

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER MANAGEMENT COMMITTEE

Renaissance Mobile Riverview Plaza Hotel Mobile, Alabama

February 1, 2012

VOTING MEMBERS

- Larry Simpson.....GSMFC
- Roy CrabtreeNMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Jessica McCawley (designee for Nick Wiley).....Florida
- Corky Perret (designee for William Walker).....Mississippi

NON-VOTING MEMBERS

- Larry AbeleFlorida
- Kevin Anson (designee for Chris Blankenship).....Alabama
- Doug BoydTexas
- Pamela Dana.....Florida
- Carmen DeGeorge.....USCG
- Robert Gill.....Florida
- John Greene, Jr.....Alabama
- Tom McIlwain.....Mississippi
- Damon McKnight.....Louisiana
- Patrick Riley.....Texas
- Bob ShippAlabama

STAFF

- Steven Atran.....Population Dynamics Statistician
- Steve Bortone.....Executive Director
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist
- Shepherd Grimes.....NOAA General Counsel
- Trish Kennedy.....Administrative Assistant
- Ava Lasseter.....Anthropologist
- Richard Leard.....Deputy Executive Director
- Emily Muehlstein.....Fisheries Outreach Specialist
- Mark Mueller.....GIS Analyst
- Phyllis Miranda.....Secretary
- Carrie Simmons.....Fishery Biologist

OTHER PARTICIPANTS

- Greg Abrams.....Panama City, FL
- Kim Amendola.....NMFS
- Pam Anderson.....Panama City Beach, FL
- Billy Archer.....Panama City, FL
- Seema Balwani.....Austin, TX

1 Jeff Barger.....Ocean Conservancy, Austin, TX
2 Chris Blankenship.....AL
3 Randy Boggs.....Orange Beach, AL
4 Steve Branstetter.....NMFS
5 Allen Byrd.....Lynn Haven, FL
6 John Carleton.....Destin, FL
7 Jim Clements.....Carrabelle, FL
8 Dean Cox.....Santa Rosa Beach, FL
9 David Cupka.....SAFMC
10 William Davis.....Floralda, AL
11 Dale Diaz.....MS
12 Otha Easley.....NOAA OLE
13 Ben Fairey.....Orange Beach, AL
14 Libby Fetherston.....St. Petersburg, FL
15 Robert Foos.....USCG
16 Troy Frady.....Lillian, AL
17 Claudia Friess.....Ocean Conservancy
18 Deborah Gharst.....Panama City, FL
19 James Gharst.....Panama City, FL
20 Chad Hansen.....Pew, Crawfordville, FL
21 Don Harper.....Southport, FL
22 Henry Hunt.....Panama City, FL
23 Kerry Hurst.....Mary Esther, FL
24 Judy Jamison.....GASAFF, Tampa, FL
25 Gary Jarvis.....Destin, FL
26 Bill Kelly.....FKCFA, Marathon, FL
27 Marcus Kennedy.....Mobile, AL
28 Ron Lukens.....Omega Protein, High Springs, FL
29 Sharon McBreen.....Pew Environmental Group
30 Don McPherson.....Orange Beach, AL
31 Michael Miglini.....Corpus Christi, TX
32 Russell Nelson.....CCA
33 Bart Niquet.....Lynn Haven, FL
34 Gary Parsons.....Niceville, FL
35 Will Patterson.....GMFMC SSC
36 Todd Phillips.....Ocean Conservancy
37 Bonnie Ponwith.....NOAA SEFSC
38 David Rainer.....Silverhill, AL
39 Steve Reis.....Tarpon Springs, FL
40 Scott Robson.....Destin, FL
41 Steven Saul.....NMFS
42 John Schmidt.....Palm Harbor, FL
43 Phil Steele.....NMFS
44 Andy Strelcheck.....NMFS
45 Mike Sullivan.....Dauphin Island, AL
46 Bill Tucker.....Dunedin, FL
47 David Walker.....Andalusia, AL
48 Ed Walker.....Holiday, FL

1 Daniel Willard.....Austin, TX
2 Johnny Williams.....Alvin, TX
3 Bob Zales, II..Panama City Boatmen’s Association, Panama City, FL

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7 The Spiny Lobster Management Committee of the Gulf of Mexico
8 Fishery Management Council convened at the Renaissance Mobile
9 Riverview Plaza Hotel, Mobile, Alabama, Tuesday morning, January
10 31, 2012, and was called to order at 10:20 a.m. by Chairman
11 Larry Simpson.

