouldn't have caught, for instance, with the trap construction and so on and so forth. I don't know if this would do anything, this changing something, but it's always good to have a little bit of a checks and balance. It may take longer, but I think we get a better -- I think we get a better end result if we sometimes get to kick it around from the state level and the federal level.

I think, as far as law enforcement, of course we have to have all of this in place, and that's why we have the advisory panels and everything else, and I just -- I just think it's real important that we have the councils involved and the state just can't override the council, and I don't know if that's where we're going here, and I am kind of confused, I think.

MS. WIEGAND: The way this is set up, the councils do still get to comment on the FWC proposed rule, and, if it's not consistent with the objectives of the Spiny Lobster Fishery Management Plan or with the Magnuson-Stevens Act, then we won't be able to proceed with implementation until the issue that has been identified by the councils has been resolved, and so this process doesn't necessarily allow FWC to completely override the councils, but, rather, it creates a system in which the councils wouldn't need to go through a full amendment process to address any changes, and so the council still gets an opportunity to speak up on any rules that FWC would want to implement through this process.

MR. NICHOLS: Okay. I guess what do you think, Bruce?

MR. IRWIN: There is a few things here. First, I would like some clarification on -- You said that this process was already implemented and it was already done, but, under the new current rule, it was left out, or some things were left out, and could you be more specific on that? Then I have a couple more things that I would like to discuss about this.

MS. WIEGAND: I will give you my best impression of what happened. This happened back in Amendment 10, and I was not with the council during this process, but it is my understanding that it was written so that there was a protocol for this as well as a procedure to implement that protocol, and, in the process of trying to update the framework process and this enhanced cooperative procedure, the procedure portion of that was left out, and so the protocol is still there, but the procedure to implement the protocol is no longer there, and this was something that was

inadvertent, which is why we're now looking at reestablishing it. That's my understanding of what happened.

MR. IRWIN: Okay, and so it was already in place, basically, and it just got -- Basically, by an oversight, it got left out of Amendment 10.

MS. WIEGAND: Yes, and so it was inadvertent.

MR. IRWIN: Yes, and I would think that the devil is in the details here, depending on the protocol, if it's the same as it was before, because I agree with Gary that sometimes it's better to have these checks and balances, where we go through the full process, and so I would have to see the final -- What you would call the final protocol and the rest of it before I would make a decision on whether I would want this to be part of the new amendment.

MS. WIEGAND: Well, and staff is currently -- Since the original procedure was implemented back in Amendment 2, there is some language in it that is outdated, and so staff is currently working on updating the language, and I think if there is a process or something that the advisory panel members would like to see included in the cooperative management system, we would love comments on that and provide the councils with input on what you would like to see.

MR. IRWIN: Yes, that sounds great.

MR. NICHOLS: That sounds good. Thanks.

MS. WIEGAND: Is there anything else that anyone wanted to add about Action 5 or any specific requests for the procedure and protocol?

MR. IRWIN: Christina, I would like some type of document kind of stating the new applications of what you are wanting to amend, to put in there, just so we could read through it and look through it, if that would be okay.

MS. WIEGAND: In the briefing book, the summary document that I've got pulled up here that goes over Amendment 13, that does include the proposed language. Just one thing to note is that staff is working on updating some of this language to make sure it's consistent with the Administrative Procedures Act and with the way FWC promulgates regulations with federal requirements for regulations, and so some of the language is being updated, but what's included here will give you the basic gist of the procedure for the cooperative management plan. If you guys have input later, you are always welcome to email me as well, and I will make sure that the council gets that information.

MR. IRWIN: I do see the language now, and it sounds good, but it just sounds like it's just a little more streamlining of the process, but it basically still has to go through the council process to be a final rule by the council, correct? Anything that would be any new amendments or anything still has to go through the council process, but it's just kind of streamlined to make it to where it's faster, correct?

MS. WIEGAND: Correct. This is just trying to speed up the process. The Gulf and South Atlantic Councils will still get an opportunity to say whether or not these regulations are going to meet the

standards of the Spiny Lobster FMP and the Magnuson-Stevens Act, and, if the councils say, no, these regulations don't meet the Spiny Lobster FMP objectives, then FWC has to resolve that issues before we continue on with the process, and so this just prevents us -- It keeps us from needing to go through the full amendment process, which is what we're doing now for these regulations every time we want to make changes to make federal waters consistent with Florida, and so it just streamlines the process.

MR. IRWIN: Okay. Thank you.

MS. WIEGAND: All right. Did I have any other questions about this amendment? Any other questions or comments? Did you guys want to -- This is probably the last time the advisory panel is going to see this amendment. It will still go out for public hearings, and there will be opportunity to comment in the future, but, at an AP meeting, this is your last opportunity to see this amendment, and so did you guys want to make any other recommendations to the council?

MR. O'BRYAN: I apologize for coming in late, but on the earlier Actions 1, 2, 3, or 4, have we taken any votes on any of the alternatives, or has it just been discussion?

MS. WIEGAND: So far, we have just had discussion.

MR. O'BRYAN: Okay. Do you need us to go back and make votes on different alternatives?

MS. WIEGAND: If you guys would like to go through and make a formal recommendation to the council for each action, I am happy to scroll back up and walk through them one-by-one.

MR. O'BRYAN: I would defer to the Chair, but I would think we might want to do that, just so we're on the record of picking one alternative or the other and just letting them go through it that way. Then they know what we prefer.

MR. IRWIN: I would agree. I do think we need to -- I thought we were going to go through all of them and then go back and we would do motions and decide which one we were going to choose and then vote. We can do that, and I think that's quite appropriate, and we should.

MR. NICHOLS: Bruce, I've got just a quick question. How many of us are on this webinar? I hear Peter, and I thought I heard Simon and you and me, and I just wondered how many of us are here.

MS. WIEGAND: We have got Bruce here, and I've also got Gary and Peter and Mickey. Then Simon is here, and he is on the Gulf advisory panel. Mimi, his wife, is in Australia and wasn't able to attend, and so he cannot vote in her place, but, Bruce, if you would like to allow him to sort of participate in the conversation, and that's your call as Chair.

MR. IRWIN: That's no problem.

MR. NICHOLS: I agree with Bruce and Peter as far as the goes. I think it's better that we go through and kind of get this in our heads a little bit and get it kind of aired out, if there is anything to air out, and then we can go back and, of course, vote. I am still a little bit confused on the details of the last thing we were talking about there, as far as this state -- It's just that it's really -- If we

make the mistake on that particular amendment, this last one that we were just talking about, as far as delegating and giving the state control over something that would mirror -- If the federal waters of the South Atlantic mirrors the state, I just want to be careful that we don't -- I think mainly, in specific situations, there is a lot of differences, and I just want to make sure that we're not just allowing the -- I just want to make sure that we still have that check and balance that we talked about earlier. It's really kind of hard right now to focus on reading the words here, and I've read the outline before, and I'm still not totally into it, and so I don't even know if I could vote on that right now, other than kind of staying as-is, but, anyway, we'll go forward and onward, I guess.

MS. WIEGAND: Again, I definitely encourage you, if there are specific things you would like to see written into the enhanced cooperative management procedure, these checks and balances, that's definitely something you can recommend to the council.

MR. NICHOLS: I just think that anything that has to do with trap construction in particular should be separated out, to where it stays the way it is right now, with the South Atlantic Council having control of federal waters, and especially in lieu of trap construction, because there is a big difference in the depths that we're fishing, the area that we're fishing, in comparison to the state waters, and that's about all that I can say, as far as catching the product or the diving or the bully netting or any of the other things that we're talking about here, and that's not important, but I think trap construction in particular should definitely be separated out and left to state and federal control.

MR. IRWIN: I do agree with Gary's concerns, but I just would reiterate that this was already in effect, basically, and, through -- They just missed it, putting it in the last one, and we did support this before. All it does is take a three-year process and turn it into a little quicker process, and I believe, on most things, that it will benefit us. There may be things that it won't, but we always get to go through the full council process. I mean, we will be heard through the council, and the council is going to make their decisions independently of the state, is my understanding of the way this is. It's not like they're just going to rubber-stamp whatever the state says. I think if that maybe alleviates some of your concerns, Gary, but that's how I read into this.

