GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER MANAGEMENT COMMITTEE

Hilton Clearwater Beach Resort Clearwater Beach, Florida

June 20, 2016

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- - -
# TABLE OF CONTENTS

3

Table of Contents.........................................................3

4

Table of Motions............................................................4

5

Adoption of Agenda...........................................................5

6

Approval of Minutes........................................................5

7

Action Guide and Next Steps...............................................5

8


9

Review Panel Summary........................................................6

10

Joint SAFMC/GMFMC Spiny Lobster AP Summary...........................7

11

Spiny Lobster SSC Report....................................................12

12

Committee Recommendations................................................14

13

Adjournment.................................................................17

- - -
TABLE OF MOTIONS

PAGE 14: Motion to direct staff to work on an amendment to revise the ACL, including an option based on the review panel recommendation of utilizing the years 1991/1992 through 2015/2016. The motion carried on page 15.

PAGE 16: Motion that there will be a lower landing trigger, based on the average of the three low landings years of 2001/2002, 2002/2003, and 2003/2004, that would initiate a review panel, if below this average for two consecutive years, and that’s equivalent to 5.3 million pounds. The motion carried on page 16.

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The Spiny Lobster Management Committee of the Gulf of Mexico Fishery Management Council convened at the Hilton Clearwater Beach Resort, Clearwater Beach, Florida, Monday afternoon, June 20, 2016, and was called to order at 1:15 p.m. by Chairman Martha Guyas.

ADOPTION OF AGENDA

APPROVAL OF MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN MARTHA GUYAS: Our first order of business is to approve the agenda. Are there any changes to the agenda or anyone willing to make a motion to approve the agenda? It’s been moved and seconded. Any opposition to that motion? Seeing none, the agenda is approved.

Let’s move on to our minutes. I think we met last year. Can I get a motion to approve the minutes? We have a motion and a second. Any opposition to that motion? Seeing none, the motion carries. Let’s move right into the spiny lobster landings with Morgan.

2014/2015 SPINY LOBSTER LANDINGS AND PRELIMINARY 2015/2016 SPINY LOBSTER LANDINGS

DR. MORGAN KILGOUR: Thank you, Madam Chair. I think I sent Charlotte a quick little two-slide summary of the landings, just so that I can reiterate where we are with spiny lobster. It’s basically just a cheater version of the report that I gave you.

Our ACT is our accountability measure. If the ACT is exceeded, then a review panel is convened. Our ACT is set now to 90 percent of the ACL. The ACL is set equal to the ABC, and the ABC is the mean plus one-and-a-half standard deviations. The OFL is set equal to MSY, and that’s the mean plus two standard deviations, and so where we are now, is in the 2014/2015 season, the ACT was exceeded, and so a review panel met.

In the 2015/2016 season, we have preliminary landings, I have been told, of about 90 percent of all landings have been accounted for, and we have exceeded the ACL. That’s the next slide, where you can see this is the historic landings, and so I wanted to kind of preface the next three items on the agenda with this is where we are right now with the fishery. The ACT has been exceeded the past three years and the ACL has been exceeded in two of the past three years.

Our accountability measure is to convene the review panel, but
it also says that if the ACL is exceeded twice in a four-year period that the whole system of ACLs and AMs needs to be reevaluated. That’s pretty much the summary of the landings. Are there any questions?

CHAIRMAN GUYAS: It doesn’t look like we have any questions. Do you want to talk about what the review panel discussed?

REVIEW PANEL SUMMARY

DR. KILGOUR: Sure. If we move on into the review panel, we used pretty much the same roster as we had with the original review panel in 2015, with the exception of there were fewer people, and, this time, the review panel was able to vote. A couple of the members that did attend the 2015 review panel didn’t come to the 2016 review panel.

This time the review panel met, it was a brief webinar. It took about an hour. They reviewed the landings and they talked about the ACL and the ACT. They made a series of motions that they voted on. They thought that the best way to address this ACL overage would be to calculate the ACL based on the landings from 1991 through the most current landings, and so the ACL had previously been calculated with a ten-year period of 2000 to 2009, and that actually had been the historic low of the spiny lobster landings.

Looking at the spiny lobster landings and how they have been increasing, they thought that maybe using the whole time series would be more appropriate, since it doesn’t seem that that low was going to be consistent. It seemed to be just part of the time series.

Then they also suggested maybe to readdress calculating the ACL based on a rolling average. It was also mentioned in the review panel that this doesn’t really create an ACL. If you’re constantly changing it based on landings, it can constantly go up or it can constantly go down, and so it’s always based on the historic landings, and the South Atlantic staff, in particular, had addressed a couple of concerns with using a rolling average.