12
13

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

14

15 **CHAIRMAN LARRY SIMPSON:** I would note that I’m chairing the
16 committee. Our esteemed leader is no longer with us, Bill
17 Teehan, and as I understand it, a named chairman cannot transfer
18 those duties over to a subsequent person from that state and so
19 I’m chairing the meeting, although Jessica is on the committee.

20

21 Look at the agenda. Are there any additions or corrections to
22 the agenda? Hearing none, is there objection to approving the
23 agenda? Hearing none, the agenda is approved.

24

25 Look at Item Number II, Approval of Minutes. The last ones were
26 October and are there any additions or corrections? Is there
27 objection to approving the minutes? Hearing none, the minutes
28 are approved as printed.

29

30 This brings us up to Item Number III, which is a Summary of the
31 South Atlantic Council Meeting, and Carrie is going to lead us
32 through that. That’s Tab F, Number 3.

33

SUMMARY OF SOUTH ATLANTIC COUNCIL MEETING

34

35
36 **DR. CARRIE SIMMONS:** Thank you, Mr. Chair. The South Atlantic
37 Spiny Lobster Committee was convened in December and they
38 reviewed Draft Amendment 11 and the committee received an update
39 based on what the Gulf Council had done in October regarding
40 these two actions.

41

42 They also heard a summary of the Coral Advisory Panel
43 recommendations and a recommendation from the Scientific and
44 Statistical Committee on Action 2 regarding the trap line
45 markings.

46

47 There was quite a bit of discussion at their council meeting
48 regarding the trap rope marking requirements. Mr. Kelly

1 provided some examples and there was also a person, I believe,
2 that discussed the marine mammal trap line markings that they
3 have in the Mid-Atlantic and the committee and council chairs
4 discussed concerns with the stone crab and blue crab fisheries
5 not having line markings and the requirements and how the
6 purpose would be met with requiring the traps to be marked, the
7 lines to be marked.

8
9 Additionally, Florida Fish and Wildlife at that time, during the
10 South Atlantic Council meeting, did not intend to implement
11 similar measures for the trap line lobster fishery in state
12 waters and then the committee went through the amendment action-
13 by-action and they made the following motions.

14
15 For Action 1, they concurred with the Gulf Council and they
16 selected Preferred Alternative 3, Option a, and this was
17 approved by the committee and the full council. They also
18 concurred with the Gulf Council and removed Alternative 4 to
19 considered but rejected, which was the 500-foot buffer
20 surrounding each colony.

21
22 For Action 2, requiring the gear markings for spiny lobster trap
23 lines in the EEZ off of Florida, they also selected Preferred
24 Alternative 1, no action, and that was approved by the committee
25 and the full council.

26
27 Then the South Atlantic Council approved this amendment as
28 modified for public hearings and requested that a NMFS staff
29 member be involved in their public hearings to answer questions
30 about the biological opinion and that concludes the report from
31 the South Atlantic Council. I don't know if Mr. Cupka wants to
32 add anything at this point.

33
34 **CHAIRMAN SIMPSON:** Would you like to add anything or Jessica?

35
36 **MR. DAVID CUPKA:** No, Carrie covered it. We're in the process
37 now of holding our hearings, this week.

38
39 **CHAIRMAN SIMPSON:** Okay. Jessica?

40
41 **MS. JESSICA MCCAWLEY:** I was just going to add that I know that
42 the Gulf Council, when you were discussing the trap line marking
43 requirements, that that was a fairly easy sell to take a no
44 action alternative, but that was not as easy a sell at the South
45 Atlantic Council.

46
47 There was a lot of debate and discussion about that item and, as
48 Carrie mentioned, we had someone from -- His name was Glen

1 Salvatore and he was from I guess Protected Species and he
2 talked a lot about the issue and then we called Bill Kelly,
3 representing the Florida Keys Commercial Fishermen's
4 Association, to the table to discuss the issue further.

5
6 Other people not on the committee had a lot of questions about
7 the line marking and were there other alternatives than what was
8 being suggested and so there was significant discussion about
9 the issue.

10
11 **CHAIRMAN SIMPSON:** Thank you. We went through that a couple of
12 meetings back and then we had a full discussion on it and I
13 think in lieu of line markings there were closed areas and we've
14 accomplished that, I think. Anything else about the South
15 Atlantic meetings? Next is the Public Hearing Summaries that we
16 have. Emily, were you able to get that one that was yesterday?