MR. NICHOLS: I am good with that, Bruce, and that's what I kind of thought, but she had just asked us to specifically state something, and I think that's the way it is, but I'm just -- When you're trying to read through this, and that's what I thought. I remember us doing this a long time ago. I remember when I was the Chairman of the AP, and that was, gosh, twenty years ago that we did this, fifteen or twenty years ago, and so, anyway, maybe I'm wrong, but I'm going to just kind of let out on that one, and I think we're good.

MS. WIEGAND: All right. Well, did you guys want to go through each of these one-by-one and make a recommendation to the council?

MR. IRWIN: I think that would be the best thing to do. I mean, that's what we're here for, is to give our opinion.

MS. WIEGAND: Then let's go back up to Action 1, which is the bully net permit action. Did you guys have a recommendation for the council here or any additional questions?

MR. IRWIN: I would entertain motions. If not, we can just put something on the table and vote, or however you want to do it, Christina. I know this is not like a formal meeting, but however you want to do it.

MR. O'BRYAN: **I would recommend Alternative 2 under Action 1.**

MR. NICHOLS: I will second that motion.

MS. WIEGAND: All right. Bruce, I will let you sort of lead this and ask for discussion or take the vote.

MR. IRWIN: Okay. That was seconded by Gary Nichols, and we can open it for discussion from anybody. If there is no discussion, no further discussion, we can take a vote. How do you want to vote, Christina?

MS. WIEGAND: Since there are so few people here, I might just ask if there is any objections, if anyone objects to this, if they could raise their hand on the webinar, and does everyone who is on the Spiny Lobster AP know how to do that?

MR. IRWIN: Okay. Let's take the vote then.

MS. WIEGAND: Is there anyone that objects to this motion? **I am seeing no one raise their hand.** All right. Let's go on to Action 2, which is the bully net and dive gear trip limits in the EEZ off of Florida. Does anyone have any questions about this action? Do you have a recommendation that you want to make to the council on this action?

MR. NICHOLS: I think I would make a motion for Alternative 3, because I think that takes care of the whole area, but just let me know if that's appropriate or not.

MS. WIEGAND: Alternative 3 would only address diving, and so it would limit harvest and possession of spiny lobster by diving to 250 lobster per day off of Broward, Dade, Monroe, Collier, and Lee Counties in the EEZ, whereas Alternative 2 addresses that same 250 lobster per day for bully nets, and that's for the entire EEZ off of Florida, and, again, this mirrors regulations that are currently in place in Florida state waters.

MR. NICHOLS: Okay, and so Alternative 2 is the diving and bully netting?

MS. WIEGAND: Alternative 2 is bully netting, and Alternative 3 is diving, and the council, as well as you guys, can recommend Alternative 2 and 3 if you so choose.

MR. NICHOLS: Okay. **I would make a motion, I guess, that we look at Alternative 2 and 3, or accept those two.**

MR. O'BRYAN: I will second the motion.

MR. IRWIN: Is there any discussion? I am not hearing any discussion, and I guess we'll, Christina, ask if anybody objects.

MS. WIEGAND: **I am seeing no hands raised.** All right. Moving on to Action 3, this is the degradable panels action, which would align federal waters with the regulations currently in place in state waters, which are more specific. Did anyone have any additional questions or want any more clarification about this action?

MR. NICHOLS: Bruce, where were we on this?

MR. IRWIN: I was wondering if Pete O'Bryan had heard the discussion on this before, if he was here yet, and I don't know if he was here or not.

MR. O'BRYAN: I was not here to hear any of the discussion on Action 3.

MR. IRWIN: Okay. I would like to just refresh his mind, if you don't mind, Christina.

MS. WIEGAND: I don't mind at all.

MR. IRWIN: Okay. We do want to make the laws the same as in the state. I think that's a good thing to do. This one is one of the particular ones I think that has not been -- It does not fit that criteria, and here is why. We went through it before. If you make your wooden tops out of cypress, it would not even make it one season, or it probably wouldn't even make it a half a season. Where we fish these traps in federal waters, the worms are extremely bad, and we would like to keep it the same as the federal law. In other words, no action, Alternative 1, just so that -- In the state waters, the worms aren't anywhere near as bad, and so you can fish cypress and it will make it a year, but you cannot do that in the federal waters, and so that's why I think my preferred thing would be Alternative 1 on this action.

MR. O'BRYAN: It would be nice if we could be consistent, but, at the same time, I don't think we want to add any unnecessary costs to the commercial guys working out in the deeper water, and so I will defer to you guys as the commercial guys. If Alternative 1 is your preference, I will go ahead and support that.

MR. STAFFORD: Everything sounds fine to me.

MR. NICHOLS: **I will make a motion that we do Alternative 1 and for the same reason that Peter** -- Bruce does mostly the federal waters on the Gulf side, and I know, on the Atlantic side, we have a lot of discussion on the worms, and, if you had an untreated piece of wood there, you wouldn't make it through three months, and so it's going to be an extremely big deal, and we're going to lose a lot of production and so on and so forth, and it's not really that big of a deal, because there is a -- I don't know if there is a piece of wood available that is going to -- If it's a piece of wood, it's going to get eaten up no matter what it is, but it's just the amount of time, and so it's nothing really to worry about, I don't think, on anybody's end, biologically anyway.

MR. O'BRYAN: Gary, you made the motion, and I will go ahead and be glad to second that.

MR. IRWIN: Okay. Let's open it up for discussion. I do have something to add. I agree with Peter that we do want to be consistent, but I also think this is one of those times when you find that it's good to have state regulations and federal regulations. I would agree that most of the time we should try to, under all circumstances, make them the same, but this is one of the rare times

where there is a difference, and it does cause what I would call hardship to the commercial fishermen, and I think, ultimately, you are still protecting the resource with a treated lid in federal waters, and I still think you're protecting the resource, because it will degrade and those will escape from those traps. Any other discussion? Christina, if you don't mind taking the hands-up vote.

MS. WIEGAND: Is there anyone opposed to this motion? **I am seeing no hands raised.** All right. Next is Action 4, which was the harvesting restrictions near artificial habitats in the EEZ off of Florida. Did anyone have any additional questions about this action?

MR. O'BRYAN: I think I came in right when you guys were kind of wrapping this up, and the one thing is like permitted things, like artificial reefs and things like that, are not -- This does not apply to that, and it's just kind of homemade habitats out there, the pipes and barrels that people put down illegally?

MS. WIEGAND: Correct. This is meant for the dumping of structure, like pipes and washers and dryers and stuff. The definition specially notes that it doesn't include legally-permitted structures or any artificial reefs that are constructed by Florida Fish and Wildlife or the Army Corps of Engineers.

MR. O'BRYAN: I guess the only question I have is like enforcement of that ten-yard setback, I guess. You could be kind of snorkeling along in the grasses and stuff and bump into some of this stuff that is strewn all over the place, and how are they going to enforce that? Any thought on that?

MS. WIEGAND: My understanding, from taking this in front of the Law Enforcement Advisory Panel and talking to the law enforcement officers that work at Florida Fish and Wildlife is that, when they send dive teams out there and when they want to prosecute a case, they want to see people harvesting directly from the artificial habitat.

In terms of enforcing that ten yards, you're right that it is challenging to enforce, and it's written into the regulations to provide divers with some sort of area, so that if they've set up their boat and they're diving and they see artificial habitat, they don't have to head back up and move elsewhere. They just know that there is this ten yards distance that they need to stay away from the artificial habitat if they want to harvest more than that recreational bag limit. It's just meant to give them an area so that they don't feel the need to get up and move.

MR. O'BRYAN: I guess my understanding is a lot of these are probably within the state waters and more for snorkeling depth. Is there a lot of them out in federal waters? Do we have any data on that?

MS. WIEGAND: I personally do not know the number of casitas or artificial habitats that are in federal waters versus state waters, but I know that part of this is meant to be a behavioral deterrent, and so, if you can't be harvesting lobster off of this artificial habitat, you are perhaps less likely to go dump your washer and dryer out in federal waters.

