

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SPINY LOBSTER COMMITTEE

Astor Crowne Plaza New Orleans, Louisiana

January 30, 2017

**VOTING MEMBERS**

- 10 Martha Guyas (designee for Nick Wiley).....Florida
- 11 Doug Boyd.....Texas
- 12 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 13 Dave Donaldson.....GSMFC
- 14 Campo Matens.....Louisiana
- 15 John Sanchez.....Florida

**NON-VOTING MEMBERS**

- 18 Kevin Anson.....Alabama
- 19 Leann Bosarge.....Mississippi
- 20 Pamela Dana.....Florida
- 21 LCDR Leo Danaher.....USCG
- 22 Dale Diaz.....Mississippi
- 23 Tom Frazer.....Florida
- 24 John Greene.....Alabama
- 25 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 26 Greg Stunz.....Texas
- 27 Ed Swindell.....Louisiana
- 28 David Walker.....Alabama

**STAFF**

- 31 Steven Atran.....Senior Fishery Biologist
- 32 Matt Freeman.....Economist
- 33 Douglas Gregory.....Executive Director
- 34 Morgan Kilgour.....Fishery Biologist
- 35 Ava Lasseter.....Anthropologist
- 36 Mara Levy.....NMFS
- 37 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 38 Bernadine Roy.....Office Manager
- 39 Charlotte Schiaffo.....Research and Human Resource Librarian
- 40 Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

- 43 Eric Brazer.....GMRFSA
- 44 J.P. Brooker.....Ocean Conservancy
- 45 Mark Brown.....SAFMC
- 46 Tony Bruce.....Zachary, LA
- 47 Gary Bryant.....Gulf Shores, AL
- 48 Richard Fischer.....LA

1 Traci Floyd.....MS DMR  
2 Sue Gerhart.....NMFS  
3 Scott Hickman.....Galveston, TX  
4 Joe Jewell.....MS DMR  
5 Bill Kelly.....FKCFA  
6 Jason Klosterman.....Destin, FL  
7 Bonnie Ponwith.....SEFSC  
8  
9 - - -  
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PAGE 6: Motion make Alternative 2 the Preferred Alternative in Action 1-1. The motion carried on page 8.

PAGE 8: Motion to make Alternative 2 the Preferred Alternative in Action 1-2. The motion carried on page 9.

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1 The Spiny Lobster Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Astor Crowne Plaza, New  
3 Orleans, Louisiana, Monday afternoon, January 30, 2017, and was  
4 called to order by Chairman Martha Guyas.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8

9 **CHAIRMAN MARTHA GUYAS:** I think we are ready to go. Here is who  
10 is on Spiny Lobster this go-around. It's John Sanchez, Doug  
11 Boyd, Roy Crabtree, Dave Donaldson, and Camp. We've got a  
12 couple of administrative things and then we'll get into our  
13 amendment.

14  
15 Before we begin, can I please have a motion to adopt the agenda  
16 as written, unless somebody has changes? We have a motion and a  
17 second. Thank you. Any opposition to that motion? Seeing none  
18 that motion is approved.

19  
20 We have minutes from our meeting last June. Can I please have a  
21 motion to approve the minutes? We have a motion and a second.  
22 Thank you. Any opposition? Seeing none, the minutes are  
23 approved. I think, Morgan, if you're ready, let's jump into the  
24 options for Joint Spiny Lobster Regulatory Amendment 4.

25  
26 **DRAFT OPTIONS JOINT SPINY LOBSTER REGULATORY AMENDMENT 4**  
27

28 **DR. MORGAN KILGOUR:** Absolutely. Just to revisit why we're  
29 here, in Spiny Lobster Amendment 10, the OFL and the ACL and the  
30 ACT were set based on a range of years from 2000 to 2009/2010.  
31 It was a low landings range of years, and so it was the historic  
32 low landings, and that was thought that was the new normal for  
33 the spiny lobster fishery.