17
18 **MS. EMILY MUEHLSTEIN:** Yes, I was, and I just emailed it out to
19 the council meeting and so you should have a forwarded copy of
20 the summary.

21
22 **CHAIRMAN SIMPSON:** That would be 4(b), when you get it.

23
24 **PUBLIC HEARING SUMMARIES**

25
26 **MS. MUEHLSTEIN:** I will go ahead and talk about Tab 4, Number
27 4(a) and those were the spiny lobster public hearings that were
28 conducted by the Gulf Council. In Marathon, Florida, fifteen
29 people appeared and pertaining to Action 1, there was support of
30 the proposed closed areas, with exceptions of a couple of sites.

31
32 Most of the fishermen that were at that meeting thought that
33 Sites 2, 15, and 30 should be amended into smaller units in
34 order to protect corals without limiting fishing in areas that
35 were unnecessary and also, the people at that meeting supported
36 Suboption b, which would limit spiny lobster fishing to all
37 fishermen in the closed areas, with the rationale that
38 commercial and recreational divers would be shifting their
39 efforts to those areas and damaging corals.

40
41 Then pertaining to Action 2, there was support for the no action
42 alternative, which they found to be financially burdensome and
43 labor intensive.

44
45 The next night, in Key West, there were twelve people in
46 attendance and pertaining to Action 1, there was also, again,
47 support for the proposed areas, with the exceptions of Sites 2,
48 15, and 30, which should be amended into smaller units to

1 protect the corals without limiting that fishing, and also
2 support for Suboption b, which would prohibit all spiny lobster
3 fishing in the closed areas.

4
5 There was also fear expressed that this is just the tip of the
6 iceberg and more closures will be to follow and then for Action
7 2 in the amendment in Key West, there was support for the no
8 action alternative, because tracers would compromise the
9 integrity of the rope and there was also mention that financial
10 compensation as incentive to mark the lines might sway the
11 opinions of some of those fishermen, if they were compensated
12 for the cost of replacing those lines.

13
14 A couple of extra things were said in that meeting. There was a
15 request that the SSC review the information in Amendment 11 for
16 adequacy, so that the council can make the most informed
17 management decisions and also one stakeholder mentioned that
18 there was little participation because of the bureaucracy
19 involved and that it is impossible to keep up with the proposed
20 changes and comments make no difference because the council has
21 a hidden agenda and will do what it pleases anyhow.

22
23 Then the next tab is Tab F, Number 4(b). That would be the
24 summary of Key Largo, Florida. That happened last night and the
25 South Atlantic Fishery Management Council conducted that meeting
26 and as it pertains to Action 1, there was support expressed for
27 the proposed closed areas.

28
29 There was fear that anchors and divers would have a significant
30 impact on the corals and they also asked that the council
31 consider splitting Sites 13, 15, and 48 and also, Site 14 covers
32 a very productive sand lake and the fishermen suggest that the
33 outer perimeter be set at the forty-five-foot depth inshore of
34 the -- The closure would be inshore of that sand lake.

35
36 Also, commenters that were from the upper Keys felt that their
37 fishing was already quite limited, because of Everglades
38 National Park, Biscayne National Park, and Pennekamp and so they
39 were a little bit reluctant to support those closed areas.

40
41 Then for Action 2, there was support expressed for the no action
42 alternative, because it's financially burdensome and time
43 consuming. That concludes my report.

44
45 **CHAIRMAN SIMPSON:** Thank you, Emily. Any questions of Emily?
46 We have additional areas at the Key Largo for a split, instead
47 of the 2, 15, and 30?

1 **MS. MUEHLSTEIN:** Right. It's 2, 14, 15, and 48 are the closed
2 areas that stakeholders in all of the meetings were asking for
3 revisions.

4
5 **CHAIRMAN SIMPSON:** Any questions? All right. Let's go to Item
6 Number V, Review of the Spiny Lobster Amendment 11. That's
7 under Tab F and, Carrie, would you start us off with that
8 discussion?

9
10 **REVIEW OF THE JOINT SPINY LOBSTER AMENDMENT 11**

11
12 **DR. CARRIE SIMMONS:** Yes and thank you, Mr. Chair. I wanted to
13 mention that before this document was given back to the South
14 Atlantic Council, there was a lot of items at their December
15 meeting that we tried to improve and you will also notice that
16 this particular amendment has been written in the plain language
17 that Mr. Steele mentioned earlier and so it is also another
18 amendment we're trying to make more readable.

