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Nikki Burch........................................Magnolia, MS
Rick Burris...........................................MDMR
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<td>Les Casterline</td>
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<td>Kelsey Gibson</td>
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<td>Scott Hickman</td>
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<td>Peter Hood</td>
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<td>Lawrence Marino</td>
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<td>Laura Picariello</td>
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<td>Clay Porch</td>
<td>Island Moon Newspaper, TX</td>
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<td>Dale Rankin</td>
<td>Flower Garden Banks National Marine Sanctuary</td>
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<td>George Schmahl</td>
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PAGE 10: Motion to approve the Spiny Lobster Amendment 13 and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 10.
The Spiny Lobster Management Committee of the Gulf of Mexico Fishery Management Council convened at the Omni Hotel, Corpus Christi, Texas, Monday afternoon, August 20, 2018, and was called to order by Chairman Martha Guyas.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN MARTHA GUYAS: Our committee members are John Sanchez, Doug Boyd, Ms. Gerhart, Dave Donaldson, Phil Dyskow, and Bob Shipp is on the committee, but he’s not on the phone, and is that right? Okay. We’re missing Dr. Shipp.

All right, and so let’s start with our agenda, if you’ll take a look at that, and it’s K-1. Any additions or changes to the agenda? Seeing none, the agenda is approved. How about the minutes? The minutes are K-2. Any changes to the minutes? Seeing none, the minutes are adopted as written.

I don’t think we need to go through the Action Guide, but I will just tell you that we’ve got two things in front of us on our agenda, and one is to go through the landings, and then the next would be potential final action on Spiny Lobster Amendment 13, and so let’s start with the landings. Who is going to take us through those?

SPINY LOBSTER LANDINGS

MS. SUSAN GERHART: This is K-4. We have 2017/2018 and 2016/2017 both up here for you to look at. Both are final, and so these are landings that we get from FWC, and you will notice, in the 2017/2018, that we have commercial landings, but not recreational landings, and that is due to the hurricanes that occurred last summer and fall that prevented them from doing that collection, and so we only have commercial landings.

However, you can see that the commercial landings are quite a bit below what they were last year, and we were very close to the ACT last year, and so I think we don’t really have concerns about exceeding the ACT or the ACL, even without those landings.

Of course, those commercial landings being low, these are substantially lower. However, FWC staff tells me that that’s within the range of what we’ve seen since 2000, and so it’s about where we’ve had lows before, and so these things do fluctuate quite a bit.
Also, and part of the reason likely has to do with the hurricanes as well, that that had a huge impact in the Keys, where most of the fishery is conducted, and so there you have it, and, if you have any questions, I will be glad to --

CHAIRMAN GUYAS: All right. Are there questions for Sue on the landings? Okay. Seeing none, let’s move on to our amendment, and so we’ve got a couple of things to cover. One is the public comments, and then we can go through the amendment and the codified text, and so I will turn it over to staff, and I don’t know who wants to start. Emily.

FINAL ACTION: SPINY LOBSTER AMENDMENT 13: MODIFICATIONS TO THE SPINY LOBSTER GEAR REQUIREMENTS AND COOPERATIVE MANAGEMENT PROCEDURES

REVIEW OF PUBLIC COMMENTS RECEIVED

MS. EMILY MUEHLSTEIN: Thank you, Madam Chair. We hosted a webinar for this amendment to gather public comments, and we had three members of the public attend, and one member of the public submitted comment. That member of the public was Bill Kelly with the Florida Keys Commercial Fishing Association.

He supported Action 1, Alternative 2, which would make the federal regulations consistent with the state bully net gear regulations. He also expressed support for Action 2, Alternatives 2 and 3. He reasoned that a 250-lobster limit is a generous harvest limit for bully net and dive gear, and, finally, he supported Action 3, Alternative 2, stating that cooperative management procedures should allow Florida to request federal regulation changes through the National Marine Fisheries Service’s rulemaking process.

We also received two written comments on this amendment. The first one supported Action 3, Alternative 2. Enhancing cooperative management between the state and federal bodies is critical to ensure that timely decisions can be made and acted upon. This will ensure the vitality of the species by encouraging appropriate management.

Then we heard that bully netting should not be open access and that the number of lobster dive permits skyrocketed due to a lack of proper permitting procedures and vetting and that the permits were abused and trappers used their political power to pass stringent laws against commercial divers. This penalized honest harvesters, and bully net permits need a serious vetting process to ensure that part-time fishermen aren’t taking advantage of the system. That concludes a report of the public
comments we heard on this document.

**REVIEW OF AMENDMENT**

CHAIRMAN GUYAS: Okay. Are there questions or comments on those from the public? Okay. Seeing none, do we want to flip through that amendment one last time and then look at the codified text? Everybody is kind of not too excited about that. Okay.

Then it looks like the comments that we received seem to match up with the preferred alternatives that we have in the document, but maybe we do need to look at the codified text, at least, since we have not seen that before.

**REVIEW OF CODIFIED TEXT**

MS. SUSAN GERHART: Okay, and so, in the codified text, there is three actions, and it’s fairly straightforward. We have put codified text in that matches what the state regulations are. What I wanted to point out, more than that, is we’ve made some additional changes through this particular codified text.

