

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 SPINY LOBSTER MANAGEMENT COMMITTEE

4  
5 Key West Marriott Beachside Hotel Key West, Florida

6  
7 June 20, 2018

8  
9 **VOTING MEMBERS**

- 10 Martha Guyas (designee for Jessica McCawley).....Florida
- 11 Doug Boyd.....Texas
- 12 Roy Crabtree.....NMFS
- 13 Dave Donaldson.....GSMFC
- 14 Phil Dyskow.....Florida
- 15 John Sanchez.....Florida
- 16 Bob Shipp.....Alabama

17  
18 **NON-VOTING MEMBERS**

- 19 Kevin Anson (designee for Scott Bannon).....Alabama
- 20 Leann Bosarge.....Mississippi
- 21 Glenn Constant.....USFWS
- 22 Dale Diaz.....Mississippi
- 23 Tom Frazer.....Florida
- 24 Johnny Greene.....Alabama
- 25 Campo Matens.....Louisiana
- 26 Paul Mickle (designee for Joe Spraggins).....Mississippi
- 27 Robin Riechers.....Texas
- 28 Greg Stunz.....Texas
- 29 Ed Swindell.....Louisiana
- 30 LT Mark Zanowicz.....USCG

31  
32 **STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Matt Freeman.....Economist
- 35 Douglas Gregory.....Executive Director
- 36 Morgan Kilgour.....Fishery Biologist
- 37 Mara Levy.....NOAA General Counsel
- 38 Emily Muehlstein.....Public Information Officer
- 39 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 40 Bernadine Roy.....Office Manager
- 41 Charlotte Schiaffo.....Administrative & Human Resources Assistant
- 42 Carrie Simmons.....Deputy Director

43  
44 **OTHER PARTICIPANTS**

- 45 Shannon Cass-Calay.....SEFSC
- 46 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
- 47 Traci Floyd.....MDMR
- 48 Susan Gerhart.....NMFS

1 Walter Hoppe.....USCG  
2 Bill Kelly.....FKCFA, Marathon, FL  
3 Bart Niquet.....Lynn Haven, FL  
4 Captain Scott Pearce.....FL  
5 Clay Porch.....SEFSC  
6 Eric Raslich.....Key West, FL  
7 Lance Robinson.....TX  
8  
9 - - -  
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PAGE 7: Motion in Action 1 to make Alternative 2 the preferred alternative. The motion carried on page 7.

PAGE 7: Motion in Action 2 to make Alternatives 2 and 3 the preferred alternatives. The motion carried on page 7.

PAGE 9: Motion in Action 3 to make Alternative 1 the preferred alternative and move Action 3 to Considered but Rejected. The motion carried on page 9.

PAGE 11: Motion to move Action 4 to Considered but Rejected. The motion carried on page 12.

PAGE 15: Motion in Action 5 to make Alternative 2 as amended by the committee the preferred alternative. The motion carried on page 15.

PAGE 15: Motion to approve Spiny Lobster Amendment 13 for public hearings. The motion carried on page 15.

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1 The Spiny Lobster Management Committee of the Gulf of Mexico  
2 Fishery Management Council convened at the Key West Marriott  
3 Beachside Hotel, Key West, Florida, Wednesday morning, June 20,  
4 2018, and was called to order by Chairman Martha Guyas.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN MARTHA GUYAS:** I will call the Spiny Lobster Committee  
11 to order. Let's start with adoption of our agenda, which I see  
12 is getting posted on the board now, and, if I may, I want to add  
13 a couple of things that we can hit on in this, in our committee  
14 meeting, and I think they will be really quick.

15  
16 One would be hopefully an update on the status of the lobster  
17 ACL amendment, and I hear we might have an update on that, and  
18 then, at some point, I want to talk about some FWC trap  
19 management changes that are occurring and a process that we're  
20 going through, and so I will just briefly mention that as well.  
21 Any other additions or changes to the agenda? If not, can I get  
22 a motion to approve the agenda, as amended? It's so moved by  
23 John, and I see a second by Mr. Boyd. Thank you. Any  
24 opposition? Seeing none, the agenda is approved as amended.