19
20 We also created two guides for this actual amendment. We took a
21 Spanish guide and also an English guide out to the public
22 hearings and we got some positive feedback with that. We asked
23 the gentleman that was concerned with the bureaucracy if it was
24 easier to use the guides and he felt that that was beneficial to
25 have that and so we're also looking for feedback on that for
26 this amendment as well.

27
28 Some changes that were made since the Gulf Council has seen this
29 amendment in October and the South Atlantic also viewed were the
30 coordinates were completed and added into this amendment. There
31 was some discussion of the impacts of divers, particularly the
32 recreational divers, divers that are not targeting lobster and
33 those that are and the information that was available.

34
35 We also had a meeting at the Tampa office with Mr. Bill Kelly,
36 the Executive Director of the Florida Keys Commercial Fishing
37 Association; Ms. Sue Gerhart; Mr. Andy Herndon; other Gulf
38 Council staff; and Kerry McLaughlin from the South Atlantic
39 Council could not be involved, but we told her about the meeting
40 later.

41
42 We went through the council's current preferred alternative of
43 the straight-line boundaries and we went through each of those
44 areas one-by-one and we reviewed them together, so that we made
45 sure that the industry meetings that were held in the summer
46 better reflected, or reflected as much as possible, in the
47 amendment what was done during those summer meetings.

48

1 Those are some changes that have been made since the council saw
2 this last and I believe most of those were already incorporated
3 in the amendment when the South Atlantic Council reviewed it.

4
5 We'll start with Action 1. It starts on page 5. It would limit
6 the spiny lobster fishing in certain areas of the EEZ off the
7 Florida Keys to protect threatened Staghorn and Elkhorn corals.
8 Alternative 1 is the no action alternative. Alternative 2 would
9 close all known hard bottom in the EEZ off the Florida Keys and
10 the council's current preferred alternative is Alternative 3.

11
12 That would create new closed areas in the EEZ off the Florida
13 Keys, with identified Acropora species colonies inside the
14 straight line boundaries I mentioned before. The council's
15 current preferred alternative is to close these areas to spiny
16 lobster trapping only.

17
18 As has been mentioned by Emily in the summary of the public
19 hearing comments and the meeting that we had with Mr. Bill
20 Kelly, they requested that staff look at splitting some of the
21 proposed areas and so currently there's fifty-six proposed
22 closed areas in the amendment and look at splitting Areas 2, 15,
23 and 30 and we have a draft of that, if the committee is
24 interested in going through that. I have a short presentation
25 and John is also here to help me answer questions and so would
26 the committee like to look at those now?

27
28 **CHAIRMAN SIMPSON:** Yes, I think we would like to look at them.

29
30 **DR. SIMMONS:** Okay.

31
32 **CHAIRMAN SIMPSON:** While we're waiting on that, Bill Kelly,
33 you're aware of these other areas that were mentioned in Key
34 Largo the other night and what's your all's stand on that? Come
35 up to the mic, if you can. These are new areas and you had come
36 up with 2, 15, and 30 and now we're talking about 14 and 48 and
37 are you aware of those concerns and if so, what is your group's
38 opinion about that?

39
40 **MR. BILL KELLY:** On our first glance on these maps and meetings
41 in Tampa with Gulf staff and those folks from PRD, we
42 immediately had concerns about 2, 15, and 30 because of the size
43 of them. The footprint was exceptionally large. For example,
44 Site Number 2 has Acropora coral colonies at each end and
45 they're single colonies that probably measure about twenty-five
46 feet in diameter, but the site encompassed an area that measured
47 1,600 feet by 3,500 feet and we thought that was a bit
48 excessive, especially based on the first look that we took at

1 all of these sites.

2
3 We tried to pare them down and there's somewhere in the
4 neighborhood of fourteen square miles of just white sand
5 encompassed in these proposed closed areas and so council staff
6 and NMFS PRD was very willing to work with us on this.

7
8 We pared down a number of the sites. 2, 15, and 30 were
9 immediately recognized as being excessive and I do believe that
10 there were maybe three other sites mentioned in Key Largo last
11 night, where they asked for some consideration, but the
12 important thing here is we're not asking you to take a site and
13 move it someplace else. In the case of 2, 15 and 30, we're
14 asking you just to make some modifications in the boundaries of
15 those sites.

16
17 **CHAIRMAN SIMPSON:** Thank you, Bill. We have that, but what
18 about these new sites in Key Largo? Is that a consensus of the
19 group or an individual person's opinion or --

20
21 **MR. KELLY:** The Key Largo sites, we did have some individuals
22 express concern about several other sites, but the consensus of
23 opinion and the industry representatives that were at the
24 meetings in May and July in our offices, along with the Florida
25 Keys National Marine Sanctuary, those other several locations
26 that were mentioned in Key Largo at the scoping meeting were not
27 of concern to the broader group.