Then the last ACL motion that they made was basically to examine the ACL as a trigger that’s based on the landings to effort index, and so are your landings going down because your effort has gone down or are your landings going up because your effort has gone up? Those were the three metrics that the review panel suggested for calculating the ACL.
They also discussed a stock assessment, and, at the time, there were no plans for a spiny lobster stock assessment, but I guess, in the SEDAR this morning, it’s slotted for 2019. That was pretty much the summary of the review panel.

CHAIRMAN GUYAS: Are there questions for Morgan about that summary? Okay. Seeing none, let’s go to the Spiny Lobster AP Summary.

JOINT SAFMC/GMFMC SPINY LOBSTER AP SUMMARY

DR. KILGOUR: Okay. We have our Spiny Lobster AP Vice Chair here, who was the chair of the meeting, and so if there are any specific AP questions, he is here to address them, and that’s Daniel Padron.

Again, we went over the same material that we went through with the review panel, and so the AP was made aware of the ACT overage. We did not have the 2015/2016 landings at the time of the AP meeting, and so we didn’t know that we had exceeded the ACL yet.

There was a lot of discussion on the data that is collected to calculate short mortality, and the AP had discussed that perhaps an updated scientific study would be warranted, since the study that was used to calculate that short mortality is over ten years old and they feel that the fishery has changed.

They also talked about -- FWC presented a whole bunch of information about the landings and the history of the fishery, but a lot of those discussions revolved around this ACT/ACL overage.

This was a joint meeting between the South Atlantic and the Gulf APs, and they had looked at the review panel summary, and, after a lot of discussion, they had a motion that was very similar to the motion that the review panel made, and that’s to recommend that the calculation of the ACL be based on that historic 1991 through 2015/2016 landings, and both APs made that motion.

They also were concerned about spiny lobster not being a priority for data collection, and a lot of the discussion revolved around the fact that they felt that the data was outdated, and there was concern that -- Both APs made the motion that, in federal and state trip intercept programs, that lobster be made a priority species, so we have better information to inform a future stock assessment, but really the APs were concerned with the fact that we have a trigger that’s based on
an overage.

As long as we don’t go over this ACL or ACT, nothing happens. The APs were concerned that maybe we need to have a trigger that’s based on not meeting some threshold criteria, because that would indicate that the lobster fishery was in trouble, and so they made the motion that there be a lower landing trigger, so that if the landings don’t meet that lower landing trigger for two years in a row, that might indicate that there is trouble in the fishery.

The motion was to recommend that there be a lower landing trigger, based on the average of the three low landings years of 2001/2002, 2002/2003, and 2003/2004, that would initiate a review panel if below this average for two consecutive years.

Again, I want to reiterate that they just wanted to make sure that a review panel was conducted, to make sure that the fishery wasn’t in trouble, and they wanted it two years in a row, because they felt that maybe one year they could have a hurricane or something and they don’t meet that lower landing threshold, but two years in a row would probably indicate a problem.

The AP also was given a presentation by FWC staff on the compliance with the closed areas. In general, if the closed areas are well marked, there seemed to be more compliance.

The NMFS closed areas that the council had done in Amendment 10, I believe, or maybe it was Amendment 11, didn’t have a lot of compliance until FWC started putting a notice on those traps that were in the areas, and then they found that there was better compliance. People just weren’t aware of the fact that those were closed areas.

The Coral HAPCs that have been recommended by the working group that have been presented to this council before were also presented to the Spiny Lobster APs, and they didn’t have any recommendations. It didn’t seem that the areas that were proposed would affect any of the members of the spiny lobster fishery that they were aware of, and that’s about it.

CHAIRMAN GUYAS: Thanks, Morgan. I do want to invite Daniel Padron up here, since he is on the AP and took the time to attend this meeting. Do you want to come up? Is there anything you would like to add to what Morgan just went over?

MR. DANIEL PADRON: Thank you, council members, for having me
here today. Definitely the lobster fishery has undergone several changes just in the fifteen years that I’ve been fishing. For example, there was so much of our recruitment -- From what we’ve heard, up to 85 percent of our recruitment comes from Central America and South America, as well as the Bahamas, and so, early on, a lot of those numbers that we were getting were so much affected by what they were doing down south of us.

For example, back in the day, they were scraping eggs and they were taking undersized lobster and there was also no closed season. Now, they have all of those things. In the past years, since they have implemented those, we have seen our numbers start getting better and better and better. Hopefully the rest of the years that come, they will continue to get better.

