

Spiny Lobster Committee Report
June 20, 2018
Martha Guyas, Chair

The Committee adopted the agenda with two items added under other business and approved the minutes.

Spiny Lobster Landings Update

Ms. Gerhart provided the Committee with the spiny lobster landings summary. The total landings for 2016/2017 are above the ACT (6.59 mp) but below the ACL (7.32 mp). In the 2017/2018 season, recreational landings are not available because of the hurricanes during the season.

Public Hearing Draft Spiny Lobster Amendment 13

Staff presented the Committee with the public hearing draft of Spiny Lobster Amendment 13. Staff included information from the South Atlantic Fishery Management Council and Law Enforcement Technical Committee in the discussion of each action. The Committee selected preferred alternatives and made the following motions:

The Committee recommends, and I so move: **In Action 1, to make Alternative 2 the Preferred.**

Alternative 2: Align federal regulations to be consistent with Florida regulations for spiny lobster commercial harvesters *using bully net gear* by implementing the following:

- Require commercial bully net vessels in the EEZ off Florida to have a bully net permit from Florida
- Require that the vessel be marked with the harvester's Florida bully net permit number using reflective paint or other reflective material
- Prohibit commercial bully net vessels from having trap pullers onboard
- Prohibit the simultaneous possession of a bully net and any underwater breathing apparatus (not including dive masks or snorkels) onboard a vessel used to harvest or transport spiny lobster for commercial purposes.

Motion carried with no opposition.

The Committee recommends, and I so move: **In Action 2, to make Alternatives 2 and 3 the Preferred.**

Alternative 2. Establish a commercial daily vessel harvest and possession limit of 250 per day/vessel for spiny lobsters harvested by bully net in or from the entire EEZ off Florida.

Alternative 3. Establish a commercial daily vessel harvest and possession limit of 250 per day/vessel for spiny lobsters harvested by diving in or from the EEZ only off Broward, Dade, Monroe, Collier, and Lee Counties, Florida.

Motion carried with no opposition.

Staff presented Action 3 and outlined that the South Atlantic spiny lobster AP identified issues with this Action. The South Atlantic selected Alternative 1 as the preferred with the intention of moving Action 3 to ‘Considered but Rejected.’ The Committee made a motion, and staff is recommending clarification (in brackets) of the following motion:

The Committee recommends, and I so move: **In Action 3, to make Alternative 1 the Preferred and move [Action 3] to Considered but Rejected.**

Alternative 1. No Action. In the EEZ off Florida, a spiny lobster trap constructed of material other than wood must have a panel constructed of wood, cotton, or other material that will degrade at the same rate as a wooden trap. Such panel must be located in the upper half of the sides or on top of the trap, so that when removed, there will be an opening in the trap no smaller than the diameter found at the throat or entrance of the trap.

Motion carried with no opposition.

Action 4 was identified by the IPT as problematic for NMFS rulemaking as the definition of artificial habitat was vague. The Committee discussed the utility of the action, the difficulty of enforcing it in federal waters, and the South Atlantic Fishery Management Council’s motion to move Action 4 to ‘Considered but Rejected.’

The Committee recommends, and I so move: **To move Action 4 to Considered but Rejected.**

Action 4: Harvesting restrictions near artificial habitat* in the EEZ off Florida

Alternative 1. No Action. Federal regulations have no formal definition developed for artificial habitat* and there are no restrictions for harvest and possession of spiny lobster in the EEZ off an artificial habitat as defined by Florida Administrative Code (FAC).

Alternative 2. No person shall harvest any spiny lobster from artificial habitat* in the EEZ off Florida. The harvest and possession in the water of spiny lobster in excess of the recreational bag limit is hereby prohibited within 10 yards of artificial habitat as is consistent with FAC 64B-24.006(12).

Motion carried with no opposition.

Staff reviewed Action 5 which refines a cooperative management procedure between Florida state and federal agencies for the management of spiny lobster. Staff combined the existing protocol and procedure in the document, and highlighted specific language in Alternative 2.

The committee concurred with the South Atlantic Fishery Management Council's recommendation to remove the high-lighted portion in item 6 and to remove all of item 8.

The Committee recommends, and I so move: **In Action 5, to make Alternative 2 as amended by Committee, the Preferred.**

Alternative 2. Establish an enhanced cooperative management procedure that allows Florida to request changes to the spiny lobster federal regulations through NMFS rulemaking. Following is the proposed language (adapted from Amendment 2 to the Spiny Lobster FMP) for the procedure to be added to the existing protocol (established in Amendment 10 to the Spiny Lobster FMP):

Motion carried with no opposition.

Staff notified the Committee that, if approved, the spiny lobster amendment 13 is scheduled to go out to a public hearing via webinar.

The Committee recommends and I so move: **To approve Spiny Lobster Amendment 13 for Public Hearings.**

Motion carried with no opposition.

Other Business

Ms. Gerhart informed the Committee that the final rule for Spiny Lobster Regulatory Amendment 4 will publish June 22, 2018, and the rule will take effect July 23, 2018.

Ms. Guyas informed the Committee that FWC is discussing trap management later today which will include a discussion on lobster trap soak times among other things.

Madam Chair, this concludes my report.