28
29 **CHAIRMAN SIMPSON:** Okay and so it's 2, 15, and 30. Go ahead,
30 Carrie.

31
32 **DR. SIMMONS:** Thank you, Mr. Chairman. We only had time to look
33 at these three sites, 2, 15, and 30. If these were split up,
34 this would create sixty proposed closed areas and modify the
35 current estimate of closed area from 6.7 miles squared to 5.9.

36
37 This shows what it would look like if Area 2 was split and the
38 blue underneath is the proposed alternative over the larger
39 area. This is Area 15 and it would be split into three areas.

40
41 **MR. MYRON FISCHER:** Carrie, the areas needing protection are
42 strictly what's in blue?

43
44 **DR. SIMMONS:** Right. The dark blue bullet is the coral colony
45 and then the lighter blue square would be in the committee and
46 council wanted to tighten up these areas where that straight-
47 line boundary would now be placed. Then this is Area 30 that
48 would be split into two areas.

1
2 **MR. CORKY PERRET:** What does it mean currently not in the
3 amendment? I thought they were already in.

4
5 **CHAIRMAN SIMPSON:** The split is not in. Just the whole big area
6 is. Are there comments or discussion? Jessica, did I remember
7 you saying that the South Atlantic went with those splits on 2,
8 15, and 30?

9
10 **MS. MCCAWLEY:** The South Atlantic met prior to the Gulf
11 Council's workshop and so there was no discussion of splitting
12 these areas and this is the first time we've heard this.

13
14 **CHAIRMAN SIMPSON:** All right, committee.

15
16 **MR. FISCHER:** Until looking at the map and looking at how many
17 boxes we have and what splitting would do, it's not like we have
18 one site and now we're going to break it all up. All we're
19 doing is splitting it to protect the coral areas and still allow
20 fishing in the area.

21
22 If everyone wants to continue discussing it, it's fine, but I do
23 think I'm in favor of the splits and if you're looking for a
24 motion after discussion, I'll come back to that.

25
26 **CHAIRMAN SIMPSON:** There's about sixty, fifty-something, sites
27 and so it's not like they're unprotected.

28
29 **MR. PERRET:** Can we get a map up to see 14 and 48?

30
31 **CHAIRMAN SIMPSON:** I don't know if you can show the map, but
32 this is, Corky, what I was trying to get at with Bill. That was
33 one individual, whereas this thing is a general consensus of the
34 group.

35
36 **MR. PERRET:** It's in the document, page 17, Figure 2.1.7.

37
38 **CHAIRMAN SIMPSON:** It's page 17, 2.4.1.

39
40 **MR. PERRET:** It's page 14 and --

41
42 **CHAIRMAN SIMPSON:** That's 14 and that's a big one. It's on page
43 21.

44
45 **DR. SIMMONS:** After we had the industry meeting with staff and
46 Protected Resources in November, there were some other areas
47 that were mentioned, but we didn't feel there was enough buffer.
48 There wasn't even a 500-foot buffer between some of those and

1 also, Mr. Herndon was working with the Sanctuary staff to make
2 sure there wasn't any other coral species or something else
3 there that might need protection and so 2 and 30 came out of
4 that and then 15 came out of the public hearings and we looked
5 at that and thought that would be possible, but we would need to
6 go back and talk to the Sanctuary staff to make sure that these
7 other areas -- That there's not something else there that does
8 need the protection.

9
10 **CHAIRMAN SIMPSON:** We're talking about taking final action here,
11 right? There is a point at which you draw the line and then the
12 next iteration of considerations are taking place. The three
13 areas that have been mentioned here have been by an association
14 which a large group, the 2, the 15, and the 30.

15
16 I'm like Myron and I kind of support that. These other areas
17 are individuals and maybe they should come later, because they
18 need more study and the group needs to look at them and there
19 needs to be more consensus about them. Corky has a comment and
20 then I would like maybe to have Myron make his motion.

21
22 **MR. PERRET:** Two old-timers are going to disagree. You know
23 once you close an area that it's very difficult to reopen an
24 area and that's number one, but I'm in tune with what I think
25 Myron wants to do. I just want to know procedurally, Carrie,
26 what do we need to do?