MR. O'BRYAN: Okay. Thank you.

MR. NICHOLS: Back on this subject, there is some railroad cars that have been there since the early 1930s, or probably during the hurricane in the 1930s, and I wouldn't think that that would be -- I mean, most of them are coral encrusted, and, unless you actually know what they are, and there is basically some pieces from the railroad that is out in federal waters up and down the Keys. I mean, I have seen it from Islamorada as far as south as the middle of Seven-Mile Bridge, and they are in federal waters.

I am just curious. I don't know if that would be included. It's not really permitted, but it was an act of God, and it was a long, long time ago, and I know these spots, because I've been diving them for about forty-five years, and we still harvest lobster, and I didn't know if it was -- I never even thought of them being illegal, or possibly illegal, because they're mostly just big brain corals, stuff on top of some old metal that you can't really know is there because it's totally coral encrusted, but it's probably not the right place to talk about it and make a big deal out of it, but I was just kind of throwing it out there, and it seems like that obviously was never placed as habitat, because someone is not going to bring a railroad car out and stick it in the middle of the ocean.

MS. WIEGAND: I don't know how those specific circumstances would be dealt with, but my understanding, based on the current definition that Florida has in place, is that it is only legally permitted structures that are exempt from this artificial habitat definition.

MR. NICHOLS: Well, that's going to be tough, because a lot of people dive on those spots, and it's not just myself, but I guess we've got to be careful with that and not do the wrong thing with it. It's kind of strange, but it would be -- If you found that particular stuff, it's really hard to say that -- It would be impossible for -- It's too bad they don't have like an alternative to say fifty years ago, something that was there fifty years or sixty or seventy years that it would be exempt, but I don't know how it could actually be permitted, because no one even knows it's there, but it couldn't be unpermitted, and so it's kind of like -- I don't know, but there is pieces of bridge rubble that actually didn't get set where the bridge rubble was supposed to be set, and it's actually off the permitted sites, but anyway. Then, after the hurricane, some of that stuff was displaced also. Anyway, we'll kind of leave it as a gray area, I think.

MR. O'BRYAN: Gary, I think kind of what Christina said is kind of more also a preventive action, so as not to encourage -- You don't want to see people loading up their boats with old washers and dryers and stuff, and, some of that historical stuff that's there, I would guess, from a law enforcement point of view, they're not going to be too worried about that. I think it's just more to prevent people from continuing to dump this stuff out there.

MR. NICHOLS: I agree with you, Peter, and probably it's just like I said, and I think we're just kicking it around, and it's cool. I am good with what -- Why don't you make a motion? You haven't made one. Make a motion on it.

MR. O'BRYAN: **I will be glad to move Alternative 2 under Action 4.**

MR. NICHOLS: I will second Peter's motion.

MR. IRWIN: It's open for discussion. Anybody who objects, put the raise-your-hand button down.

MS. WIEGAND: **I am seeing no hands raised.** Last, but not least, is the enhanced cooperative management action. Did anyone else have any additional questions about this action?

MR. STAFFORD: When we had the stone crab -- We used to have a stone crab management plan in the Gulf of Mexico, and this isn't going as far as that then, right? It's not going to take away the AP? I mean, they did away with the Gulf --

MS. WIEGAND: No, this would not take away the Spiny Lobster Management Plan or the Gulf or South Atlantic AP. All of that would still remain.

MR. STAFFORD: Okay.

MS. WIEGAND: Any other questions about this action? Did you guys want to make any formal recommendations to the council on this action? I know there was some discussion about what should be included in the procedure.

MR. O'BRYAN: **I know that Bruce had some concerns on this, but I think Bruce is okay with it now, and so I will go ahead and move Alternative 2 under Action 5.**

MR. NICHOLS: I will go ahead and second it. I am still a little confused with this one, but considering -- I feel Bruce has researched it enough that I would go with it.

MR. IRWIN: I don't think there is any other discussion. We discussed this quite a bit. If there is, speak up. If not, let's put it to a hands-up if you object.

MS. WIEGAND: **I am not seeing any hands.** All right. Then that I what I had for this amendment. I will go ahead and turn it over to Brian, who is going to talk to you guys about regulatory reform.

DR. CHEUVRONT: This is Brian Chevront, and I am with council staff, and you all may be aware that, a little over a year ago, President Trump issued an Executive Order that was designed to lower the regulatory burdens on the American people, and one of the things that it considered doing was, for new regulations that went into effect, you would have to take away two other regulations. However, it came with a bunch of caveats, and one of which is that the proposed regulation had to have an economic impact value of about \$100 million, and that's not likely to happen with many of the regulations that we have in the South Atlantic.

However, included in that was that regulations could be removed by department to replace any other regulation proposed within that department, and so, for example, under the Department of Commerce, where fisheries falls, they could borrow some of our regulations to help them get to that threshold for say the Weather Service or something like that.

Anyway, the Department of Commerce had requested that all agencies come up with plans on how they were going to deal with looking at the regulations and reviewing them, and it filtered down to the council level, and they wanted to know by December of 2017 how the councils were going to review their regulations, and so the council put forth their plan, which included the staff of the council as well as the Southeast Regional Office going through all of the CFRs related to our council's regulations.

Then they had requested that the council staff then take the list of things that we have recommended, or have found that could be modified or changed or updated or deleted or whatever, and take it to all the advisory panels and to the SSC, and so that's why this is on your agenda for now, and we did have -- Christina did come up with a couple of things for spiny lobster, and I've got to find it. It's here on this --

MR. STAFFORD: It's right at the end, I think.

DR. CHEUVRONT: Yes, and we're getting there. One of the things that has been under consideration is whether the council wanted to look at whether they wanted to go through the process of removing spiny lobster from the requirements for ACLs and ACTs and accountability measures.

Partially, this was based on the fact that recruitment for spiny lobster is thought not to come from the South Atlantic as well as there are maybe some life history things that were related to that, and we don't know whether the council is going to approve this as part of their list or not, because all of these actions will go to the council in June, and the council will go through the whole list of things that have been identified, and then they will decide what they want to put forward to the National Marine Fisheries Service, which will forward them to the Department of Commerce.

This is your opportunity to let us know whether you have any ideas about any other spiny-lobster-related regulations that you would like to see modified or removed because they are outdated, unneeded, or unnecessary. If it's something that you just don't like it, well, you're going to have to give us a good reason for why it needs to be removed, because we have to be able to substantiate why the council should consider modifying the regulations. With that, unless somebody has questions, I will let you all have your discussion on that and see if there is anything that you want to come up with.

MR. NICHOLS: We talked about this issue quite considerably, and, in stone crabs, we thought that that kind of fit the thing, fit the puzzle. With the spiny lobster in particular, I mean, it's -- We just had a meeting on setting the ACLs and the ACTs and all that a couple of years ago, but that's kind of why, with the life cycle and with the recruitment and with the larvae coming from another place, the spiny lobster should be considered for exemption, and I still agree with that. I don't think that the spiny lobster should -- I mean, that's my own opinion.

We have knocked this around, and I just want to hear some discussion. Bruce and I have talked about this on and off, and I don't want to cause a bunch of waves, but this is a place that the spiny lobster fishery, as far as the amount of lobster produced, we have really not a lot of control, and we're the most highly-regulated industry that I know of in the United States as it is, the spiny lobster fishery, and so we do our part to protect the spawning stock and the size limits and bag limits and reduction in traps, and there are some things that are out of our control, and maybe this is where to go, so that we won't have to be coming back and regulating ACTs and ACLs, and I think this is one fishery that definitely doesn't need an ACL, and that's my opinion on that.

DR. CHEUVRONT: As part of this, we gave the reason that we think that it should be considered, but, if you have additional reasons why you think that this should be considered, that would be good to include here as well.