25  
26 Any changes to the minutes? Seeing none, I think we can adopt  
27 the minutes as written. We have an action guide here that  
28 Morgan has put together, and thank you for that. We're going to  
29 tackle two things today, the landings update, and then we'll get  
30 into our amendment, and so who is going to give us our landings  
31 update? Sue. Thank you.

32  
33 **SPINY LOBSTER LANDINGS UPDATE**  
34

35 **MS. SUSAN GERHART:** Thank you. We have the landings from the  
36 last fishing year, 2016/2017, that are complete, and those  
37 landings there, and we were at 94 percent of the ACL, and so we  
38 did manage to stay within the ACL this time.

39  
40 We did exceed the ACT. Usually that triggers the review by the  
41 review panel, as part of our accountability measure. However,  
42 because of Regulatory Amendment 4 that is going through to  
43 increase the ACL, that wasn't necessary, and I will stop and  
44 update you on that, since you asked for it.

45  
46 We did just get the notice of publication for that amendment,  
47 the final rule for that amendment, which will publish on the  
48 22<sup>nd</sup>, which is Friday, and it will be effective on July 23, and

1 so that will be in place before too far into the next fishing  
2 year.

3  
4 For the 2017/2018 fishing season, we have the commercial  
5 landings. However, because of the hurricanes, FWC was not able  
6 to do their survey of the recreational sector, and so we don't  
7 have the recreational landings there, and so, again, we're  
8 changing the ACL, and so we don't anticipate this being a big  
9 problem. Thank you.

10  
11 **CHAIRMAN GUYAS:** Are there question for Sue about these data?  
12 Okay. It looks like we're good. Morgan, are you ready to go  
13 through the amendment?

14  
15 **PUBLIC HEARING DRAFT SPINY LOBSTER AMENDMENT 13**

16  
17 **DR. MORGAN KILGOUR:** I sure am. If it's all right with you, as  
18 I go through each action -- The South Atlantic saw this document  
19 last week and had several changes that it requested, and if you  
20 would like me to go through those as I go action-by-action, I am  
21 happy to do that as well.

22  
23 **CHAIRMAN GUYAS:** Yes, I think that would be helpful for us, and  
24 should we cover law enforcement comments kind of the same way?  
25 Do you think that would be useful?

26  
27 **DR. KILGOUR:** Yes, I think so. This is the public hearing draft  
28 for Spiny Lobster Amendment 13, which would modify spiny lobster  
29 gear requirements and cooperative management procedures. The  
30 first action is on page 7, and it's the Florida state bully net  
31 permit, marking requirements, and gear prohibitions for bully  
32 net gear in the EEZ off of Florida.

33  
34 The first alternative would be no action, and that would have a  
35 Florida state commercial bully net permit would not be required  
36 for bully net gear in the EEZ. The second alternative would be  
37 to align federal regulations to be consistent with Florida  
38 regulations for spiny lobster commercial harvesters using bully  
39 net gear by implementing the following: require commercial bully  
40 net vessels in the EEZ off Florida to have a bully net permit  
41 from Florida; require that the vessel be marked with the  
42 harvester's Florida bully net permit number using reflective  
43 paint or other reflective material; prohibit commercial bully  
44 net vessels from having trap pullers onboard; and prohibit the  
45 simultaneous possession of a bully net and any underwater  
46 breathing apparatus (not including dive masks or snorkels)  
47 onboard a vessel used to harvest or transport spiny lobster for  
48 commercial purposes. At the South Atlantic Council meeting, in

1 this action, they made Alternative 2 the preferred alternative.

2  
3 **CHAIRMAN GUYAS:** John.

4  
5 **MR. JOHN SANCHEZ:** If appropriate, and in the interest of just  
6 being able to move forward, I would move that we select  
7 Alternative 2 as well as the preferred alternative.

8  
9 **CHAIRMAN GUYAS:** Okay. Do I have a second for that motion?  
10 Second from Mr. Boyd. Thank you. Let's get that on the board.  
11 Any other discussion on this motion, or any discussion? I think  
12 we've discussed it a couple of times at past meeting, but this  
13 is also what the South Atlantic chose, and so we'll be in  
14 accordance if we move forward with this. **Is there any objection**  
15 **to this motion? Seeing none, the motion carries.** I guess let's  
16 go to Action 2.

