

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 SPINY LOBSTER MANAGEMENT COMMITTEE

4
5
6 Golden Nugget Casino Hotel Biloxi, Mississippi

7
8 March 30, 2015

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11 **VOTING MEMBERS**

12 Martha Bademan (designee for Nick Wiley).....Florida
13 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
14 Pamela Dana.....Florida
15 Dave Donaldson.....GSMFC
16 Corky Perret.....Mississippi
17 John Sanchez.....Florida

18
19 **NON-VOTING MEMBERS**

20 Leann Bosarge.....Mississippi
21 Doug Boyd.....Texas
22 Jason Brand.....USCG
23 Myron Fischer (designee for Randy Pausina).....Louisiana
24 John Greene.....Alabama
25 Campo Matens.....Louisiana
26 Harlon Pearce.....Louisiana
27 Lance Robinson (designee for Robin Riechers).....Texas
28 Greg Stunz.....Texas
29 David Walker.....Alabama
30 Roy Williams.....FLorida

31
32 **STAFF**

33 Stephen Atran.....Senior Fishery Biologist
34 John Froeschke.....Fishery Biologist/Statistician
35 Doug Gregory.....Executive Director
36 Karen Hoak.....Administrative and Financial Assistant
37 Morgan Kilgour.....Fishery Biologist
38 Mara Levy.....NOAA General Counsel
39 Cathy Readinger.....Administrative Officer
40 Charlotte Schiaffo.....Research & Human Resource Librarian

41
42 **OTHER PARTICIPANTS**

43 Pam Anderson.....Panama City, FL
44 Randy Boggs.....Orange Beach, AL
45 Steve Branstetter.....NMFS
46 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
47 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
48 Cynthia Fenyk.....NOAA

1 Martin Fisher.....FL
2 Chuck Guilford.....FL
3 Ken Haddad.....American Sportfishing Association, Lloyd, FL
4 Chad Hanson.....Pew Environmental Trusts
5 Betty Harder.....FL
6 Ben Hartig.....SAFMC
7 Bill Kelly.....FKCFA, FL
8 Kristin McConnell.....EDF, Austin, TX
9 Jack McGovern.....NMFS
10 George Niles.....Summerland Key, FL
11 Daniel Padron.....Key West, FL
12 Will Patterson.....GMFMC SSC
13 Bonnie Ponwith.....SEFSC
14 Jenny Thompson.....Oceana, Lafayette, LA
15 Bob Zales.....Panama City, FL

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19 The Spiny Lobster Management Committee of the Gulf of Mexico
20 Fishery Management Council convened at the Golden Nugget Casino
21 Hotel, Biloxi, Mississippi, Monday afternoon, March 30, 2015,
22 and was called to order at 5:00 p.m. by Chairman Martha Bademan.
23

24 **ADOPTION OF AGENDA**
25 **APPROVAL MINUTES**
26 **ACTION GUIDE AND NEXT STEPS**
27

28 **CHAIRMAN MARTHA BADEMAN:** It's been a long time since this
29 committee has met and so let me just read the members. It's
30 myself, Dave Donaldson, Dr. Dana, Dr. Crabtree, Corky, and John
31 Sanchez.
32

33 We have an agenda and it's Tab K-1. Are there any changes or
34 additions to the agenda? There's a motion to adopt by Corky and
35 a second by Dr. Dana. Any opposition to the motion? Seeing
36 none, the motion is approved.
37

38 Next is the Approval of the Minutes and they are from February
39 of 2012 and that was certainly before I was on this committee
40 and so can I get a motion to approve those minutes? So moved
41 from Dave Donaldson and second from Dr. Dana. Any opposition?
42 Seeing none, the minutes are approved. Do we have Morgan on the
43 phone or someone from staff willing to give a report on the
44 Spiny Lobster Review Panel?
45

46 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** Are you there, Morgan?
47

48 **DR. MORGAN KILGOUR:** I am here.

1
2 (At this point Dr. Kilgour was lost from the webinar recording.)

3
4 **EXECUTIVE DIRECTOR GREGORY:** I will go ahead and do it.