MR. IRWIN: The reasons here are -- We have debated this for a long time, and I remember that the DNA evidence says that they believe that very little recruitment to our fishery comes from our own lobster, and so that's important, but I would also add that we were one of the first fisheries to really self-help, self-regulate, ourselves with the trap certificate program, and it was a mechanism of -- It was a different way of regulating a fishery that I do not think it goes along with ACL requirements. It just doesn't. It doesn't fit in the mold of it, because we regulated effort, and it has been drastically regulated. We lost let's say 40 percent of our traps now from reducing down, and so I think that that's another reason that the Magnuson-Stevens Act does not fit our fishery, and we have argued this before, but it sounds like now we have got an avenue.

DR. CHEUVRONT: I think the deal is that you're not going to be able to get out from under the Magnuson-Stevens Act, but you could see if we can get some special considerations for certain things like this. Like, for example, shrimp don't have an ACL, simply because of their life cycle characteristics and things, and so now is the time to make the argument, and there are reasons why specific fisheries can get out from under the ACL requirement, but it would have to be done making sure that there was some kind of protection still in place for spiny lobster, and that can be done, and so don't think that we're going to just get out from under the Magnuson-Stevens Act here. That is not going to happen, but we could potentially have some discussion going where the rules that apply to this fishery might be modified.

MR. IRWIN: I do agree with that, and I think that's why you've seen the councils have taken action under our guidance with the ACLs being so high, because of all these things that we've just talked about, and I know that no fishery can get out of the Magnuson-Stevens Act, but we can get out of some of the requirements, and I think this fishery fits that.

I do think we made a good amount of progress in alleviating the Magnuson-Stevens Act ACL on us with the new ACLs, but, to be totally exempt from it, we would have to look at those options and see which one would benefit the fishery better, as far as whether we would just go with these new ACLs and be fine with it or eventually we would maybe just be exempt from the ACL, depending on what kind of other measures you made to ensure the fishery, the stock.

DR. CHEUVRONT: Is there anything related to spiny lobster management besides this whole thing that the ACL, ACT, and AM that you would like to considered or modified or done away with?

MR. NICHOLS: I agree with Bruce. I mean, I was walking the halls to help us get the spiny lobster certificate program in place, and I think we've done a whole lot to keep a really well-managed fishery, and it seems like we have to come back to these councils to adjust the ACL or the ACT or whatever, and this fishery is a really tough, cyclical fishery based on recruitment from outside sources, and obviously it's critical, and we want to be protected under Magnuson-Stevens, but, on the same thing, it's just like Bruce said.

I don't know where to go with this, but it seems like we're trying to -- Maybe, if we could simplify this thing and know that we are trying to regulate our fishery, as far as the number of traps and the trap destruction and so on and so forth, some of these other stuff is -- The previous administration, under Obama, came up with these ACLs, and it really put a burden on our fishermen, and it added a whole bunch of new guidelines and restrictions, kind of like what you're talking about with the

Trump administration coming in and wanting to deregulate a little bit, because we got jammed. I mean, it made a stressful situation even more stressful.

The fishermen, as the farmers of the sea, we want to protect our resource, number one, and that's why have been so proactive in regulating ourselves and working with the biologists in the State of Florida to make this a productive fishery and a fishery that our children and our children's children can continue to work in, but I don't know the scientific end of this, and so you all can help guide us, but I personally think, as far as the catch base, if we can deregulate a little bit using the Trump administration's guidelines that you have there somewhere, and I don't know how it works, but I would love to go forward on that part.

DR. CHEUVRONT: Okay. Are there any additional specific suggestions for spiny lobster? I am not hearing any, but, from what I'm guessing, you all are saying that the AP does support the idea of trying to get the regulations modified to get out from under ACLs and ACTs.

MR. STAFFORD: Yes, and, at the last AP meeting, the joint one, we passed something that there was -- We were there because the ACL had been exceeded for a couple of years in a row or something, and we agreed to sort of meet and look if the ACL. If we were going to go under a certain ACL, where would it leave us in that case, if the ACL, which I agree is kind of a silly thing to have in this fishery, but where would that leave that idea of looking at the fishery if catch rates drop, and that was going to promote a meeting, a gathering of the AP, just to discuss if we had a couple of consecutive years of low landings, where would that leave us, and any idea?

DR. CHEUVRONT: What would have to happen is, before the council could do something like - - If it turns out that we would be able to remove the ACLs and ACTs, they would have to put some other kind of management system in place, and that would have to go through an amendment process, and so I can't second-guess what the council would like to do, if they decide to proceed with this, but it's not something that is going to happen overnight, and it would be something that the AP and the public would be involved in from the very beginning, in terms of how that management regime would change. I don't know what the alternatives would be, but certainly they would have to be thoroughly vetted and go through the same process that any management changes would go through.

MR. STAFFORD: Okay, and so we probably would do away with this and be coming up with another regulation then.

DR. CHEUVRONT: Well, it would be modifying it somehow, but what you would -- From what I am hearing, it sounds like what you all would like to have is some kind of a management system that is not necessarily an outside system that is imposed on spiny lobster. That one maybe doesn't fit as well, but, if you could come up with some other kind of way of managing spiny lobster that does fit this species, then that might be worth considering.

MR. STAFFORD: I am in favor of that, that's for sure.

DR. CHEUVRONT: The bottom line is that it's not ever going to be a free-for-all and just go out and catch whatever you want. I mean, that's never going to happen, but you may be able to then suggest things to the council of how they might want to consider modifying the management for spiny lobster should they decide that they want to ditch the ACL route.

MR. STAFFORD: Okay. Good.

MR. IRWIN: I do think, from what I'm hearing from everybody, that we want to look into it. We are actually, I think, pretty happy with the numbers that we came up with, because we kind of overshot it a little bit, and we did put a mechanism in there, and I think it's 5.4 million pounds. If we go below that for two years in a row, we have to reconvene the advisory panel and look into reasons why, and so there are safeguards against it also. I think most of the fishery is pretty happy with that, but we would like to look at other alternatives to maybe do away with it, and maybe there is a different way to skin this cat.

DR. CHEUVRONT: Sure, and that's part of what this is all about, is making sure that the regulations that are in place are effective and are the best regulations to manage this resource. All right, everybody. Thank you very much.

MS. WIEGAND: All right, guys. We've got one last thing on our agenda, and that is the fishery performance report. What the council has decided to start doing is putting together these fishery performance reports, so that we can get input from our advisory panel members who are actually out there on the water experiencing this fishery, and so I put together this informational document, which details commercial and recreational landings for spiny lobster over the last ten years or so, and I will go over it, and then also included was a questionnaire, and so a list of questions to gather what you guys have been seeing over the last five or ten years in terms of catch, economic pressures, social pressures, things like that.

This information is then compiled and presented to the council as well as made available to SSC members, Scientific and Statistical Committee members, and our Socioeconomic Panel members, so that it can be considered when making management decisions, and we also have it posted on our website for people to view.

The first thing I'm going to do is go through this informational document briefly, and then, after that, we'll get into the questionnaire, and you guys will have an opportunity to answer these questions and give input, and so, just in general, the biology of spiny lobster, as you guys know, they are distributed throughout the western Atlantic, from North Carolina all the way through Brazil, and it's typically thought that recruitment in U.S. waters comes from elsewhere in the Caribbean, though there might be some retention of local larvae in Florida, anywhere from 10 to 40 percent.

These guys are typically found in shallow water on habitat that provides some cover, like rocks and reefs and things like that, and dispersal of spiny lobster typically happens during the planktonic larval phase, where they are carried by currents until they get heavy enough. Younger lobsters are solitary and much more aggressive than their adult counterparts. Once they get to be about two to four years old, they become nomadic and typically move out to offshore reef environments, and then adults tend to aggregate in these enclosed environments.

You will see these mass migrations based on climatic factors, and, for Florida, you typically see that in late October to early November, and we do know that these guys are susceptible to severe cooling. When it drops into the low fifties, they will typically experience decreased locomotion

and feeding, and, if they're molting during that time, they often won't survive, and they have been known to migrate to avoid these conditions.