17  
18 **DR. KILGOUR:** Action 2 is the commercial spiny lobster bully net  
19 and dive gear trip limits in the EEZ off Florida. Alternative 1  
20 would be no action. Alternative 2 would establish a commercial  
21 daily vessel harvest and possession limit of 250 per day per  
22 vessel for spiny lobsters harvested by bully net in or from the  
23 entire EEZ off Florida. Alternative 3 would establish a  
24 commercial daily vessel harvest and possession limit of 250 per  
25 day per vessel for spiny lobsters harvested by diving in or from  
26 the EEZ only off Broward, Dade, Monroe, Collier, and Lee  
27 Counties, Florida. The South Atlantic selected Alternative 2  
28 and Alternative 3 as its preferred alternatives.

29  
30 **CHAIRMAN GUYAS:** Okay. Are there questions or discussion?  
31 John.

32  
33 **MR. SANCHEZ:** Let's follow the lead of the South Atlantic on  
34 this. **I know we've discussed this, and I will make a motion to**  
35 **select Alternative 2 and Alternative 3 as the preferreds, as per**  
36 **the note at the end of the action item.**

37  
38 **CHAIRMAN GUYAS:** Okay. Is there a second to this motion? Thank  
39 you. It's seconded by Mr. Boyd. Any discussion on this motion?  
40 **Is there any opposition to this motion? Seeing none, the motion**  
41 **carries.** Mr. Boyd.

42  
43 **MR. DOUG BOYD:** Just a question. Is there a crew limit when  
44 you're fishing with bully nets on harvest?

45  
46 **CHAIRMAN GUYAS:** Let me think through this. I think it depends  
47 on how the commercial -- Where the commercial license is, if  
48 it's on the individual or the vessel, and so, in the case of the

1 vessel, no. I don't think there is a crew limit, but these are,  
2 of course -- These are vessel limits too, and so --

3

4 **MR. BOYD:** Thank you.

5

6 **CHAIRMAN GUYAS:** Okay. I think we're good for Action 3.

7

8 **DR. KILGOUR:** Action 3 is the specification of degradable panels  
9 in spiny lobster traps in the EEZ off Florida. This was brought  
10 to the Law Enforcement Technical Committee, because we have  
11 differing definitions of those degradable panels.

12

13 In Alternative 1, in the EEZ off Florida, a spiny lobster trap  
14 constructed of material other than wood must have a panel  
15 constructed of wood, cotton, or other material that will degrade  
16 at the same rate as a wooden trap. Such panel must be located  
17 in the upper half of the sides or on top of the trap, so that  
18 when removed, there will be an opening in the trap no smaller  
19 than the diameter found at the throat or entrance of the trap.  
20 That is what is currently in the regulations.

21

22 Alternative 2 would be, in the EEZ off Florida, a spiny lobster  
23 trap constructed of material other than wood is required to have  
24 a degradable panel no smaller than six inches by four inches or  
25 no smaller than the dimensions of the throat or entrance of the  
26 trap, whichever is larger, and shall be constructed of cypress  
27 or untreated pine slats no thicker than three-quarters-inch.  
28 This degradable panel must be located on the top horizontal  
29 section of the trap.

30

31 This was brought to the Law Enforcement Technical Committee, and  
32 the technical committee felt that most of the traps were being  
33 constructed in a way that would be consistent in the state  
34 waters and in the EEZ off of Florida. However, the South  
35 Atlantic convened its Spiny Lobster AP and found that that might  
36 not indeed be the case.

37

38 The South Atlantic made the motion to select Alternative 1 as  
39 the preferred, with the intention of moving Action 3 to the  
40 Considered but Rejected, because of the difficulties in this  
41 action for enforcement purposes.

42

43 **CHAIRMAN GUYAS:** Roy.

44

45 **DR. ROY CRABTREE:** My memory was that the AP -- Some of the  
46 commercial fishery had some real issues with this and didn't  
47 feel this would work in the EEZ, and so everyone pretty much  
48 agreed that this kind of needed to go back to the drawing board

1 and to hold off on this for a while.