5
6 **CHAIRMAN BADEMAN:** Sounds good.

7
8 **REPORT ON THE SPINY LOBSTER REVIEW PANEL**

9
10 **EXECUTIVE DIRECTOR GREGORY:** We had the spiny lobster workshop
11 presentation.

12
13 **DR. KILGOUR:** Can you hear me now?

14
15 **EXECUTIVE DIRECTOR GREGORY:** Yes, that's better. We want to go
16 ahead and start with the spiny lobster presentation and go
17 through it fairly quickly.

18
19 **DR. KILGOUR:** Yes and no problem. This is just a refresher for
20 the council that the ACT, ACL, and OFL were set as --

21
22 **EXECUTIVE DIRECTOR GREGORY:** Morgan, you started out very clear,
23 but now you are completely muddled and we can't hear you.

24
25 **DR. KILGOUR:** Okay. How is this?

26
27 **CHAIRMAN BADEMAN:** I think the faster you talk, the more muddled
28 it is.

29
30 **DR. KILGOUR:** Because the ACL was exceeded, we convened a review
31 panel and this is just a --

32
33 **EXECUTIVE DIRECTOR GREGORY:** Morgan, this is not working and so
34 let me just run through it. I know I will not do as good of a
35 job as you did and I apologize.

36
37 **DR. KILGOUR:** No problem.

38
39 **EXECUTIVE DIRECTOR GREGORY:** Can we get the presentation up
40 there for the spiny lobster? In the last stock assessment for
41 spiny lobster, it was concluded that we couldn't develop MSY
42 reference points because most of the -- The majority of the
43 larvae are coming from upstream and we don't have a self-
44 recruited population.

45
46 The SSC developed an ABC control rule based on their data-poor
47 procedure and we have exceeded the ACT and the OFL since this
48 was implemented, which was highly unlikely. If this had been a

1 randomly varying population based on the landings that we used
2 for the establishment, it would have only exceeded this in one
3 in say eight years.

4
5 Our ACL is very low relative to the variability that we have in
6 the landings of the spiny lobster and, as you can see, the
7 2013/2014 landings were 7.8 million pounds and the ACT is 6.5
8 and the ABC is 7.3 and so we have exceeded the ABC.

9
10 This just shows a historical trend. You will see in the early
11 years, in the 1990s, we had higher landings. During the decade
12 of the 2000s, we had relatively lower landings and it was the
13 decade of the 2000s that the ABC control rule was using.

14
15 What we don't know is if there is a regime shift going on
16 environmentally that has caused a change in the trends in the
17 population or if it's something more simplistic, such as an
18 increased value of lobster because of the live market in China.
19 Lobster landings can go up -- I mean prices can go up to
20 eighteen or twenty-dollars a pound now for production of
21 healthy, live lobsters that are flown to China.

22
23 With that, I am sure that there is increased fishing effort as
24 prices go up, but the -- The amendment that included this ACL
25 requirement said that if the ABC was to be exceeded that the
26 accountability measure was to form a working group.

27
28 We formed a working group and the working group is made up of
29 representatives from the advisory panel, the SSC, and the
30 council staff from both councils, the South Atlantic and Gulf.
31 The working group, in reviewing this information, could not
32 really come to any strong recommendations as to how to calculate
33 a new ABC or ACL.

34
35 They also agreed not to complete a new stock assessment. They
36 recognized that our current methodology is incorrect for
37 calculating ACL, given the type of fishery this is, being
38 totally externally recruited and with very variable catches.

39
40 There was a recommendation that OFL probably could be better
41 defined in terms of maximum fishing mortality rate. Since then,
42 the SSC has negated that and the working group said that there
43 needs to be a change in the accountability measures instead of
44 using the ACT, ACL, and OFL guidelines. However, the ACL system
45 is something Congress has mandated and so we are kind of caught
46 in that conundrum right now.

47
48 The stock assessment was not recommended because it wouldn't

1 provide any useful information and there was no evidence that
2 trends are due to population size. We have steady recruitment
3 in the fishery, yet population harvests are very variable and
4 the new assessment would only give the status of the stock and
5 not the cause of a change in status.