27
28 **DR. SIMMONS:** I have a proposal, but, again, Mr. Grimes has to
29 agree with it. If the committee would like to do this, what
30 we've done is we've informed the regulation writers, Scott, and
31 he has the draft coordinates and so we could provide those to
32 full council, but the way the coordinates would be listed would
33 be 2A and 2B. The areas would not be completely renumbered for
34 the full council to review this. It would be 15A, 15B, and 15C.

35
36 That's how the coordinates would be reviewed and that would be
37 added on to the current proposed rule that you have in the
38 briefing materials.

39
40 For the South Atlantic Council meeting, we could renumber those
41 proposed closed areas for the South Atlantic Council meeting, if
42 the council would like to do that.

43
44 **CHAIRMAN SIMPSON:** It's really just a matter of unique
45 identification. For us at full council, it would be A and B and
46 A and B and C, as necessary, and for the South Atlantic, it
47 could be renumbered.

48

1 **DR. SIMMONS:** Correct.

2
3 **MR. PERRET:** We are looking at a lot of proposed closed areas
4 and did law enforcement have adequate input and did they concur
5 with whatever?
6

7 **CHAIRMAN SIMPSON:** Carmen, you want to talk about it? I'm sure
8 the straight lines were something you all suggested.
9

10 **LCDR CARMEN DEGEORGE:** Thank you, Mr. Chairman. I just spoke
11 with my colleague from the Miami region and the Law Enforcement
12 Advisory Panel on the South Atlantic Council did wrestle with
13 this. They did talk about it and they're not opposed to any of
14 these closed areas.
15

16 **CHAIRMAN SIMPSON:** It would be almost impossible to do irregular
17 lines, but I know that they suggested in the past straight
18 lines.
19

20 **LCDR DEGEORGE:** That's correct, although the LEAP did note that
21 it would be challenging with the amount of closed areas that
22 we're talking about here, but, once again, they didn't oppose
23 any of the closed areas.
24

25 **CHAIRMAN SIMPSON:** Thank you, Carmen.
26

27 **MR. GRIMES:** I don't know that I understood that discussion of
28 how we would renumber the closed areas and I don't have a
29 preference as to whether you give them individual numbers or
30 give them an A, B, or C for the individual areas, but however we
31 do it, the regulations from this council need to be identical to
32 the regulations from the South Atlantic Council, whether it's A,
33 B, or C or individual numbers. It doesn't make any difference
34 to me, but they do need to be identical.
35

36 **DR. SIMMONS:** I would just say that we did not have time before
37 this council meeting to renumber each of these, especially not
38 knowing if the council and committee was interested in splitting
39 these areas and so we did the best we could to bring this to the
40 committee and to the council and so the only way we knew to go
41 forward with this is to split these areas so you have the
42 coordinates of how the change would be split and instead of
43 renumbering them, it would become an A and a B. The idea would
44 be that eventually we would have to renumber the proposed closed
45 areas.
46

47 **CHAIRMAN SIMPSON:** Shep, the foundation of your concern will be
48 met. It's just for purposes of our full council, we would have

1 to identify them one way and then when we coordinate with the
2 South Atlantic, then they would be renumbered.

3
4 **MR. GRIMES:** I understand all that. What I'm saying is that
5 we're not going to -- You have regulations in your briefing book
6 today and those regulations do not encompass the changes that
7 we're talking about now.

8
9 We would discuss those changes and understand that we would make
10 those changes to the regulations that are ultimately published
11 in the Federal Register and whatever revisions we make, they
12 would be the same as the South Atlantic is going to see and
13 approve at its next meeting, but we don't actually have to
14 physically have that draft regulatory text in front of us. We
15 can just understand and discuss that we'll make those changes.

16
17 **MR. CUPKA:** I think I agree with what Shep is saying, but it
18 shouldn't be a problem, because we wouldn't draft a separate
19 rule or regulation. We would work off the one that's being done
20 for the Gulf Council and use the same one and so it would be
21 consistent.

22
23 **MR. GRIMES:** Dr. Steve Branstetter just told me that the
24 Regional Office has already prepared the draft regulations and
25 they have everything renumbered and they will be available for
26 you by the full council at this meeting.

27
28 **CHAIRMAN SIMPSON:** Are we set then for the implementation, if
29 there is a motion to separate?

30
31 **MR. FISCHER:** I think at this time I would like to move that
32 considering the necessary boundaries, we subdivide Proposed
33 Closed Area 2 into two boxes and Proposed Area 15 into three
34 boxes and Proposed Area 30 into two boxes, as I say, considering
35 the buffer space necessary.