2  
3 **I will make a motion that we concur with the South Atlantic and**  
4 **adopt Alternative 1 as the preferred and remove Action 3 to the**  
5 **Considered but Rejected.**

6  
7 **CHAIRMAN GUYAS:** Is there a second for that motion? It's  
8 seconded by John. I will chime in here and say that I listened  
9 to that South Atlantic AP meeting, and there was some good  
10 discussion about this. There is some different trap practices  
11 that are occurring in federal waters, and I will talk more about  
12 this later, but FWC is going through a trap fisheries management  
13 project, where we're looking at not only the lobster fishery,  
14 but stone crab and blue crab, our main trap fisheries, and we're  
15 doing some cleanup and fixing some issues with those rules, and  
16 one of them may end up being the specifications for these traps,  
17 and so I think it makes sense to hold off on this for now. Mr.  
18 Diaz.

19  
20 **MR. DALE DIAZ:** Thank you, Ms. Guyas. I'm not on your  
21 committee, but, to add to what Dr. Crabtree said, I do remember,  
22 at the South Atlantic meeting last week, there was also a  
23 concern from law enforcement that they would have a hard time  
24 distinguishing types of wood, and so Alternative 2 is specific  
25 to cypress or untreated pine, and that was also in the  
26 discussion. Thank you.

27  
28 **CHAIRMAN GUYAS:** Thanks. Good point. Any other discussion on  
29 this? Did I get a second for that motion? I can't remember. I  
30 did? Okay. Good. Thanks. **Any opposition to this motion?**  
31 **Seeing none, the motion carries.** I guess that takes us to  
32 Action 4.

33  
34 **DR. KILGOUR:** Okay. We are flying along. Action 4 is the  
35 harvesting restrictions near artificial habitat in the EEZ off  
36 Florida. This was an action that the IPT has recommended for  
37 removal, because there has been a lot of concerns that how do  
38 you site these areas that are allowable for artificial harvest  
39 in the EEZ.

40  
41 The Law Enforcement Technical Committee said that they would --  
42 A linear measurement of ten yards is currently used by Florida,  
43 but this ten-yard rule in the EEZ could be difficult to enforce,  
44 and, at the South Atlantic meeting last week, they moved,  
45 because of some General Counsel concerns and other issues, they  
46 moved to move this action to the Considered but Rejected  
47 appendix, and now I will go through the alternatives.

48

1 Alternative 1 would be no action. Federal regulations have no  
2 formal definition developed for artificial habitat and there are  
3 no restrictions for harvest and possession of spiny lobster in  
4 the EEZ off an artificial habitat as defined by the Florida  
5 Administrative Code.

6  
7 Alternative 2 would be no person shall harvest any spiny lobster  
8 from artificial habitat in the EEZ off Florida. The harvest and  
9 possession limits in the water of spiny lobster in excess of the  
10 recreational bag limit is hereby prohibited within ten yards of  
11 artificial habitat, as is consistent with FAC 64B-24.006(12).

12  
13 For a note, for the purpose of this prohibition, "artificial  
14 habitat" means any material placed in the waters of the State of  
15 Florida or in the EEZ off Florida that is reasonably suited to  
16 providing cover and habitat for spiny lobster. Such material  
17 may be constructed of, but is not limited to, wood, metal,  
18 fiberglass, concrete, or plastic, or any combination thereof,  
19 and may be fabricated for the specific purpose of attracting  
20 lobsters or for some other purpose. The term does not include  
21 fishing gear allowed by federal regulations, legally-permitted  
22 structures, or artificial reef sites constructed pursuant to  
23 permits issued by the United States Army Corps of Engineers or  
24 by the state regulatory agency. There is that.

25  
26 **CHAIRMAN GUYAS:** Okay. I suspect we need to have a little  
27 discussion about this one, and I will note that we have Captain  
28 Scott Pearce here from FWC Law Enforcement, in case you all have  
29 questions about how this may be enforced in state waters. Mr.  
30 Gregory.

31  
32 **EXECUTIVE DIRECTOR DOUG GREGORY:** Thank you, Madam Chair. I am  
33 just curious. Does the definition of artificial habitat include  
34 wrecks of vessels that have happened accidentally, rather than  
35 being placed there purposely?

36  
37 **CHAIRMAN GUYAS:** Do you want to come up here, Scott? Mara has  
38 got her hand up, too. Go ahead, while Scott is coming up.