Also, our own industry has changed. Our technology has gotten better. All of guys use live wells now, since the Chinese market has gotten so big. The technology has gotten better, and, also, since the trap reduction, there is less traps in the water, but what it’s done is it has made the existing fishermen more professional.

Rather than having a lot of these guys that just had a couple hundred traps here or a couple hundred traps there, you have more professional fishermen that specialize solely in spiny lobster fishing, and so they’ve just got it more efficient over the years and have really, frankly, just become better fishermen.

We definitely felt that raising the ACL to 9.6 million pounds is kind of our best option. Our best option would be an exception completely, but, since the Magnuson Act doesn’t allow that, we’re kind of stuck with that. Definitely I will have to reiterate the fact that we have a huge lack of science.

I was actually speaking with somebody earlier that last year was the first year in the stone crab fishery that we actually had an accurate prediction. Dr. Ryan Gandy sat there on in the AP meeting and told us that they’ve been seeing a lot of large stone crabs, and a lot of them. Last year, the numbers showed we had a lot of large stone crabs caught, and so I am just trying to figure out why our science is so behind.

As a group collectively, we would like to see age and size data somehow come about, because that seems to be a much more accurate reflection of the stock and how it’s doing, whether it’s done in Central America or South America or what seems to be like it needs to be a continued group effort on all parts.
We would like to see that, as well as make it a high-priority species, so we can better understand the fishery.

Just to reiterate the lower landing trigger, that was kind of -- We felt like the higher end. We felt like we were kind of being penalized for doing well, for being more efficient, for working harder and for catching, but we felt like there wasn’t anything there to tell us if the stock was really in trouble, which we felt like that lower landing trigger would really be there.

Also, last year, I don’t know if it was mentioned in prior meetings, but there were times when we were limited on our fishing efforts. So many lobsters are being caught in the beginning last year that we were only allowed to catch 500 pounds a day.

Some fish houses were allowed to catch 1,000 pounds a day. There was a couple of fish houses actually in Key West, where I fish out of, where they weren’t fishing for two weeks, because they just could not handle the volume of lobster that was coming in, and so the stock is well, in our eyes. We just want to continue to keep it that way. If you guys have any other questions, feel free to ask away.

CHAIRMAN GUYAS: Sure. Go ahead, Roy.

MR. ROY WILLIAMS: Thank you for coming. I only learned a couple of years ago about the Chinese market. What fraction of the fishery is landed live nowadays for that Chinese market? Do you have any feeling for it?

MR. PADRON: Every fish that comes across our boat goes to the live market. Every lobster that we catch on our boat goes straight to the Chinese market.

MR. WILLIAMS: Do you have any feeling for the industry as a whole?

MR. PADRON: There is a domestic market. Different fish houses sell to different people. We actually have a specific buyer that takes all of our live product and, from there, it’s put in holding tanks in Marathon. Then, that evening, it’s put directly on a plane and sent to China as fast as it possibly can.

There are domestic markets that are processing those lobsters, whether they’re whole cooked, that stay in the states or are exported for some other reason, but I would say the primary
market now is the whole live lobster.

MR. WILLIAMS: One follow-up question, if I might. When you land your fish, your lobsters, at the end of the day, do you report the numbers of traps you pulled, too? Is that part of the reporting requirement when your landings are made?

MR. PADRON: Yes, sir. Just like a standard trip ticket or location, where the fish were caught, how many traps were pulled, as well as the poundage of the lobsters. That’s all recorded, and so your trip ticket, any information from there, should be able to produce that information for you.

CHAIRMAN GUYAS: Go ahead, John.

MR. JOHN SANCHEZ: I’ve got to assume, if you’re being told by the respective fish houses that you can only fish so much, only catch so many pounds today, up and down the whole Keys, and you’re having these banner years, where we’re exceeding ACTs and ACLs, would you say, in what you’re seeing, that your catch per trap has then gone up, just in line with what we’re seeing?

MR. PADRON: Absolutely. It would be safe to say that our average per trap in the past couple of years has increased.

CHAIRMAN GUYAS: Go ahead.

MR. ED SWINDELL: Thank you, Madam Chairman. Are there any discards in this fishery? Are there any lobsters that you catch that you are not allowed to keep and you have to return to the water? Are they returned alive? Do they last when they are returned?

MR. PADRON: We actually use undersized lobster as attractants for our traps, because they tend to congregate together. We are allowed fifty per boat, but every lobster that comes on our boat is immediately thrown into a live well, and about the easiest way I could explain one of our live wells to you on any boat in the Florida Keys is if you picture a Jacuzzi with the Jacuzzi jets on full blast, air circulating throughout that entire box, that is what our live wells look like. They’re full of air.