36
37 **MR. PERRET:** Second.

38
39 **CHAIRMAN SIMPSON:** We have a motion and a second by Mr. Perret.
40 Is there more discussion? **Is everyone in agreement? Do I hear**
41 **objection? Without objection, the motion passes.** That brings
42 us to the next action.

43
44 **DR. SIMMONS:** That takes us to Action 2, to require gear
45 markings for trap lines in the EEZ off of Florida. The
46 council's current preferred alternative is Alternative 1, no
47 action, do not require markings for spiny lobster trap lines.

1 Alternative 2 would require all spiny lobster trap lines in the
2 EEZ off of Florida to have a white marking along its entire
3 length, such as all white line or a white tracer, and all the
4 gear must require with the gear marking requirements no later
5 than August 6, 2017.

6
7 Alternative 3 would require all spiny lobster lines in the EEZ
8 off of Florida to have a permanently affixed white marking at
9 least four inches wide spaced every fifteen feet along the trap
10 line or at the midpoint of the line if it's less than fifteen
11 feet and that gear must comply with the marking requirements no
12 later than August 6, 2017.

13
14 **CHAIRMAN SIMPSON:** Any change of the committee idea about
15 preferred?

16
17 **MR. GRIMES:** I was just going to note, and we've had some of
18 this discussion before, but not implementing the line marking
19 requirements is somewhat problematic. This is a requirement in
20 the controlling biological opinion. It is not currently
21 optional.

22
23 Line marking requirements such as this are common along the east
24 coast and Mid-Atlantic and New England regions, in particular.
25 This stuff can be readily implemented. If the State of Florida
26 is not willing to implement compatible requirements, then I do
27 agree, and the document indicates, that their failure to do so
28 undermines the ability of this council to effectively address
29 the issue through Magnuson-Stevens Act regulations.

30
31 However, if we go ahead and decide not to do this, the National
32 Marine Fisheries Service is going to have to decide whether to
33 reinitiate Section 7 consultation under the Endangered Species
34 Act and revisit this requirement that's currently specified in
35 the biological opinion or potentially whether to implement an
36 Endangered Species Act rule requiring line marking, which would
37 not be limited to ESA waters as are Magnuson-Stevens Act
38 regulations.

39
40 **CHAIRMAN SIMPSON:** Thank you. Any comments?

41
42 **DR. CRABTREE:** Jessica, I wonder if you could comment. It's my
43 understanding that the Marathon Lab of the FWC has got some
44 funding and is going to be doing some cooperative research
45 looking at ways to mark line and could you comment on that?

46
47 **MS. MCCAWLEY:** Certainly. When we were discussing this at the
48 South Atlantic Council, some other alternatives came up besides

1 the tracer option and so we talked about a spray paint option
2 and we also talked about an option that involved something that
3 was a fish tag that would actually be placed inside the rope.

4
5 Following that discussion, our FWC/FWRI Marathon Lab is now
6 going to be looking at some of these other options and testing
7 them out and we felt that since this doesn't have to be
8 implemented until 2017 that we had time to do some further
9 analysis on that.

10
11 **DR. CRABTREE:** I understand the concerns right now, but I'm not
12 giving up on this and I'm hopeful that the FWC work will come up
13 with something and I think the best outcome here would be that
14 we come up with an alternative that is more acceptable to the
15 industry and I think if we can do that, then we and the FWC and
16 the councils could all work through this and get this done.

17
18 We've got until 2017 and so I think this is something we need to
19 stay focused on and try to see if we can't find a way that's
20 acceptable to everyone to make this happen.

21
22 **CHAIRMAN SIMPSON:** Thank you, Roy. Keep in mind there are other
23 traps and line markings. If you're trying to determine
24 involvement in marine mammals, then you need to really address
25 the whole scope and stone crab and blue crab lines are not
26 marked and so really, it needs to address everything, if you're
27 going to do something, instead of just trying to highlight one
28 aspect.

29
30 **MR. CUPKA:** As Jessica indicated earlier, we had a lot of
31 discussion on this particular action and given the fact that we
32 do have some time until 2017 and also the reluctance on the part
33 of the State of Florida to move ahead and the Gulf Council,
34 that's why we ended up choosing the same preferred alternative
35 that you all did, which was no action at this point, but I think
36 there's still some concern and also some hope that we can still
37 move ahead on this at some time in the future and work this out,
38 but at the present time, it just didn't seem like it was going
39 to go anywhere and so that's why we took the action we did.