39  
40 **MS. MARA LEVY:** Well, I mean, just according to the definition,  
41 which is fairly broad and somewhat vague, if it's not permitted,  
42 then it is, and so anything in the water that is not either  
43 permitted fishing gear or a permitted structure by federal or  
44 state government could be considered artificial habitat if it's,  
45 quote, reasonably suited to providing cover and habitat for  
46 spiny lobster, however that is interpreted.

47  
48 **CAPTAIN SCOTT PEARCE:** I would say that, based on the way the

1 law reads, anything that is not permitted or by state or local  
2 government or falls under the definition of artificial habitat  
3 would be prohibited from harvest.

4  
5 **EXECUTIVE DIRECTOR GREGORY:** Thank you. I will be more careful.

6  
7 **CHAIRMAN GUYAS:** Dr. Crabtree.

8  
9 **DR. CRABTREE:** This was a lot of the reason that we took this  
10 out of the document at the council meeting. I mean, I think  
11 everybody understands the issues in the Keys with casitas and  
12 putting out artificial habitat and things, but, the way this is  
13 written, it puts a lot of burden on the fishermen, in terms of  
14 having to inspect the bottom within the area and make sure there  
15 is nothing down there that could reasonably be suited to  
16 providing cover and habitat for Florida, and, based on the  
17 advice from our attorneys, that is just too open-ended and too  
18 broad and produces a number of problems.

19  
20 I raised the issue about does this apply to the trap fishery,  
21 and so that, if you drop a trap down and there happens to be  
22 something on the bottom and you pull the trap up, and I was told  
23 no, because it says the harvest and possession in the water of  
24 spiny lobster, and so that means that it applies only to divers,  
25 but that kind of language is not very clear and explicit in some  
26 of these things, and so, while I think the goals of what the FWC  
27 is trying to do here are fine, I don't think that the way this  
28 is done right now gets us there, and so that was the reason that  
29 the council removed this from the document.

30  
31 **CHAIRMAN GUYAS:** John.

32  
33 **MR. SANCHEZ:** I would make a motion to move Action 4 to  
34 Considered but Rejected.

35  
36 **CHAIRMAN GUYAS:** Let's get that motion on the board, and, while  
37 we're doing that, do we have a second for this motion? Roy  
38 Crabtree, would you like to second this motion?

39  
40 **DR. CRABTREE:** Yes.

41  
42 **CHAIRMAN GUYAS:** Thank you. Any other discussion on this one?

43  
44 **LT. MARK ZANOWICZ:** For the Coast Guard, this is really  
45 unenforceable. I think we talked about this at the LETC  
46 meeting, and I think FWC does have the capability to inspect the  
47 bottom, but I know, at least for the Coast Guard, we have no way  
48 of determining whether there is going to be this material on the

1 bottom when we board a vessel, and so, if this is a federal  
2 regulation, there is going to be no way for the Coast Guard to  
3 enforce this.

4  
5 **CHAIRMAN GUYAS:** Thank you. Other thoughts?

6  
7 **CAPTAIN PEARCE:** Just in reading the definition, and, Doug,  
8 going back to your question, it does specifically say "placed",  
9 and so it really speaks to an artificial habitat that is placed  
10 on the bottom, and so I would say that would exempt something  
11 that is like an older wreck or something like that that wasn't  
12 intentionally placed in the location.

13  
14 **EXECUTIVE DIRECTOR GREGORY:** Thank you. I will get your cell  
15 phone number.

16  
17 **CHAIRMAN GUYAS:** Okay. Anything else on this one? **Any**  
18 **opposition to this motion to move this action to Considered but**  
19 **Rejected? Seeing none, the motion carries.** Last one, I think,  
20 right?

21  
22 **DR. KILGOUR:** Yes, and it's a doozy. Action 5 is the  
23 cooperative management procedure for federal and Florida state  
24 agencies for the management of spiny lobster. When all of these  
25 bully net gear regulations were put in place, it was understood  
26 -- We understood that the procedure to implement the cooperative  
27 management protocol wasn't in place, and so this would be  
28 combining the protocol and the procedure so that FWC could  
29 submit regulations through NMFS rulemaking.