For the most part, those changes involve incorporation by reference, and we do that with the Florida Administrative Code. We incorporate that by reference and say the federal regulations do what the Florida regulations do, but we refer to a specific date of the Florida regulations, and so that’s a little bit old now. Last May, Florida updated a lot of things in their regulations, and so we’ve updated our incorporation by reference to refer to that May date, to be consistent with them as well.

There are a few other things that were done. We had some fixes that came from FWC themselves, saying here is some places where there is inconsistency or maybe language that should be changed. For example, we referred to the crawfish endorsement, and they actually call it a license, and so made that change, and we had some spelling errors, and we had a definition of underwater breathing apparatus that they put in that they wanted us to mimic, and so these are not really substantive things, but they’re just updates, for the most part, that are in there, and so you will see, when you look at the codified text, that it’s quite a bit longer than you might expect, and it has to do with these incorporation by reference and other changes that we did as well. If you would like some more details, I can do that, if you would like.

CHAIRMAN GUYAS: Mara.
MS. MARA LEVY: Just a note, maybe for staff. Particularly with this one, and sometimes it doesn’t matter so much, but this particular codified that got sent over had a lot of comments in it from NMFS, basically trying to delineate that this is what we’re doing and why, and, when it gets translated to PDF, sometimes we lose those comments, and so, in the version you have in the briefing book, sort of the explanations and telling you what comes from the amendment versus what these administrative fixes are get lost. Particularly when we have this kind of mix, it would be helpful to make sure that those comment boxes get in there, so that, in case you all have any questions, you can see what was done.

CHAIRMAN GUYAS: Would it be possible to send that around so that at least we can look at it before Full Council, in case anybody has any concerns? I am seeing head-nods yes. Okay. Excellent. That’s coming around. Mr. Anson.

MR. KEVIN ANSON: Thank you, Madam Chair. I’m not on your committee, but I had a question for Sue. Sue, just a clarification. On this version now of the codified text, you are not referring to a date certain Florida regulation or you are referring to a date certain?

MS. GERHART: We are, and we’re required to. We can’t just say whatever it happens to be at the time, and so we have to refer to a date, and so we’re just updating that date to May something of 2017, which was the last time those portions of the regulations were changed by Florida.

MR. ANSON: Thank you.

CHAIRMAN GUYAS: Dr. Kilgour.

DR. MORGAN KILGOUR: Just as a note, all of these changes are referenced in the appendix, and I think it’s Appendix D, but I will go back and double-check, because now I have too many things open, but we did highlight all of these, and codified text changes that were specifically addressed in this amendment are listed as “yes”, and so, if you scroll down, it’s Appendix F, maybe? No? I can’t see. I have my glasses on, and I can’t see. It’s Appendix B. There we go.

Anything that was included in the amendment specifically, like anything with bully netting, is addressed in this, and, if it’s not included in this amendment as an action item and has an “N” for no, and then, if you scroll down a little bit farther, so that -- There are a couple of things that are not addressed in
the codified text, because they were not appropriate, and so like one of the things was change “loading” to “landing”, and it was determined that “loading” was the appropriate term.

The definition of “fish” should be -- It should say “species” instead of “fish”, and, if you look at the definition of “fish” in the CFRs, it encompasses spiny lobster, and so those types of things were not included, but all of the things that should be in the codified text that you are seeing are incorporated in this appendix, so that you know why they were or were not included.

CHAIRMAN GUYAS: To get back to the incorporating 622, or the Florida lobster rules, and let’s just say it that way, but the date with those, and I know Bill Kelly would ask this if he was here, because FWC is making some changes to the soak dates and then how long traps can be left in the water at the end of the season before they are picked up, and those changes are pending right now.

Our commission will be considering them in September, and so we’re getting the question of whether those changes can be incorporated in this change when this document gets finalized after both the Gulf Council and South Atlantic Council take action, so that those could be maybe in place for next year’s season. Sue, can you address that?

MS. GERHART: It has to do with the timing. Because this still has to go before the South Atlantic Council for approval at their September meeting, depending on when the Florida regulations go into place, we may be able to easily incorporate that into this codified as well, and, again, it would just be changing the date of the incorporation by reference to be whatever the date is that those new regulations went into place.

If we can’t, if it doesn’t happen in time for us to do it in the proposed rule, there’s a possibility that we could add it in or put it in the proposed rule that we expect this to happen and then have it in the final rule, and then, in the worst-case scenario, if we can’t get it in there at all, this rulemaking is putting in a procedure so that we can do it a whole lot easier in the future, and so I would say that’s how we would do it then.

CHAIRMAN GUYAS: Okay. Great. I think that’s helpful. All right. Are there other questions or comments on either the codified text or this amendment in general? If not, would anybody be willing to make a motion to move this forward? John
MR. JOHN SANCHEZ: So moved.

MR. PHIL DYSKOW: Second.

CHAIRMAN GUYAS: I think what we’re doing here is recommending that the council will take final action on Spiny Lobster Amendment 13 and approve the codified text later in the week, on Thursday. Okay, and so that motion is going up on the board now. Okay. Any discussion on this motion? Seeing none, any opposition to this motion? Seeing none, the motion carries.

With that, we are on to Other Business, and I don’t think we have any, and so, Madam Chair, I will turn it back over to you.

(Whereupon, the meeting adjourned on August 20, 2018.)

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