40
41 **CHAIRMAN SIMPSON:** Anything else? We've covered all of our
42 business.

43
44 **MR. FISCHER:** Mr. Chairman, looking at this document and
45 reviewing it, I would like to applaud those who took part in the
46 writing of it. This is probably the easiest document to read
47 the council has ever turned out and I would like to see things
48 like this in the future and thank you.

1
2 **CHAIRMAN SIMPSON:** Don't throw compliments. Throw money.

3
4 **MR. FISCHER:** Pennies?

5
6 **CHAIRMAN SIMPSON:** Anything will help.

7
8 **DR. SIMMONS:** Just one more thing. Ms. Gerhart reminded me that
9 the DEIS comment period has just been filed, I believe, or it
10 will file this week and so the comment period for this amendment
11 will probably not end until March, I believe, and so that would
12 be after the South Atlantic Council meeting. If there are any
13 significant comments, it is possible that the councils may have
14 to look at this again, but hopefully not.

15
16 **CHAIRMAN SIMPSON:** Thank you. Refresh my memory, Dave, on this
17 Action 1. Are we consistent with prohibiting trapping only or
18 all spiny lobster fishing?

19
20 **MR. CUPKA:** We discussed that aspect too and we went along with
21 the preferred option you all have and it just applies to traps.

22
23 **CHAIRMAN SIMPSON:** With that, unless there's any more --

24
25 **MR. GILL:** I'm not on your committee and I may have stepped out
26 when you discussed it, but did the committee retain the current
27 preferred on Action 1, the option relative to trapping versus
28 all?

29
30 **CHAIRMAN SIMPSON:** Yes. Anything else? I think we need a
31 motion to send this to full council for submission to the
32 Secretary.

33
34 **MR. PERRET:** So moved.

35
36 **CHAIRMAN SIMPSON:** We've got a second by Myron. **All those in**
37 **favor say aye; all those opposed say no. The motion is**
38 **unanimous and we'll pass it on to the council.** Carrie, are you
39 through with that? We have the NMFS Proposed Rule and go ahead,
40 Shepherd.

41
42 **REVIEW OF PROPOSED CODIFIED RULE**

43
44 **MR. GRIMES:** I was just going to note that you have the
45 regulations as well and you'll have -- I guess this is a little
46 bit more complicated, because you have revised regulations that
47 will be forthcoming and so maybe it's best that you just wait
48 until we get those revised regulations and then you can refer to

1 those and deem those necessary and appropriate in full council,
2 since you technically don't have them in committee.

3
4 **CHAIRMAN SIMPSON:** That sounds like a logical thing. I would
5 say this, Shep. Of course, it could be just my software
6 package, but on page 1, Parentheses (4), the following areas are
7 bounded by, mine says "rhumb lines". That's right? Okay.
8 Thank you. We will wait until full council to get that.

9
10 Item VII is Discussion on Disbanding the Stone Crab AP. We are
11 giving back and appropriate so -- We are remanding back or we
12 are transferring back the stone crab authority for management
13 back to the State of Florida and in that regard, we think it's
14 maybe something appropriate to discuss of disbanding our AP.

15
16 If the committee and then subsequently the council agrees, we
17 also need to also drop from the SSC our stone crab. We need to
18 change the title from Spiny Lobster and Stone Crab to just Spiny
19 Lobster.

20
21 **MR. PERRET:** Obviously the State of Florida has taken over this
22 management authority and I don't see why we would need to
23 continue the AP. The only thing I would suggest is, and I'm
24 sure the State of Florida, in their infinite wisdom and
25 knowledge, is certainly going to have an advisory panel of some
26 type for this fishery and perhaps they will want to keep some of
27 the members, possibly all of the members, of that committee to
28 advise them as appropriate. Are you looking for a motion?

29
30 **CHAIRMAN SIMPSON:** Yes.

31
32 **MR. PERRET:** I move that we disband the Stone Crab Advisory
33 Panel and to change the name of the committee that was a joint
34 Spiny Lobster/Stone Crab to just Spiny Lobster.

35
36 **CHAIRMAN SIMPSON:** I've got a motion by Mr. Perret and a second
37 by Myron. Discussion? **Anybody in objection? Without**
38 **objection.** Carrie, what else do we need to do? That's it.
39 Anything else under Other Business? Hearing or seeing none, we
40 are adjourned.

41
42 (Whereupon, the meeting adjourned at 11:00 a.m., February 1,
43 2012.)

44
45 - - -