6
7 The ACL is the wrong methodology for managing spiny lobster and
8 the group is recommending that the councils ask National Marine
9 Fisheries Service to provide an exemption for spiny lobster to
10 the ACL mandate because there is a possibility it could qualify
11 for an exemption, since it is biologically a very different
12 stock from other species.

13
14 Recruitment, while stable, is not linked to population size or
15 production or stock size or harvest levels and greater than 50
16 percent of recruitment is from external sources and most of the
17 lobster larvae produced in the Keys drift into the North
18 Atlantic and die. This animal also has the longest larval
19 duration of any oceanic marine animal and so it's truly a
20 transboundary stock if there was one.

21
22 That is basically the essence of it. I mean we looked at
23 changes in the stone crab fishery, to see if that could explain
24 some of the changes in lobster harvest. We looked at changes in
25 the frequency of the virus that was initially thought to be the
26 reason for the low production during the decade from 2000 to
27 2010, but there has been no trend with that.

28
29 The simplest explanation might be that increased prices have
30 caused effort to increase and then one telling thing that was
31 said by the FWC biologists most familiar with the lobster
32 fishery is that anything we do to improve management of this
33 fishery is going to do nothing more but increase landings and so
34 the conundrum is if we improve this fishery, we are going to
35 exceed ACL even more. To me, that summarizes the problem we
36 have with this fishery.

37
38 The general recommendation, and the South Atlantic Council has
39 already reviewed this and been concomitant on it, is that we
40 write a letter to NMFS and ask them if they would provide an
41 exemption for spiny lobster to the ACL requirement, because it
42 is truly a transboundary stock and unique in its life history,
43 unlike any other stock within the United States. That's a
44 summary of our review report.

45
46 **CHAIRMAN BADEMAN:** Thanks, Doug. Any questions for Doug or
47 Morgan before I get Dr. Patterson?

48

1 **MR. CORKY PERRET:** Doug, why can't we use the numbers of what
2 did you say, from the 1990s, when harvest was higher? Why did
3 we use the numbers in the 2000 era, when numbers were so much
4 lower or use a longer data stream from the 1990s through today?

5
6 **EXECUTIVE DIRECTOR GREGORY:** The industry representatives on the
7 review panel recommended that. Given the structure of the
8 panel, we didn't really take votes or have motions and it was
9 mostly by consensus. The scientists were nervous about that.

10
11 The conundrum the scientists have is they don't want to come up
12 with something arbitrary, even though what we started out with
13 was something arbitrary, because scientists don't want to make
14 decisions like that. They want to make decisions based on data
15 and something logical and even the SSC, as Will will probably
16 point out, had some difficulty dealing with this.

17
18 **DR. ROY CRABTREE:** I don't think it's particularly productive
19 for us to write letters about exemptions from ACLs, because the
20 Fisheries Service can't give you an exemption from the ACL. It
21 isn't exempt. It's required to have an ACL under the Magnuson
22 Act.

23
24 Congress would have to give you that exemption and I will grant
25 you there is some unusual features of the fishery, but there is
26 nothing in the statute that provides an exemption for spiny
27 lobster at this time and so I think this is just something we're
28 going to have to figure out a solution for and if Congress takes
29 some action, okay, but I don't think there is anything we can do
30 to grant any kind of exemption on it.

31
32 **EXECUTIVE DIRECTOR GREGORY:** We do have time to work on this.
33 The letter we got from National Marine Fisheries Service, which
34 is in the briefing book, in supplemental information, was that
35 yes, it exceeded ACT and ACL and something needed to be done,
36 but preliminary indications are that this year's landings will
37 be below the level of triggering anything and so they are
38 recommending that we take a wait and see attitude and so we have
39 time to address this.

40
41 **DR. CRABTREE:** You know there may be some things that Alan
42 talked about, for example using an average OFL and average
43 landing periods. We were just barely over the OFL, I think, but
44 when we've been under it, we've been under it pretty
45 substantially and so if that's going to be the usual trend and
46 we occasionally go over by just a little bit, if we average that
47 out, it might take care of that. I don't know, but there may be
48 things like that that we could look at that would help us avoid

1 this.