34  
35 Since the implementation of the OFL, the ACL, the ACT, we have  
36 had three years where the ACT was exceeded and two years where  
37 the ACL was exceeded. Written in Spiny Lobster Amendment 10, if  
38 the ACL was exceeded two years in a four-year time period, then  
39 the whole system of ACLs and AMs needs to be revisited, and so  
40 that's why we're here.

41  
42 A Spiny Lobster Review Panel has met in both 2015 and 2016 to  
43 review the landings, and they have made the recommendation to  
44 the SSC to revise the years used to calculate the ACT, ACL, and  
45 OFL.

46  
47 The Gulf SSC and the South Atlantic SSC have both agreed that  
48 using the entire time period of 1991 to 2015/2016 would be

1 appropriate for recalculating the OFL, the ACL, and the ACT, and  
2 so that's the basis of this document. If you want to ask  
3 questions at any time, feel free. I am trying to give the  
4 quick-and-dirty background.

5  
6 Let's go over Action 1, which is on page 14. This is to modify  
7 the maximum sustainable yield and the overfishing threshold,  
8 which is currently set as equal to OFL. Alternative 1 would  
9 maintain the MSY proxy and the MFMT equal to the previous  
10 overfishing limit, as set by the Gulf and South Atlantic SSC,  
11 using the mean landings from the years 2001/2002 to 2009/2010,  
12 plus two standard deviations, and this is equivalent to 7.9  
13 million pounds.

14  
15 Alternative 2 would modify the MSY proxy and MFMT to be equal to  
16 the revised OFL, as recommended by the Gulf and South Atlantic  
17 SSCs, using the mean landings from the years 1991/1992 through  
18 2015/2016, plus two standard deviations, and this equates to  
19 10.46 million pounds. Are there any questions?

20  
21 **CHAIRMAN GUYAS:** Are we looking for preferreds right now?

22  
23 **DR. KILGOUR:** I don't think it would hurt. We don't have a  
24 Chapter 3, an effects analysis, and so it's not necessary. This  
25 document is going to have to go to the South Atlantic, and so an  
26 indication of which way you're leaning would be okay, but it's  
27 not necessary, because don't have an effects analysis at this  
28 time.

29  
30 **MR. JOHN SANCHEZ:** I guess, in the interest of letting them know  
31 which way we're leaning, I would move that we pick Alternative 2  
32 as a preferred in Action 2-1, 2.1, 1-1.

33  
34 **CHAIRMAN GUYAS:** Morgan, is it Action 1-1?

35  
36 **DR. KILGOUR:** She is fixing it. It's Action 1-1.

37  
38 **CHAIRMAN GUYAS:** Okay. We are getting John's motion up on the  
39 board here, and we need a second, if anybody is willing. This  
40 motion basically is we would take the advice of the SSC. Is  
41 anybody willing to second this one? If not, it's going to die.

42  
43 **MR. DOUG BOYD:** I will second it, but I have a question.

44  
45 **CHAIRMAN GUYAS:** Go ahead, Doug.

46  
47 **MR. BOYD:** I think I'm having trouble finding what we're talking  
48 about here. It says Action 1-1, and is that under Chapter 2? I