Spiny lobster was last assessed as an update to SEDAR 8 in 2010, and it wasn't accepted by the Scientific and Statistical Committee, for a number of reasons, mostly due to uncertainty. It's challenging to address the U.S. stock in isolation, because it's not really the appropriate scale to get at some of these population-wide dynamics, and there is also differences in which countries report landing and which don't, and so, because of these uncertainties and the lack of confidence on the reliance of this Florida population on recruitment from other populations in the Caribbean, it was determined that other management methods were going to be necessary to manage spiny lobster.

There is a stock assessment in the works for Caribbean spiny lobster that is going to be conducted throughout this year and next year. The data workshop is going to be happening in Puerto Rico, and it's the third week in June, I believe.

I will go over some of the landings, quickly, and so most of this data is provided by the Florida Fish and Wildlife Commission. The landings from the Carolinas and Georgia we got through the Accumulated Landings System that the Southeast Fisheries Science Center uses to track commercial landings, and none of those landings are presented here, because they are all confidential, but I will note that landings from the Carolinas and Georgia combined still account for less than 1 percent of the spiny lobster landings, and so Florida is really where we're focused.

We have provided the commercial and recreational landings compared to the annual catch limit when it was established back in 2012 from the 1999/2000 fishing year all the way through to the 2015/2016 fishing year, and we have it graphed here, and you can see where the ACLs and where the ACT is in recent years. The total catch has been exceeding the ACL, and we all know that spiny lobster is managed a bit different than other fisheries, and there is no commercial/recreational allocation. It's all managed as a stock ACL in both the Gulf and South Atlantic, and so these are total spiny lobster landings from Florida.

Here are just the commercial landings, and you can see, after a drop in 2001, they've remained relatively stable, or perhaps slightly increasing, over the last few years. These are landings just for the South Atlantic region, and so everything up through the Carolinas all combined, and, again, you can see there was this dip in those middle years, from about 2001/2002 to 2009/2010, and then it's been slowly increasing.

This shows the seasonality of landings, and, if you remember, the spiny lobster season runs from August 6 through March 31, and landings are typically peaking right in August and September and then decreasing all the way through March. Here are the proportion of commercial landings that are landed by gear type, and, as you can see, traps account for a vast majority of commercial spiny lobster landings. The percentage of landings by diving has been decreasing in recent years, and you can see that, as we talked about earlier, landings from bully nets have been increasing over the last three or four years.

We will move into recreational landings now, and here are the recreational landings, and, again, similar to commercial landings, there was this drop-off from 1999 to 2001, and then after which landings sort of stabilized. Landings were not collected in 2004 and 2005. FWC collects

recreational landings through a survey, and those weren't conducted in those two years, because of hurricanes, and so we don't have data for those two years, and that's why you see this break in the graph. Here are landings just for the special recreational season, which you will remember is the last Wednesday and Thursday of July.

Then we also put together a little bit of economic information for spiny lobster. The graph here shows the ex-vessel price for spiny lobster, both in nominal values and well as inflation-adjusted to 2016 dollars, and so there looks like there was a big drop in 2009. After that drop, prices for spiny lobster have been increasing, and the value of spiny lobster landings -- Again, orange is the inflation-adjusted 2016 dollars. There was a drop in 2009, and, since then, landings have fluctuated, but they've shown a general increasing trend.

That's what we've put together for the informational documents, and, like I said, the council is just starting to get into doing these fishery performance reports with its advisory panel members, and so, if you have any recommendations on what information we're presenting to you guys or the method in which we're presenting it, we would welcome any input you have on that. If no one has any input on that, I will jump into the questionnaire.

What I would like to do is to go through each of these questions and then get some input from you guys, and so we'll go ahead and start off with this first question. Has where or when spiny lobster are available changed in the last five years?

MR. IRWIN: You know, over the last five years, it has kind of stabilized out, I think. As far as where, that changes from year to year, and I don't think anybody has that figured out, but when also, but I do think the lobster landings have been on the increase, or lobster availability has been on the increase. This year, it's going to show a different story, of course, because we lost our seasons, and I think if you go back and look at even some of the years where it dipped down, the landings, those were extreme storm years, where we had two and three and four storms come through here, and I just have never had a good season when that happens.

If you remember, the 2000s, until about 2006, from 1999 to 2006, it was pretty rough on Florida for storms, and I think that had a lot to do with landings, but, as far as I'm concerned, I think when and where changes. It's variable, but I have seen what I think is an overall abundance trending upwards.

MR. NICHOLS: I agree with that, what Bruce just said, although this year is going to be -- It's kind of hard to -- I noticed you had an opening during the one year where the recreational landings or whatever -- I don't know what year that was, back twenty years ago, but Bruce stated in that one year we had three storms that one year, and, this year, I don't know what the landings -- I didn't look at the landings, but I think, if I remember right, it was probably about half, but, hopefully, after a storm -- The next year, we usually -- I don't know how, in your presentations, how you would put storm years.

It might be nice to highlight that in your graphs, at least to highlight the storm years, or put asterisks there, so people don't get looking at just the graph and think that's the only source of -- I mean, graphs kind of become misleading if you don't have at least an asterisk or a different color shaded for a hurricane year or some kind of natural disaster, and, other than that, I've been seeing in the same thing, with the trending upward.

The availability of the sub-legal lobster seems to -- At least even after the storm, that really increased, and so I've noticed that in my experience. We're throwing back a lot of product, a lot of lobster, and we're trying to educate some of our fishermen to make sure that they release more of the smaller lobsters, so that, if you have an abundance, it's better to let them be free or be happy or whatever, but, at the end of this season, I sure did release a lot of lobster, and hopefully we'll see that result in the catch next year, if we can get some traps built to put in the water for next season, and that would help us. It's been difficult to get material and stuff, and so I think we may even be under a little bit of -- This hurricane that we had here, we're going to probably have some residual effects going into the next season, but, hopefully, with the landings, it will be good, but who knows. Anyway, that's my opinion, and so it pretty much mirrors what Bruce said.

MR. STAFFORD: I would have thought year was a little weaker than the past, and this year is -- This year, August looked to me like it was pretty awful. It was one of the worst Augusts I had, and I don't know whether that would lead also to the rest of the year, and so it's dependent on where your traps were after the storm, but it would be nice to see -- If you add in the last couple of years, at least August of this year, and see where we're at with the overall catch.

MR. O'BRYAN: From the recreational side, looking at the mini-season, most of the folks that I've talked to that were down in the Keys for the mini-season did pretty well. They got their limits, and there was a pretty good abundance of lobsters and things like that. Up the coast a little bit, St. Lucie and Indian River County, it seemed like the catch was a lower than most mini-seasons. A few boats did well, but the vast majority were just coming back either empty or with only a couple of lobster, and it seemed like the nearshore was really deserted, what I would describe within a couple of miles of the shoreline, in twenty feet or less in depth, and there seems to be a total lack of lobster in that habitat.

Then we really didn't see much even in the deeper stuff, the fifty or sixty-foot. We didn't see really those populate much until after Irma came through and we had the big storm and things. They started moving around after that, but the mini-season just seemed off this year, at least up in the Indian River and St. Lucie County area.

MR. NICHOLS: Peter, I saw that a little bit in diving in the pre-season and the dive season with our family. It was a little off, and I'm not sure if lobsters are being affected so much by nature and showing how they do migrate from temperature changes. I am kind of thinking that these lobster had some kind of premonition or something, something from their genetics, to get out of the way of a storm, because a lot of what you're saying, and I saw a lot of what Simon was even saying.

Why we didn't have a really great August, I kind of think it has a little bit to do with the genetics and the fact that -- I don't know, but the heat and the temperature was extremely hot, and it kind of mirrors why we had a hurricane last summer, and so I kind of think that's partly the reason, because that's one of the very few years that I didn't -- At least myself personally, I didn't have a very good August, and it didn't start out real well either.

MR. STAFFORD: Gary, I will come in on that. I remember, back when Hurricane Andrew came through, August was terrible. I didn't catch anything before Hurricane Andrew came through either, and maybe they do know. If we have a bad August, then we better bail-out quick. Maybe you're right on that one.

MS. WIEGAND: Gary, you touched on this a little bit already, talking about the sub-legal lobsters, but does anyone have any additional input on how the size of the lobsters has changed?