We have separate holding tanks for our undersized lobster, the attractants that we use, and the lobsters literally go from the trap directly into either the main live well, which are legal size, and they’re either measured right away and then put in an undersized live well or measured and go into the legal live well, and so nothing stays out of the water for any length of
time at all.

MR. SWINDELL: What then happens to the undersized lobsters? Are they returned back to the Gulf of Mexico?

MR. PADRON: Yes, sir. The lobsters are returned back. Thank you.

CHAIRMAN GUYAS: Any other questions for Mr. Padron? Thank you.

MR. PADRON: Thank you, Chairman.

CHAIRMAN GUYAS: I think the next thing we have on our agenda is the SSC Summary Report. Is that you, Luiz?

SPINY LOBSTER SSC SUMMARY REPORT

DR. LUIZ BARBIERI: Yes, that’s me back, Madam Chair. I know this is going to surprise most of you, especially Dr. Crabtree, but I do have another very brief report. I can be brief, at times.

Basically, the SSC was presented, at this last meeting, with the scenarios that Morgan went through, and we were requested to make a recommendation, since the SSC had provided the ABC before and had evaluated the length of the time series and the specific years in that time series to be used for estimating the OFL and ABC, and so we were asked to evaluate that again.

If we can look at the landings, just the time series of landings of lobster, just to refresh your minds about the fact that, back in -- I don’t remember when it was was, maybe 2010 or maybe a little earlier than that, but we were presented with that full time series of landings there for lobster, and, at the time, there were major concerns from the scientific community regarding the development of a virus that was potentially impacting lobsters in the Keys and potentially then causing a regime shift in the size of the population, just shifting natural mortality, increasing it, several fold, and that that decline there you see in 2000 that basically you have two then time periods there, the one up to 1999, where you have the highest level of landings, and then you have the lower part, since 2000, where the landings had been severely reduced.

At the time, given those concerns, the SSC had recommended that the average landings, average catch, that was used to develop the OFL and ABC for spiny lobster be using just that lower landings period from 2000 up to the end year of that time
series, which at the time I think was 2011 or 2012.

As you have noticed, towards the end of that time series, landings continued to increase, and some of the other results, research results, that we are receiving from the scientific community regarding the virus is that the amount of prevalence of the virus has gone down and that nothing has really translated into the expected increase in natural mortality, as had been hypothesized before.

Based on that, the committee decided to recommend that, instead of using just that lower landings level most recent piece of the time series, that the new OFL and ABC be based on the entire time series of landings for spiny lobster, and so that would include landings from 1991 onwards.

Basically, natural populations will do this from time to time. They will oscillate in cycles of productivity, and so the productivity was fairly high during the 1990s, and it came down since the 2000s, and it seems to be recovering again to normal expected levels, and so we felt that there wasn’t really any good scientific justification for recommending just the lower level of landings that started in 2000.

Therefore, we recommended that OFL and ABC for spiny lobster be calculated according to our Tier 3A of the ABC control rule, using the entire time series of landings. That, Madam Chair, concludes my report.

CHAIRMAN GUYAS: Thank you. Are there questions for Dr. Barbieri? I’ve got Mara and then Roy.

MS. MARA LEVY: Thank you. I heard you say it at the end, but I just wanted to clarify. You were still talking about Tier 3A, which is a time series of landings, and then doing the deviation, the standard deviation, to determine the OFL and then the ABC, because there is 3B, which is just the time series of landings for the OFL and then reducing it by some amount for the ABC.

DR. BARBIERI: Right, and to be clear, and this is why I mentioned 3A. It’s because basically the SSC decided not to recommend any change in the methodology that was used the last time, and so the only thing that is changing is really the time series, the length and the number of years that are there in that time series for estimating the OFL and ABC, but the methodology is still according to our Tier 3A of our ABC control rule.
MR. WILLIAMS: Luiz, the increasing trend we see over the last decade, you had indicated some of that is natural -- This virus is less of a problem now, perhaps, and so the natural mortality rate is down and the stock is more productive now, and is there also more effort going on, because of this Chinese market? Do you have the ability to separate out how much increased effort is contributing to this and how much just the increase in the stock abundance contributes?

DR. BARBIERI: The short answer is no, not really. You have a lot of complications, in terms of understanding really the metrics of fishing effort for spiny lobster.

It has been a problem for all the assessments that have been conducted, and it’s something that’s very difficult for us to really evaluate, and Daniel’s discussion of how industry is trying to be responsive to the request from fish houses adds to that complication, because the number of days and hours and not just the number of traps that are out there and how they are fished -- All of this influences our metrics of effort. That information is equivocal. That’s something that we still cannot properly account for.

