

11/26/2019

**Joint Gulf and South Atlantic Fishery Management Council
Spiny Lobster Advisory Panel Meeting
Marathon, FL
November 13, 2019**

The meeting of the joint Gulf and South Atlantic Fishery Management Councils' Spiny Lobster Advisory Panels (AP) was convened at 8:30 am on November 13, 2019. Topics added for discussion on the agenda under Other Business included: the state of the spiny lobster fishery, impacts from the trade war with China, marine debris and casitas, retention of undersized lobster, law enforcement challenges related to crew on vessels, and the impact of recent red tide events. The modified agenda was approved and the minutes from the joint Gulf and South Atlantic Spiny Lobster AP meeting on April 25, 2016 were approved as written.

Florida Keys National Marine Sanctuary Expansion

Ms. Beth Dieveney gave a presentation about the Florida Keys National Marine Sanctuary (FKNMS) Restoration Blueprint. The Draft Environmental Impact Statement (DEIS) proposes changes in the management plan including the sanctuary boundary, sanctuary-wide regulations, and specific regulations that apply to a range of marine zones in Florida State waters, and Gulf and South Atlantic Councils' jurisdictions. The DEIS lists four alternatives, each one incrementally more protective of the environment. Ms. Sarah Fangman, Sanctuary superintendent, was also present and reiterated that public comments to the Sanctuary do not have to be limited to supporting a single alternative, but comments could be provided for specific items in each alternative. In addition to the DEIS, the FKNMS has created an interactive mapping application where users can explore and visualize the changes and rationale included in the proposal.

The AP expressed concern regarding the number of small areas in the backcountry, which are proposed to be "no entry" and would no longer allow fishing. The AP thought that it will be difficult to enforce these regulations given the high number of small areas versus the limited amount of law enforcement officers in the Florida Keys. In addition, members of the AP thought there was a lack of sufficient data on the status of fish stocks that occur in the FKNMS to justify closing so many areas to fishing. The AP was also concerned that additional closed areas could lead to displacement of effort to remaining areas in the FKNMS resulting in additional stress on these habitats. The AP recognized that the state of the ecosystem has been in decline and is not against closures when data support the measures. However, the AP felt that addressing issues related to water quality should take priority over spatial closures. In addition, the AP reiterated their concern for closures without sufficient enforcement. Ms. Dieveney answered that law enforcement is accomplished in partnership with other government agencies. She also mentioned that one of the goals of the DEIS is to protect critical areas in the hopes of enhancing or creating habitat that would be resistant and resilient to global environmental changes, including protecting areas important for the various life stages of spiny lobster. The AP requested more recent data be used to estimate the economic value of the spiny lobster fishery in the final rule. Ms. Dieveney answered that they are currently working on updating these data.

South Atlantic Council representative, Chester Brewer, asked if the proposed fishing regulations would extend to projects using experimental fishing gear, such as those related to the removal of invasive lionfish. He referred to a recently approved Exempted Fishing Permit focused on the removal of lionfish by using lobster trap gear.

The AP is concerned with water quality issues and does not think this DEIS provides enough direction on how to tackle this recurrent issue. Ms. Dieveney noted that Water Quality Protection Program works to address water quality in the Florida Keys. The AP also suggested an increase in research collaboration between the FKNMS and the fishing industry, as well as an increase in outreach and education efforts with locals and tourists alike. During the development of Amendment 11 to the Fishery Management Plan for Spiny Lobster in the Gulf and South Atlantic (SL FMP), which limited spiny lobster fishing in areas of the Florida Keys with *Acropora* spp., industry was heavily involved in helping identify the key coral areas. AP members agreed that these areas should be provided additional protections by the FKNMS.

Motion 1: To consider adding additional regulations, specifically no anchoring and no harvest of lobster by all user groups, to the areas identified in Spiny Lobster Amendment 11.

Motion carried unanimously.

Motion 2: To recommend the Council oppose the closure of any new areas to lobster trap fishing as proposed in the Florida Keys National Marine Sanctuary Restoration Blueprint.

Motion carried unanimously.

The AP expressed concern about regulations proposed in major navigational routes like Hawk's Channel. The AP felt requiring the use of idle speed or any navigation restrictions in this area could be a safety issue, especially when vessels were trying to return in bad weather.

Motion 3: To recommend the Council oppose the use of idle speed or navigational restrictions in the Hawk's channel area.

Motion carried with no opposition.

When discussing the socio-economic impacts of the DEIS, the AP agrees that a lack of sufficient enforcement might encourage poaching in closed areas, therefore having a negative impact on the fishery. The AP did not think the DEIS would have a biological benefit to the spiny lobster population, since the population is strongly influenced by recruitment from the Caribbean. In addition, there is concern that closing multiple areas might push fishermen to concentrate in smaller areas.