MR. O'BRYAN: Recreationally, again up in here in St. Lucie and Indian River County, it's been kind of a steady decline of the really big lobsters, the ten-plus-pounders. You just don't -- I think mainly because there's been just more fishing pressure on them, but you don't see those real big ones as much anymore. It's still pretty good numbers in the four or five or six-pound range, but the double-digit numbers are really rare now, and, ten years ago, they used to be pretty common, but now they've gotten pretty rare.

MR. IRWIN: I would like to say that I have watched the size of lobsters, at least in the bay, in the Gulf, they have been getting larger for a few years. This year, we didn't have a chance to fish much of our lobster, and I think a lot of lobster were in the grasses, and that's why they weren't showing some years. They will go in the grass and hide there more, because they're going through more of a molting period, and I think that's what we had going on this year.

The size of lobsters has been getting larger in the Gulf, if you take from probably let's say Key West back up to Marathon, and that's where I fish, but, as far as the amount of small lobsters, some years we just see a tremendous amount of them, and, in other years, there is not as many, but, in the last few years, it does seem like there is always quite a few shorts.

MR. NICHOLS: I've seen the same thing that Bruce is seeing. I think our size frequency -- I am really into that, because, selling to the Chinese, the Chinese buyers really like the larger lobster, and, the last few years, we have had -- It's not dramatic, but it is -- After doing this for so many years, the last probably three years, I have actually seen a larger average size lobster, and it may only be an eighth of a pound or so. I might be an ounce or two ounces, but it's definitely been a bigger lobster.

It's strange that after the storm though, when we finally got back and started catching a few lobster, and I don't know if it was because everything got flushed completely out of everywhere, and I had my traps kind of trying to be away from where anything could -- I didn't have a whole lot of traps left, and, in a lot of the areas, the lobsters had flushed completely out, but we saw a lot of the small lobster, but I think that's because of the lost habitat, and all the lobster were flushed from the bay side and flushed around the bridges, and their normal habitat was so beat-up and demolished that the lobsters had migrated out to the channel and the reef, and the smaller lobster that we usually don't see out on the reef, this year we saw so many of the shorts, and hopefully, by next season, they will move back into their normal places. I think that was just a temporary thing, but, in general, I have seen a bigger size, a larger size, lobster, on average.

I mean, literally, I unload the live wells every day, and so having to handle the lobster personally, instead of just having your mates handle the lobster, I'm really right on top of what size lobster we're catching, and it's definitely been bigger than the previous ten years, for the last three years anyway.

MS. WIEGAND: All right. Have you guys seen any effort shifts to or from spiny lobster in either the recreational or the commercial sector? Do you think more people are going after spiny lobster or fewer people are going after spiny lobster?

MR. NICHOLS: As far as that goes, there is a big shift in the bully netting, and the bully netting thing got really whacked out. I mean, having the hurricane this year, it kind of put the bully netting a little bit off of the focal point of things, but, actually, from the bully netting, and I haven't really gone out and solicited this, but we have a whole new breed of thieving problems that arose from the bully netting, and hopefully some of these new regulations that the state put in place will help us, but that's a whole new ballgame,

The amount of reported effort is probably -- The actual amount of lobsters caught is probably tenfold over what the actual reported catch is, and I think it's pretty darned high. I mean, if you're just a resident of Monroe County and you happen to go outside or drive up and down the road on any kind of a night at all during lobster season, the amount of boats on the water at night is quite considerable over ten years ago, or twenty years ago, or -- I mean, it's pretty incredible actually sometimes.

It's just like a little city out there, but it's something new, and I think it's easier for the people to catch the lobster, and I guess -- I don't know if it's good or bad or indifferent, but I just know there is a lot more -- The only thing at night is it's going to be a lot harder for the law enforcement people to catch somebody doing something wrong, and it's a little bit hairy, and that's the only thing that I see.

As far as the diving effort, I think that's pretty -- The amount of people coming down to the Keys has increased, to some extent, but I don't know about the catch of lobster and how much more they catch or whatever, and I know it's tough, because of the amount of boats on our gear and the cutoff rate and the amount of people that really care about the interaction with our lobster gear and that has increased, our trap loss, and it's very difficult.

That's another issue, and I don't know, and that may even have something to do with people running around at night bully netting, because, the inshore waters, it's really incredible how many people can't drive a boat straight and run over our gear, and so that's a problem that I really would love to see -- I don't know how we can address it, but I wish the boating public would be more careful with our gear.

MR. STAFFORD: I would say there is a little bit of a shift in effort later in the season to fish more around the Chinese New Year. I used to bring my traps in earlier, and quite a few people I know leave them a little longer now than they used to, to take advantage of the higher prices around the end of January or the beginning of February.

MS. WIEGAND: All right. Then we'll move on and talk about some of the current management measures. Currently, there is a three-inch minimum carapace length for the commercial and recreational sectors. Do you guys feel that that's appropriate, and, if not, why?

MR. NICHOLS: Well, it's kind of like it's not broke and let's not fix it. That kind of fits that perfectly. I mean, we've been managing this fishery for a long, long time, and I think that's one place we don't want to mess with success. I think that lobster is the lobster that the restaurants want, and sometimes the Chinese actually like the larger lobster, and, again, what Simon was saying about the effort shifting back, and I didn't really get to comment on it, but that's a true statement.

The Chinese New Year happens to fall -- It fluctuates between February and March, and it goes all the way from January to March, and, I mean, there's different times of the Chinese New Year that occurs, and, with us being dependent on this Chinese live market, a lot of us are fishing our traps really late. I mean, I'm fishing them all the way down to the end of the season, and I really didn't want to do that, but, when you're getting -- The economics of it support doing so, and, if I can catch a half-a-pound of lobster per trap and get twelve or fifteen-dollars a pound, it sure helps out for the summer, and so I think we do have a little bit of a shift into the later months, but I don't really know if the overall landings have changed that much, because the availability is still in question. You really have to change your fishing habits a little bit. I think it's just like the if it's not broke then don't fix it kind of thing on both of those subjects.

MR. STAFFORD: I would just like to say, with this Chinese market, and maybe it will not always be with us, but I hope it is, the size limit -- There was talk of not taking the smaller lobster and making different gradings, looking for slightly larger lobsters, and I know that nobody wants to hear that, but an increase in size may help with sort of an increasing of economic yields for everybody in the end. The lobsters would have a chance to grow a bit more, et cetera, and be heavier when we land them.

I think a size increase is maybe something that ought to be looked at a little bit. Like I said, we think that maybe the lobsters are getting a bit larger in the Gulf, and I don't know if they are or they're aren't, but the three-inch size limit -- I know that right now that they're getting culled out, and they don't really like to see the three-inch size limit, a three-inch lobster, and they would rather have a little bigger ones.

MS. WIEGAND: All right. The next management measure is the twelve lobsters per person bag limit during the special recreational season, and is that appropriate? If not, why? I will note that that does exclude Monroe County.

MR. O'BRYAN: On the recreational side, I think we're good with it. Most folks, if you can go out up here, and if you've got three divers on the boat, if you get thirty-six, that's a real good day, and so I think everybody is pretty happy with that.

MS. WIEGAND: All right. I don't think we have many AP members from the other South Atlantic States. Mickey might still be here from Georgia, but do you guys feel like the two lobster possession limit for both commercial and recreational off of North Carolina, South Carolina, and Georgia is appropriate?

MR. STAFFORD: They don't have a closed season up there, and is that right?

MS. WIEGAND: That's correct. It's open year-round.

MR. NICHOLS: I don't know how we could actually speak on that particular one to say yes or no or maybe, because we're not from there, and I would hate to speak on it, and so that's about all I could say about that.

MS. WIEGAND: All right, and we've had quite a bit of discussion about this that is included in the record, but did you want to add any more about the current ACL? I will make sure that stuff

we've talked about previously is included in the performance report as well, but, if there's anything that anyone else would like to add to that discussion.

MR. NICHOLS: I think, since Bruce has worked so hard on this and been so good at bringing this forward, and we've kind of turned it upside down topsy-turvy, I think that, for now, we've done the best that we can do and in lieu of what was just brought up a little while ago, and so I think we're about the best we can do as long as we have ACLs, unless we get rid of the ACL.