1 am just trying to get on the right page.  
2  
3 **DR. KILGOUR:** It's on page 12, at the bottom, and it's Section  
4 2.1, Action 1-1, which is the Maximum Sustainable Yield and  
5 Overfishing Threshold. Are we all clear?  
6  
7 **CHAIRMAN GUYAS:** Okay. Everybody knows where we are now? Any  
8 questions about this? Go ahead, Camp.  
9  
10 **MR. CAMPO MATENS:** Forgive me here, but what does this do,  
11 practically speaking?  
12  
13 **DR. KILGOUR:** Right now, the ACL is set at a value that is 7.32  
14 million pounds. It means that, every time that the ACL is  
15 exceeded, a review panel is convened, and they determine if the  
16 fishery is in trouble and if something needs to happen.  
17  
18 So far, in the past three years, the ACL has been exceeded  
19 twice, and so the whole system of ACLs in this fishery needs to  
20 be reevaluated based on the guidance of Amendment 10. This is  
21 to look and see if those were really the appropriate thresholds  
22 to set for this fishery or if those thresholds were set based on  
23 a low ten years of landings and perhaps the fishery is not in  
24 that state. This would be using the entire time series of  
25 landings to calculate the ACL instead of that low ten years'  
26 worth of landings, if that makes sense.  
27  
28 **MR. MATENS:** This is the most conservative?  
29  
30 **DR. KILGOUR:** No, this is not the most conservative.  
31  
32 **CHAIRMAN GUYAS:** John has got his hand up.  
33  
34 **MR. SANCHEZ:** It might not be the most conservative, but, again,  
35 all the information on lobster indicates that our recruitment  
36 comes from elsewhere, and so it wouldn't, potentially, have an  
37 impact, and we're just using a broader time series to reflect  
38 more history in raising that to 10.46 without any, in my  
39 opinion, impact to the resource. The recruitment is going to  
40 come from elsewhere.  
41  
42 **MR. DAVE DONALDSON:** Morgan, you mentioned this alternative  
43 related to number of pounds, and how much was that again?  
44  
45 **DR. KILGOUR:** It would be 10.46 million pounds, and I can add  
46 that to the alternative for the next iteration of the document,  
47 if you would like.  
48

1 **CHAIRMAN GUYAS:** Okay. Any other discussion on this motion? If  
2 not, let's go ahead and vote. **All in favor, please raise your**  
3 **hands.**  
4  
5 **EXECUTIVE DIRECTOR DOUG GREGORY:** Five.  
6  
7 **CHAIRMAN GUYAS:** **Any opposed?** I think that's actually  
8 everybody. That is everybody except for me, I think, and so  
9 we're good to go. **The motion carries.** Let's keep going then.  
10  
11 **DR. KILGOUR:** All right. For Action 1-2, this would be  
12 modifying the ACL and ACT to be using those same years, and so,  
13 if we are there, on page 16, the no action, the current ACL is  
14 equal to the ABC, as recommended by the Gulf and South Atlantic  
15 SSCs, using the mean landings from 2001 to 2009/2010, plus 1.5  
16 standard deviations, which equates to 7.32 million pounds. The  
17 ACT is 90 percent of the ACL, which was 6.59 million pounds.  
18  
19 Alternative 2 would be to set the ACL equal to the ABC, as  
20 recommended by the Gulf and South Atlantic SSCs, using the mean  
21 landings from the years 1991/1992 to 2015/2016, plus 1.5  
22 standard deviations, which is 9.6 million pounds. The ACT is 90  
23 percent of the new ACL, which is 8.64 million pounds. Again,  
24 the only difference is the range of years used to calculate the  
25 ACL, and, therefore, the ACT.  
26  
27 **MR. SANCHEZ:** Following that same logic from the prior action, I  
28 would move that we choose Alternative 2 as the preferred for  
29 this action.  
30  
31 **CHAIRMAN GUYAS:** Did I see you, Doug, with a second? Okay. Any  
32 questions or discussion about this one? Doug.  
33  
34 **MR. BOYD:** Just a question. This is an annual stock, isn't it?  
35 Haven't we determined that in the past? Isn't that what has  
36 been reported to us, is that it's pretty much an annual stock?  
37  
38 **CHAIRMAN GUYAS:** If it were annual, I don't think it would have  
39 to have an --  
40  
41 **DR. KILGOUR:** No, this isn't an annual stock. The problem with  
42 this stock is that, as John said, all of the recruitment is  
43 thought to be external. There's been some other studies that  
44 have thought that maybe 20 to 30 percent internal recruitment,  
45 but, really, we don't manage the spawning stock for this  
46 species. That is the big problem.  
47  
48 **CHAIRMAN GUYAS:** Any other questions or discussion?