COMMITTEE RECOMMENDATIONS

CHAIRMAN GUYAS: Any other questions for Dr. Barbieri? Thank you. Okay, committee. We are in a situation where we’ve gone over the ACL and ACT for a couple of years, and it looks like we need to take some action. John.

MR. SANCHEZ: Madam Chair, if we’re at a point in the agenda today for lobster that’s appropriate, I would like to make a motion to that effect.

CHAIRMAN GUYAS: Sounds great.

MR. SANCHEZ: I would make a motion that we direct staff to work on an amendment to revise the ACL, including an option based on the review panel recommendation of utilizing the years 1991 through 1992, that season, through 2015/2016. If I can get a second, I will explain.

MR. DIAZ: Second.

CHAIRMAN GUYAS: Let’s get it on the board, to make sure we’ve got the right thing here, and then you can go ahead. Does that look right?
MR. SANCHEZ: That looks correct. Having heard last week’s presentation from the counterpart, Daniel’s counterpart on the South Atlantic, Bruce Irwin, it kind of echoed the same thing that we’re hearing, and he went on to say that he’s seeing the size of the lobster that they’re encountering increasing, and it seems like there is a healthy indicator of a healthy fishery.

This fishery has been under a gear restrictive approach to management for quite some time, and then dividends additionally paid off from management measures implemented in the larval export area of the Caribbean, and so I think this would be appropriate, and I would hope that everybody could support this. It seems like management is working as intended, and this would help to foster the continued success of that fishery.

CHAIRMAN GUYAS: Go ahead, Carrie.

DR. CARRIE SIMMONS: Thank you, Madam Chair. I just wanted to ask -- I assume this would be a joint amendment with the South Atlantic Council.

CHAIRMAN GUYAS: Yes, I think it would have to be, right? We typically do joint amendments with them for lobster. Are you okay with that?

MR. SANCHEZ: Absolutely. Having been there last week, I don’t pretend to speak for them, but this is exactly what they were recommending too.

CHAIRMAN GUYAS: They also have this motion, more or less, and so that’s good. We’re moving in the same direction. It’s rare, but that happens sometimes. Any other questions or discussion about this motion? Doug.

MR. DOUG BOYD: A question. Is there one ACL for the fishery?

CHAIRMAN GUYAS: Yes, and it’s based on a range of years. It was that low period in the graph that Luiz was showing, and so this would just extend it out over a longer period of time.

MR. BOYD: Right, and I guess my question is there is not separate ACLs for recreational and commercial.

CHAIRMAN GUYAS: No, there’s not. Are we ready to move on this one? All in favor of this motion say aye; anyone opposed. It sounds like the motion carries. Are there any other motions or comments? Anna.
MS. ANNA BECKWITH: Thank you, Madam Chair. The South Atlantic also added two additional things for consideration. We did go ahead and include the low landings monitoring measure trigger. We asked that they put in an option that would be the average of the three low landing years. That would initiate a review panel.

Then we also moved forth an action that would prohibit recreational traps in the South Atlantic EEZ, similar to what Florida already has. We had a gentleman from North Carolina that had expressed an interest in using recreational traps for lobster, and we did not want to move that forward, and so we did add those additional actions, for your consideration.

CHAIRMAN GUYAS: John.

MR. SANCHEZ: Following those comments, I would make another motion that we include the advisory panel’s recommendation for a low landing monitoring measure in the amendment. I think we might have some of that language in the rationale from the Spiny Lobster AP.

CHAIRMAN GUYAS: It looks like we’re working on the motion for you here. I will read it. The motion that is on the board is that there will be a lower landing trigger, based on the average of the three low landings years of 2001/2002, 2002/2003, and 2003/2004, that would initiate a review panel, if below this average for two consecutive years, and that’s equivalent to 5.3 million pounds.

MR. SANCHEZ: That works.

CHAIRMAN GUYAS: Excellent. Would anyone like to second this motion?

MR. BOYD: I second.

CHAIRMAN GUYAS: We have a second. Thank you.

DR. ROY CRABTREE: What we talked about at the South Atlantic was just having this be text in the amendment, that it didn’t need to be an action or anything like that. This is just something the council intends to do.

CHAIRMAN GUYAS: Any other discussion on the motion? All in favor, please say aye; any opposed. The motion carries. Any other motions or discussion or business for this committee?
Seeing none, I think we are finished with the Spiny Lobster Committee.

(Whereupon, the meeting adjourned at 1:52 p.m., June 20, 2016.)