30  
31 Alternative 1 would be no action, do not establish an enhanced  
32 cooperative management procedure for the management of spiny  
33 lobster. The councils must develop an amendment to the Fishery  
34 Management Plan for the Spiny Lobster Fishery of the Gulf of  
35 Mexico and South Atlantic to establish new federal regulations  
36 consistent with new Florida regulations.

37  
38 Alternative 2 would establish an enhanced cooperative management  
39 procedure that allows Florida to request changes to the spiny  
40 lobster federal regulations through NMFS rulemaking. The  
41 following is the proposed language, which has been adapted from  
42 Amendment 2, for the procedure to be added to the existing  
43 protocol, and those are both combined in this version of the  
44 document, and I have several sections that are highlighted for  
45 your consideration. Do you want me to go through all ten items,  
46 or could I fast-forward to the highlighted portions?

47  
48 **CHAIRMAN GUYAS:** I think we can fast-forward, if everybody is

1 okay with that. Any opposition to that? It doesn't look like  
2 it, and so, yes, let's go to the highlights.

3  
4 **DR. KILGOUR:** In Number 2, the councils and NMFS acknowledge  
5 that the state, through the FWC, which has the exclusive  
6 authority established by the Florida Constitution to regulate  
7 the state's marine life, is managing and will continue to manage  
8 the resource to protect and increase the long-term yields and  
9 prevent depletion of lobster stocks and that the FWC's due  
10 process procedures and rule implementation procedures provide  
11 ample and fair opportunity for all persons to participate in the  
12 rulemaking process. That is slightly modified from what was in  
13 Amendment 2 for the FMP, to be consistent with current FWC  
14 procedures and protocols.

15  
16 **CHAIRMAN GUYAS:** Okay. Morgan, are you looking for a motion to  
17 add this or just the committee's blessing, more or less? Okay.  
18 Any discussion on this highlighted language here or thoughts? I  
19 think this better captures kind of the process on the Florida  
20 end of things, and so I think we're good. Okay.

21  
22 **DR. KILGOUR:** In Item 6, this discussion I think we had at the  
23 last Spiny Lobster Committee, was this timeline was difficult.  
24 The South Atlantic has removed this highlighted portion of "For  
25 regulations to be implemented by the start of the fishing  
26 season, FWC must complete these actions on or before February  
27 1."

28  
29 The IPT had a lot of discussion on is that even feasible, and we  
30 couldn't come up with a timeline that could guarantee that  
31 rulemaking could happen before the start of the season, and so  
32 we requested that this be either removed or -- That is what the  
33 South Atlantic did, was remove this highlighted portion from the  
34 procedure.

35  
36 **CHAIRMAN GUYAS:** Okay, and so we're moving this -- Basically,  
37 everything can still happen, but it's just not according to that  
38 timeline, and so that seems to make sense, since there were a  
39 lot of question-marks in that timeline anyway, and so any other  
40 thoughts on this? Is everybody okay with removing this? I am  
41 seeing heads nod, and so it sounds good.

42  
43 **DR. KILGOUR:** The last little highlighted portion is Item 8, and  
44 so, when we combined the protocol and procedure, it was -- These  
45 rules will apply to the EEZ for the management area from North  
46 Carolina through Texas, unless the Regional Administrator or the  
47 councils determine those rules may adversely impact other state  
48 and federal fisheries. In that event, the RA may limit the

1 application of the rule, as necessary, to address the problem.  
2 This was also removed by the South Atlantic Council. Again,  
3 this was left over from the protocol in Amendment 2 and  
4 Amendment 10.

5  
6 **CHAIRMAN GUYAS:** Okay, and it seems like our intention with this  
7 document is to apply only off of Florida, and so it makes sense  
8 to take this out, I think, but any other thoughts on this?  
9 Okay. I think we're good. Is everybody okay here with taking  
10 this language out? All right.

11  
12 **DR. KILGOUR:** I think the last thing I would need for this  
13 particular portion is for the committee to select a preferred  
14 alternative and to direct staff on public hearings. Currently,  
15 we have this schedule to go to public hearings via webinar, and  
16 so those are the last two things I need.

17  
18 **CHAIRMAN GUYAS:** Mara.