AP members thought that Alternative 4 was unnecessarily restrictive and was not necessary to achieve the overall goals of the management plan.

Motion 4: To recommend removal of Alternative 4 from the FKNMS proposed actions.

Motion carried with no opposition.

Other Business

State of the Spiny Lobster Fishery

The AP discussed some of their worries regarding the state of the spiny lobster fishery. The AP mentioned seeing a higher number of sub-legal lobsters after Hurricane Irma and after red tide events, which led to a reduction in landings. The AP also reported an increase in biofouling on trap lines, which they think might be related to changes in water quality.

Law Enforcement

There was law enforcement representation from the Florida Wildlife Conservation Commission (FWC) present at the meeting (Captain David Dipre). When asked by AP members about the current law enforcement efforts, Captain Dipre noted that there were ten vacancies for FWC for control officers. It can be challenging to keep officers in the Florida Keys because of the cost of living. Captain Dipre recommended that fishermen in the Keys work with the Florida State Legislature to make it clear that additional funding and manpower is needed for law enforcement in the Florida Keys.

AP members expressed concern about carapace measurements versus tail measurements and whether it was possible for a lobster to be legal based on carapace length but have a sub-legal tail measurement. John Hunt, Program Administrator for FWC's Fish and Wildlife Research Institute (FWRI), stated that research shows that a 5.5-inch tail tends to come from a larger (greater than 3-inch carapace) lobster. Additionally, Captain Dipre noted that officers use their discretion when enforcing regulations (for example, one sub-legal lobster with 250 legal lobsters is not likely to result in a ticket).

AP members expressed concern about regulations related to the number of immigrant workers that can be onboard a vessel working as crew. It can be challenging to find crew and AP members would like to find solutions that would allow immigrants to continue to work on spiny lobster vessels, such as a training program.

Recreational Lobster Tagging Program

AP members recommended that a recreational tagging program be created. AP Members felt a tagging program would improve law enforcement, especially during the recreational spiny lobster mini season. Jessica McCawley (South Atlantic Council chair and Director of FWC's Division of Marine Fisheries) explained the FWC staff has discussed a tagging program, however in the past the Commission has chosen not to approve a program. A main concern of the Commission is that if additional funding is necessary to implement the tagging program it must be approved by the Florida State Legislature.

Trade war with China

AP members were concerned about how tariffs impact the Chinese market for live lobster. Chinese buyers have continued to purchase lobster at similar levels; however, the price has been lower causing significant impacts to spiny lobster businesses. There are concerns that Chinese buyers are developing infrastructure in the Caribbean and Central America. If the trade war continues and the Chinese buyers move their businesses, it could have significant negative, socio-economic impacts on Monroe County. Jessica McCawley reminded AP members that the South Atlantic Council has sent a letter to the Secretary of Commerce, detailing impacts of the trade war on the spiny lobster fishery.

Casitas and Marine Debris

AP members explained that spiny lobster traps account for less than 10% of the marine debris found in the Florida Keys. It was suggested by Commissioner Rodney Barreto that FWC reconsider the use of casitas in the spiny lobster fishery in order to reduce the number of spiny lobster traps. Jessica McCawley and Martha Guyas indicated that staff members have not begun work on this issue, but if the idea moves forward it will be a long process with significant opportunity for public comment. AP members are concerned that allowing casitas would only increase the marine debris problem.

Retention of Undersized (Sub-legal) Lobsters Used as Bait

AP members would like to see an increase in the number of undersized lobsters that can onboard for use as bait. AP members feel current technology (e.g., live wells, circulated pumps) and improvements in trap hauling allow undersized lobster to survive for longer periods of time. John Hunt noted that there is ongoing work at FWRI looking at the health of undersized lobsters used as attractants.

Meeting was adjourned at 4:00 pm.

Participants**South Atlantic AP Members**

Bruce Irwin, Chair
Tony Iarocci
Gary Nichols II
Peter O'Bryan
Mimi Stafford

Gulf AP Members

Bill Kelly, Chair
Daniel Padron, Vice Chair
Robert Gaitanis
Joshua Nicklaus
George Niles

Council Members

Jessica McCawley, South Atlantic Council
Chair
Chester Brewer, South Atlantic Council
Martha Guyas, Gulf Council
John Sanchez, Gulf Council

Staff Members

Christina Wiegand, South Atlantic Council
Natasha Mendez-Ferrer, Gulf Council
John Froeschke, Gulf Council
Bernadine Roy, Gulf Council
Camilla Shireman, Gulf Council