2
3 **MR. BEN HARTIG:** Roy, I don't know this and this is hearsay that
4 I got from Bill Kelly, but he said there are two cases of
5 species that were exempted from ACLs and I don't know if
6 Congress did it or not, but it was in I think the North Pacific
7 and it's International Treaty-type situations.

8
9 I see Mara is shaking her head and she may know more about it
10 than I do. I don't know that you couldn't make a case for spiny
11 lobster based on the Pan Caribbean recruitment that Florida
12 gets.

13
14 **DR. CRABTREE:** I mean if there is an international treaty, we
15 might be able to, but I am not aware of anything like that
16 existing at this point.

17
18 **CHAIRMAN BADEMAN:** Anybody else before we move on to Dr.
19 Patterson? Okay. Go ahead, Dr. Patterson.

20
21 **SPINY LOBSTER SSC RECOMMENDATIONS**

22
23 **DR. WILL PATTERSON:** Much of the discussion that just went on
24 occurred at the SSC meeting as well and we have talked about
25 spiny lobster in the past and the issue of where recruitment is
26 derived is always a substantial issue.

27
28 It's not as if we have a great unknown about recruitment. There
29 is lots of information about spiny lobsters and recruitment. It
30 comes from empirical evidence of where the larvae are and it
31 comes from molecular evidence, genetic evidence, about where the
32 sources are and it comes from hydrographic transport modeling of
33 where larvae travel throughout the Caribbean and so we actually
34 have a lot of information about their life history, their life
35 cycle, and recruitment sources.

36
37 This issue of south Florida not being a self-recruiting
38 population is actually well understood and it's not just people
39 are throwing their hands up in the air. We talked about that
40 science quite a bit.

41
42 In the context of trying to come up with a better way or a
43 different way to estimate the ABC and hence, ACL, the SSC agreed
44 with the panel and concurred that a new stock assessment was not
45 necessary or recommended for the spiny lobster fishery and
46 mostly because the assessment would have to be a Pan Caribbean
47 assessment.

48

1 We do understand there are some international efforts, speaking
2 to Dr. Crabtree's statement earlier, to move in that direction,
3 but they are pretty -- They are in their infant stages and so
4 that's not something that can be relied on at this point.

5
6 The second point about the ACL exemption, this was discussed
7 quite a bit. From a logical perspective, if you have a sink
8 population in U.S. waters, you cannot do an assessment
9 independent of the parent stock, the source population. In that
10 case, we felt, logically, this is a great example for where an
11 exemption could be granted or should be granted.

12
13 However, because there is no international agreement about
14 what's going on in the rest, we were talking about the legality
15 of that and it didn't seem like that was something the council
16 could do and so we didn't really come to a consensus or a
17 conclusion or make any recommendations about ACL exemption,
18 although we talked about it quite a bit and a strong argument
19 could be made.

20
21 We were told that in the two versions, House and Senate, of the
22 reauthorization that's moving forward that there is some
23 language about spiny lobster. I don't know exactly what it is,
24 but hopefully that kind of clears up some of this issue.

25
26 Lastly, the SSC did not recommend redefining OFL in terms of
27 MFMT and the reason for that is because in order to estimate the
28 MFMT or the yield at MFMT, you have to do an assessment and
29 estimate biomass and then estimate the rate of fishing
30 mortality. If you can't do an assessment on the stock in
31 Florida waters, it's impossible to manage it with MFMT.

32
33 It wasn't clear to use exactly what the rationale or approach
34 that was being advocated by the panel with regard to MFMT, but,
35 in the end, we're probably two steps behind where that could
36 occur and so we said that wasn't possible. That is basically
37 our comments on spiny lobster.

38
39 **CHAIRMAN BADEMAN:** Questions for Dr. Patterson? All right.
40 Thank you, Dr. Patterson. Any other questions or comments from
41 the committee? Okay. If not, we are on to Other Business and
42 anything? Seeing none, then I think we are finished with Spiny
43 Lobster.

44
45 (Whereupon, the meeting adjourned at 5:20 p.m., March 30, 2015.)

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