MS. WIEGAND: Are there any new management measures that the council should consider? No new management measures? Are there any existing management measures that should be changed? I know you guys talked about this a little bit with Brian, but is there anything else you guys can think of that should be changed or addressed?

MR. NICHOLS: I don't think there is so much in the management, but I know that we're getting ready to bring some issues up on the State of Florida level, on the FWC side, at their next meeting, and I just got a notice to that, and they're talking about deployment times for traps and whatnot, and that's kind of a -- I don't know why we're getting into that particular can of worms, but I really think that our existing management measures are fine, unless Bruce has something else on that, but that's something that I'm reading, and I don't know if we're going to have to come back and readdress whatever the FWC comes up with, but I just got a briefing, the last notice that I have, and I guess I've got to try to make it to another meeting on the 14th of May, and they're proposing some things with stone crabs and lobster, which kind of came out of the blue, to me anyway. I don't know if anybody knows anything about that, but since it says new or existing, I didn't know if you have anything to comment on, Bruce.

MR. IRWIN: No, I don't. I think so many of these management measures have been -- I mean, we were a part of it the whole time, and it was really the best of the fishery knowledge, along with recreational fishermen, fisheries managers, the SSC. Everybody puts their best foot forward, and most of the things that we came up with have helped our fisheries and helped fishermen and helped recreational fishermen, and so I think, if something comes up, we'll be the first there to let people know that it needs to be changed, but, for right now, I am good with most things that are being done.

I have been fishing all my life. I'm a fourth-generation commercial fisherman down here, and I can tell you that if the fishery would have continued like it was in the 1980s that we wouldn't have a fishery, because we were going to fish it out, and I'm glad that the fishery managers did what they did along with the cooperation with fishermen to form something that was beneficial for everybody and the resource.

MR. NICHOLS: That's real good, Bruce. I agree with everything you said. Absolutely.

MS. WIEGAND: That's always nice to hear. We'll jump into environmental conditions and ecology. Again, you guys have touched on some of this already, but if there's anything else that you want to add about the unique effects of environmental conditions or changes in abundance of spiny lobster that you've seen over the last few years.

MR. IRWIN: I know that Florida Bay particularly -- I know we've had a lot of kind of what you would call crummy water coming out of the Everglades, and I'm a little concerned about the

freshwater flow into Florida Bay, and I know a lot of people have put a lot of effort into making that happen, and they think it's going to be beneficial, but I do say that I'm a little worried, because I have watched four buyers in Port St. Lucie -- I have watched what comes out of there, and so I'm a little worried about Florida Bay and also the hurricane.

After Wilma, after Hurricane Wilma, we had a flushing of the bay, and what happened was the water became very clear, and we had a massive amount of seagrass grow in. The grass grew just exponentially out there, and it was unbelievable. This hurricane seemed to do just the opposite. We are seeing grass die-offs that I hope that don't hurt the fishery, but I know one of the reasons that we've been able to have very good years is because of that grass growing in, because they live a good part of August and September in that grass. I'm concerned about it, and I don't know what we can do about it, but it is something that probably should be monitored.

MR. NICHOLS: What Bruce had commented on in the bay, something that I've seen not only in the bay bringing in crab traps this season, but we're having the same exact algae bloom out in the deep water, out in 200 foot of water and over, and I've been fishing for a long, long time, and I never have seen -- I've seen a little bit of the algae on the ropes out in the deep water at the end of the season, but, this year, we had carpeted-down traps in 200 foot of water with green slime, I guess is the best way to describe it, and it moved through the area, and, fortunately -- I thought we were going to be in a total disaster trying to bring in my traps, and I let them set late, and it was a nightmare trying to bring them in. We had to pressure-wash the ropes to get the traps even up, and some of the traps you couldn't even grapple, because it was just like a carpet.

It's something that every year -- We saw the same kind of thing going on when I went to bring in the crab traps a couple of weeks ago, or a week ago, actually, and we had a proliferation of the same green slime, although you can see it in the water column in the Gulf a lot easier in like forty foot of water, thirty foot of water, and it was actually predominant like in the thirty-foot zone, thirty to about thirty-five-foot.

Then, when you got deeper than that, the water cleared up, and, for some reason, it was not as bad in the inshore waters either, but, anyway, we've been seeing an algae growth rate, and I don't know if it's from the hurricanes or it's from the St. Lucie mess that you've seen up there in West Palm Beach and whatnot or if it was just a combination of nutrient enrichment from the storm, but hopefully it's not going to be around again.

My last traps, thank God, that were down to the west, for lobsters, they didn't have -- That stuff seemed to have cleared up. I waited a few weeks, and I thought that I'm either going to win or lose, and we didn't see it. It kind of disappeared, but this stuff is pretty messed up stuff. If you get into it, it's a whole new can of worms. Anyway, I'm concerned about that, and I'm concerned about the water quality. I've been a member of joint action group for water quality, and we tried to get freshwater restored to the bay back twenty-five years ago, and I don't think, to my knowledge, we have really done anything, but it's a little bit scary. After the hurricane, I thought that everything was supposed to get clean and clear and nice again, but I have seen, just like Bruce, almost the opposite.

MS. WIEGAND: All right. Then let's move on to some of the social and economic influences. For you guys operating in the commercial sector, how has price and demand for spiny lobster changed over the last five years or so?

MR. NICHOLS: That's kind of a no-brainer. It's actually the last nine years. The price has changed upwardly. It started to decrease a little bit because of the heyday of the Chinese first coming into the fishery, and that increased the prices very high. Now the Chinese have kind of become Americanized, I would say, or socially have got more Americanized in marketing, where they -- Without saying price fixing out loud, that's pretty much -- They got together and set prices more uniformly, but, in general, we're getting a better price, and prices have actually probably remained more constant than increasing, but, in the last five years, they have got to a pretty good price, and, domestically, we're still not on the real high-end price, but I market a lot of lobsters to the restaurants, although the acceptability of the price seems to be --

There is a price that the restaurant will pay, and there's a price they won't pay, and you will probably get -- Over a ten-dollar-a-pound lobster, it's hard to sell that to a restaurant, and the Chinese kind of -- We're still having a little bit of marketing issues with the smaller lobster and with the -- I think we've got that taken care of. Hopefully this year we won't have that issue again. We are starting to find some resources some other places that actually like that smaller lobster live overseas, and so I think we're in good shape on the prices, and the prices have been increasing, and, if nothing else, they're a lot better than what they used to be.

MS. WIEGAND: All right. To the recreational sector, have you guys seen any shifts in participation, increases or decreases?

MR. O'BRYAN: I think the recreational level is still pretty high, and it kind of follows the same pattern. A lot of folks get out for the mini-season and maybe the first month or two of the season, but, as the weather gets a little cooler and the water gets cooler, we see more and more putting the gear away for the rest of the year, but that's kind of been the pattern for quite a while, and it hasn't really changed, but I think the recreational level, particularly in the mini-season, is still pretty strong.

MS. WIEGAND: What communities are particularly dependent on the spiny lobster fishery? If you guys would like -- I was the one that added this question to the fishery performance reports, and so I can give you a little bit of background about why I'm asking. Right now, we're looking at communities that are dependent, and we're basing it off of landings and which communities in the South Atlantic have the highest spiny lobster landings, but it's possible that there are communities that have -- Smaller communities that maybe have lower landings of spiny lobster compared to the greater South Atlantic, but are nonetheless dependent upon that fishery. This is just a way to maybe get at some of those communities and also to make sure that the communities that we are identifying are the communities that you guys are seeing as really dependent on this fishery, and so if anybody has any input on that.

MR. O'BRYAN: As far as communities, I guess that some of the areas, like around inlets and stuff, from the recreational point of view, where the dive shops are located along there and the marinas and boat fuel, things like that. The mini-season and opening season, there is a big increase in activity, and so they're going to see that burst in their income, and I know that some of the hotels and stuff down throughout the entire Keys make a lot of their money in that week of the mini-season as well, and so I guess those are the communities that I think of, as far as the dependent on the industry. I'm sure the commercial guys can weigh-in on their local communities and who is

impacted there, but, recreationally, it would be those areas that have marinas and dive shops and things like that that see the increase in activity when lobster season opens up.