1  
2 **MR. DONALDSON:** Just a point of clarification. In the document,  
3 the heading is 2.2, Action 1.2, and is that -- Is the motion  
4 correct, by Action 2.1, or 2-1. I am just --  
5  
6 **DR. KILGOUR:** I apologize. I wasn't looking at the screen. It  
7 should be Action 1.2. They were just inverted. Thank you for  
8 clarifying.  
9  
10 **MR. DONALDSON:** Okay. I just wanted to make sure.  
11  
12 **CHAIRMAN GUYAS:** Good catch. I think we're there now, or at  
13 least I think we all understand what we're talking about,  
14 hopefully. Okay. Are we ready to vote on this one? **All in**  
15 **favor, go ahead and raise your hands.**  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** Five.  
18  
19 **CHAIRMAN GUYAS:** Great. Okay. Let's go to the next one.  
20  
21 **DR. KILGOUR:** This next action is Action 2. It's on page 18.  
22 This is a strictly South Atlantic action. You don't need to  
23 take a preferred on this one, since it wouldn't affect the Gulf,  
24 but you're welcome to if you would like to. This would prohibit  
25 the use of traps for recreational harvest of spiny lobster in  
26 the South Atlantic EEZ.  
27  
28 Alternative 1 would be no action. Traps are prohibited gear for  
29 recreational harvest of spiny lobster in the EEZ off Florida  
30 waters, but are not prohibited for recreational harvest of the  
31 species in other parts of the South Atlantic EEZ. Traps must  
32 comply with the requirements for vessel and gear identification,  
33 trap construction, and harvest limits as specified by 50 CFR  
34 Part 622.  
35  
36 Alternative 2 would prohibit the use of traps for recreational  
37 harvest of spiny lobster in the South Atlantic EEZ, and so  
38 apparently it was brought to the South Atlantic Council's  
39 attention that, while recreational traps were prohibited off of  
40 Florida, they weren't prohibited in other states, and so they  
41 will just be extending that prohibition.  
42  
43 **CHAIRMAN GUYAS:** Are there questions for Morgan about this one?  
44 Is there any desire to pick a preferred or let the South  
45 Atlantic take the first bite, since this is their action? Go  
46 ahead, Mara.  
47  
48 **MS. MARA LEVY:** Just a couple of things. The minor point is the

1 title of the document doesn't reference the trap piece of it,  
2 and so it doesn't indicate that it's dealing with traps. I  
3 would put that in somewhere.

4  
5 Then the other thing, and I'm not sure, Morgan, if you already  
6 mentioned this, but, in the ACL action, there is a discussion of  
7 the AP recommending a review panel if landings are below a  
8 certain point, because, right now, your ACT, if you exceed your  
9 ACT, you are triggering a review panel, but I think the AP also  
10 thought that it might be good to have a review panel if landings  
11 are below a certain threshold, because that might indicate some  
12 sort of problem.

13  
14 I think that -- I just wanted you to be aware that it was there,  
15 but also, if the council agrees with that recommendation, if the  
16 councils agree, we're going to need to have an indication of  
17 that at some point in the future and put it in there as the  
18 council establishing having that procedure to have the review  
19 panel and not that it's just an AP recommendation.

20  
21 **CHAIRMAN GUYAS:** Thanks. Good catch. Yes, I remember the AP  
22 having that discussion, and I feel like we had talked about this  
23 at some point during one of our committee meetings, but I guess  
24 we decided that it didn't need to be an action, but maybe we  
25 need to work that in there somewhere.

26  
27 **DR. KILGOUR:** I think the IPT decided that it didn't need to be  
28 an action, but that recommendation was made by the committee  
29 that it be included in the document, and so thank you for  
30 reminding me. I got a little ahead of myself. The council  
31 should comment on that lower landing trigger and how you want  
32 that addressed in this document.

33  
34 **CHAIRMAN GUYAS:** I think the discussion that we had was  
35 supportive, largely, of what the AP wanted to do, and so  
36 whatever the mechanism is to do it. I think the committee is  
37 onboard with that. That's our last action, right?

38  
39 **DR. KILGOUR:** Yes.

40  
41 **CHAIRMAN GUYAS:** Any other questions or discussion about this  
42 document? If not, is there any other business to come before  
43 this committee? If not, then I will yield the time back to the  
44 Chairman.

45  
46 (Whereupon, the meeting adjourned on January 30, 2017.)

47  
48 - - -