19  
20 **MS. LEVY:** I just wanted to point out one thing with respect to  
21 this combined protocol and procedure that is just a little bit  
22 different than how it was written when they were separated, and  
23 so I worked on combining them, and what I tried to do was take  
24 out the -- It had a lot of duplicate provisions, and so it  
25 generally has the same thing.

26  
27 One thing that the prior procedure and protocol did not have was  
28 that the proposed regulations would come to the council to be  
29 deemed as necessary and appropriate. I think the prior  
30 procedure and protocol just envisioned -- It envisioned the  
31 regulations going straight to NMFS and then the council sort of  
32 having a veto if they had a problem rather than an affirmative  
33 deeming, but I did change that and require that the councils  
34 actually deem the proposed regulations as necessary and  
35 appropriate, because that is a provision in the Magnuson Act.

36  
37 We have had case law out of other jurisdictions that have  
38 basically said that's the council's responsibility, and so there  
39 is a requirement in here that the councils actually do that. I  
40 don't really think that it will hold it up much. It would be at  
41 one meeting that the council would just look at it and deem the  
42 regulations, and so I just wanted to point that out.

43  
44 **CHAIRMAN GUYAS:** Thank you. Okay. The South Atlantic did not  
45 choose a preferred here, because I think they were editing some  
46 language here. Oh, they did? Did they choose Alternative 2?  
47 Is that right? All right. Committee, would you like to do the  
48 same? John.

1  
2 **MR. SANCHEZ: So moved.**

3  
4 **CHAIRMAN GUYAS:** Okay, and so we've got a motion going up on the  
5 board. Do I have a second for that motion? Thank you, Roy.  
6 Any other discussion? Morgan.

7  
8 **DR. KILGOUR:** I don't know if you have to do this, but would you  
9 like to add some language saying as amended in committee,  
10 because we removed a couple of things that are currently in  
11 Alternative 2.

12  
13 **CHAIRMAN GUYAS:** I think we can do that. We would be making  
14 Alternative 2, as amended in committee, the preferred. **Is there**  
15 **any opposition to this motion? Seeing none, the motion carries.**

16  
17 As Morgan mentioned, I think we've made it to the end of the  
18 document, and we are at the public hearing stage here, and so it  
19 seems -- John.

20  
21 **MR. SANCHEZ: If we need a motion to approve this for public**  
22 **hearing, I would so move.**

23  
24 **CHAIRMAN GUYAS:** That would be excellent. Is there a second?  
25 Thanks, Doug. Second by Doug, and I am hoping that, since we  
26 are in Key West, that we'll have some folks here this afternoon,  
27 since we're local, that may be able to comment on this document,  
28 and then we can do a webinar or whatever as well. **Is there any**  
29 **opposition to this motion? Seeing none, we're approved for the**  
30 **council's consideration for public hearing.** Is there anything  
31 else that we need to do with this document, Morgan?

32  
33 **DR. KILGOUR:** No.

34  
35 **OTHER BUSINESS**

36  
37 **CHAIRMAN GUYAS:** Awesome. Okay. In that case, I will -- I  
38 think we can jump to our Other Business item, which was the trap  
39 fisheries management that FWC is doing. Right now, or actually  
40 probably later this morning, especially for people on the  
41 webinar, if you want to turn on the TV to the Florida Channel,  
42 you can have a double spiny lobster management day.

43  
44 The commission is going to be discussing a couple of trap  
45 fisheries management items, one of which is the soak time for  
46 commercial traps for the lobster fishery. That will be later  
47 this morning, and it's a draft rule, and so they will be --  
48 Assuming they move that forward, they will, I think, approve it

1 at their next meeting, but this is part of a larger effort that  
2 we're undergoing to fix some issues with our trap fisheries, and  
3 so I just wanted to let people know that that was going on today  
4 as well. Any other business for the Spiny Lobster Committee?  
5 Dave.

6  
7 **MR. DAVE DONALDSON:** Didn't you want to talk about the lobster  
8 ACL amendment?

9  
10 **CHAIRMAN GUYAS:** Sue covered it, and so we're good. It's being  
11 approved. All right. We're adjourned.

12  
13 (Whereupon, the meeting adjourned on June 20, 2018.)

14  
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