MR. IRWIN: I think the whole Keys is very dependent on the lobster fishery. It's an extreme amount of money that flows through there, and it's not compared to tourism, of course, but it's also interdependent with tourism too, because of the lobsters that are sold in restaurants and fish markets and things like that, but just the money flows much better when there is lobster around in the Keys.

MS. WIEGAND: All right. How have changes in the availability of infrastructure, like docks and marinas and fish houses, affected opportunities for spiny lobster?

MR. IRWIN: It has had -- I would call it maybe not extreme, but a lot of opportunity is lost because of docks and marinas and fish houses, and Simon can probably comment on this. In Key West, they saw a drastic reduction in fish houses and docks where they could put their traps. Another thing is here, just in Marathon, we used to have ten to twelve fish houses where you could sell your fish, and it kept the price high, and now there is just really not much going on with that.

The Key West guys have done some things, and they're trying to buy a piece of property, and I don't know how that's going, but development has had an effect on fishing, no doubt about it, and it has not been a positive, but, yes, most of the fishermen have adapted and have been able to stay in business, even though that has happened.

MR. NICHOLS: One thing that also has had a tremendous effect is this hurricane has really affected our ability to hire people, along with our fish house properties and the areas for trailer parks and for low-income housing is very limited in the Keys, and that's all part of the same thing. The fish houses, like Bruce said, there is a lot less fish houses and a lot less competition. I mean, if you want to market a yellowtail or mango snapper, most of the guys have to become wholesalers to do that. I mean, there is really not very much competition amongst the -- I mean, we just don't have a lot of fish houses. Most of that property has been bought up and turned into something else. Anyway, that's just part of the nature of the beast, I guess, for living in paradise down here.

MS. WIEGAND: Sort of related to that, how have fishermen and communities been adapting to these changes in infrastructure or other changes in the spiny lobster fishery? How have they attempted to deal with them?

MR. NICHOLS: We're just really trying to survive. The worst part for us commercial fishermen, I think, right now, as far as the owners of a lobster or stone crab business in particular, is trying to get helpers to work in our industry, and I think it's going to be -- That is probably the single-most thing. As far as running a lobster boat or a fishing business, or any business, any kind of business down here in the Keys, that's probably the hardest thing to a business owner or commercial fisherman or probably any other business that we see, that I see right now.

It's not even the fishing or making the money to pay to get the traps repaired or get the traps built, but it's just trying to get the -- It's a serious situation, and I don't know if it's part of the thing with the migration of people, the immigrants, and we're not able to get those people, and it's really difficult. I have been trying to go out myself, and there's a lot of other people trying to find ways to even sponsor people to come to work, but the workforce is really a tough one, and I don't know

how it's going to go or where it's going to be, but that would probably be the single one thing that I could see that makes me not want to stay in the fishery. The fishing part, I don't mind, but the headaches of trying to get the help is definitely a trend in the wrong direction in my situation.

MS. WIEGAND: All right. Last on the list is if there is anything else important for the council to know about the spiny lobster industry, both commercial and recreational, and so anything else you guys would like to have added to this fishery performance report that you think is important for the council to understand.

MR. IRWIN: I want the council to know that -- They probably know this, but I want it on the record, but the spiny lobster fishery is a healthy, thriving fishery, both recreationally and commercially, and it's well-managed. The reason it's well-managed is because fishery managers and scientists and fishermen and all the user groups have worked together to cooperate, and they have always kept the resource first and then worked backwards from there and managed the fishery, and that's why it's one of the best fisheries, I think, in the United States. If you look at other fisheries, a lot of them have been regulated down, and the reason was because they didn't get ahead of the regulations. They got behind them, and we got ahead of them, and I want to commend everybody that's been a part of it.

MR. NICHOLS: I agree with that, Bruce. I know we've all worked hard, and the fisheries managers have -- We have actually had a really great working relationship for the last twenty years, and I don't see there being a greediness to it either.

MS. WIEGAND: All right. That is all that I had for the fishery performance report, and that was the last item on the agenda, and so, Bruce, I will turn it back over to you. One thing we do need to do is open it up for public comment at some point, if someone wants to make a public comment on the record.

MR. IRWIN: Okay. That's what we'll do. We'll open it up for public comment.

MS. WIEGAND: If you want to make a public comment and you're on the webinar, if you would raise your hand. We will see that, and then we will unmute you.

MR. STAFFORD: I just lost everything in the last fifteen minutes, and I couldn't hear a word. Can you hear me now?

MS. WIEGAND: Yes, Simon, we can hear you, and we finished up the agenda, and we've opened it up to public comment.

MR. STAFFORD: Well, I guess I'm under the public comment. I missed all that last bit on the prices and the fish houses, and I saw some of it being typed up, but I don't know what happened. Anyway, I would just like to make a comment on the prices. There has been a -- I don't think this was made under the discussion. If it was, I couldn't hear it, but there is a huge variation in price throughout the year, from August to March, and I am seeing August prices -- I mean September prices, an average in the last five years, by 31 percent higher than August prices, and January prices are even higher than that, 50 and 60 percent higher, and I think it's certainly something worth looking at fishery-wide, this whole variation in price, and it's quite a phenomenon that we've never really been used to. It could be a different way of looking at the fishery all around.

MS. WIEGAND: Bill Kelly, I see that you've got your hand up and you want to make a public comment.

MR. KELLY: Thank you so much. I appreciate the accommodation, and I want you to know how much I enjoyed the discussion here. Great job by everybody, and, Bruce, I think some of your closing comments were rather eloquent and reflect the level of cooperation that we've seen here in the past twenty years or so. I just wanted to comment briefly on the exemption. Mike Tringali and John Hunt, along with Dr. Don Behringer and Dr. Mark Butler, over the past six or seven years here, have conclusively proved genetically the case for external recruitment here, meaning all of these lobsters come from someplace else.

We certainly have made the case there, or at least science has, and we have a transboundary exemption in place or pending legislation right now under Magnuson-Stevens reauthorization. That language has passed the House, but, right now, there are a number of things that are stalled in the Senate, and we'll have to see how quickly government gets back in action there, but the case is made very clearly and over the years very genetically proven with regard to that external recruitment. That is something that played very heavily in the spiny lobster review, and I was part of that review panel, and the issue was let's not press the panic button when harvest levels go over seven-million pounds, and let's press it if they dip below five-million, and that makes a whole heck of a lot of sense.

With regard to trap deployment and the Fish and Wildlife Commission, the state, again, is looking for some consistency in rules and regulations. For example, we throw our gear at 12:01 a.m. on the start of the spiny lobster and stone crab season, but the fishermen up in Miami-Dade County aren't at the dock until first light, and that varies by region in the state, and so they actually just need to clean up some language there and be a bit more specific. Our position has always been that you cannot harvest during nighttime hours, but deploying is not the same as harvesting, and so we simply need to clear up that language. Other than that, again, I have enjoyed the presentation, and I think everybody did an outstanding job there and really made the case, and so thank you.

MS. WIEGAND: Thank you, Bill. Is there anyone else who would like to make a public comment? All right. If there is no more public comment, then I will turn it back over to you, Bruce, if there's anything that you have under Other Business.

MR. IRWIN: Thank you, Christina. I just wanted to thank everybody for their participation in this, and, also, I wanted to thank you and Mike Collins for setting this up, and you guys did a good job. The presentation was great, and I was a little skeptical. It's the first webinar, and I didn't think that I would ever --

MS. WIEGAND: You and me both, Bruce.

MR. IRWIN: Everything worked out pretty good, I think, and, again, I thank you personally, and I'm sure everybody else here does also. With that, we can adjourn the meeting.

(Whereupon, the meeting was adjourned on May 7, 2018.)

Certified By: _____ Date: _____

Transcribed By:
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June 1, 2018

Spiny Lobster Webinar - May 2018

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