



# Evaluating Alternative Accountability Measures for Spiny Lobster under the Puerto Rico Fishery Management Plan (FMP)

Discussion/Options Paper, August 2025

## Background

The Caribbean spiny lobster stock in waters around Puerto Rico is managed by the Puerto Rico Department of Natural and Environmental Resources (DNER) (state waters) and by the National Marine Fisheries Service (NMFS) with the advice from the Caribbean Fishery Management Council (CFMC) (federal waters). The Puerto Rico Fishing Regulations 7949 apply to fishing for spiny lobster in state waters, while the Puerto Rico Fishery Management Plan (FMP) and implementing regulations contained in 50 CFR 622 apply to fishing for spiny lobster in federal waters. As one of the most important species targeted by commercial fishers in Puerto Rico, both federal and state regulations limit catch to ensure the sustainability of this stock (see Puerto Rico FMP, Chapter 5). Among others, these regulations address the size and reproductive conditions of the species, and establish areas closed to fishing and gear restrictions.

**Issue:** Commercial landings of spiny lobster in Puerto Rico are not monitored in-season, only post-season. Often commercial landings are two years old before they are available for management. Recreational landings are not currently monitored or reported. The commercial and recreational sectors are managed under a stock annual catch limit (ACL) and a post-season accountability measure (AM) for the entire stock, described below. A recent evaluation of Puerto Rico spiny lobster landings for ACL monitoring purposes indicates that the three-year average of the most recent commercial landings of Puerto Rico spiny lobster has exceeded the three-year average of the applicable ACLs. The exceedance is attributed to increases in harvest, rather than to improved data collection or monitoring.

Based on current harvest patterns, it is expected that landings will continue to exceed the applicable ACL (i.e., average landings 2021-2023 = 589,169 lbs vs average ACLs 2021-2023 = 408,155 lbs) under status quo regulations. Currently, when commercial landings of the stock exceed the applicable ACL, the AM provides that NMFS reduce the length of the fishing season by the amount necessary to prevent another overage. However, the vast majority of spiny lobster harvest in Puerto Rico occurs in state waters (~90% or more). Therefore, applying an AM that closes harvest in federal waters is not sufficient to fully constrain total spiny lobster landings to the applicable ACL unless Puerto Rico implements compatible regulations in state waters. For example, commercial landings of spiny lobster could increase to such a level that an AM-based closure could require harvest in federal waters to close year-round.

Additionally, an update to the SEDAR 57 assessment completed in 2022 supported a determination that the Puerto Rico spiny lobster stock was subject to overfishing. This was



reported to the CFMC in a 2024 memorandum. In 2025, the stock continues to be undergoing overfishing based on a review of the most recent commercial landings (2023) relative to the overfishing limit. NMFS sent a letter to the CFMC on July 30, 2025, notifying the Council of ongoing overfishing. Upon notification that a stock is undergoing overfishing, a Council should immediately begin work to end the overfishing.

National Standard 1 Guidelines state that if the ACL is exceeded more than once in a four-year period, then the system of ACLs and AMs should be reevaluated and modified as necessary, to improve its performance and effectiveness. Given recent overages of the ACL in addition to time lags in receiving commercial landings data, the CFMC and NMFS need to consider new management measures and alternatives to the current AM to ensure that ACLs are not exceeded on a regular basis. A benchmark stock assessment for spiny lobster in Puerto Rico, St. Croix, and St. Thomas/St. John (SEDAR 91) is currently in progress. If accepted for management use, results from SEDAR 91, including an updated ACL, would be considered as best scientific information available for the spiny lobster stocks, and could be incorporated into an amendment to the Puerto Rico FMP. Results of SEDAR 91 are expected to be available for the Scientific and Statistical Committee to review in September 2025 and will be presented to the Council in December 2025.

### **Current AMs applicable to the Spiny Lobster Stock under the Puerto Rico FMP**

Framework Action 1 to the FMPs, implemented in 2023, modified the AM for Spiny Lobster in each management area. For the spiny lobster stocks, the most recent 3-year average landings are compared to the average ACLs during that same time period. If average landings exceed the average ACL and the exceedance is due to increased catch and not enhanced reporting, then NMFS will reduce the length of the fishing season within the current fishing year by the amount necessary to prevent average landings from exceeding the ACL for the current fishing year.

Any fishing season reduction required will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

### **Potential Options to modify AMs for spiny lobster**

The following option presents an alternative to the current AM trigger that the CFMC could consider to better address ACL overages. Pros and cons for the option are included. Any modifications to the current AMs applicable to the Puerto Rico spiny lobster stock would need to be made through an amendment to the Puerto Rico FMP.



## Modifying the AM trigger

1. No action – An AM is triggered when the evaluated landings (currently average of the most recent 3-years landings compared to the average ACLs during those years) exceed the ACL and the exceedance is due to increased catch and not enhanced reporting.

Pros:

- This AM process is already established.

Cons:

- If landings data are not available in a timely manner, then the monitoring occurs later in the year, and may not be able to constrain landings as needed.

2. Trigger an AM if the ACL is exceeded and the fishery-dependent abundance trend (size composition, Catch-per-unit-effort [CPUE]) is declining over the same time period.

Pros of Option 2:

- Uses additional data to inform the AM trigger that may better reflect the actual condition and trends of the spiny lobster population.

Cons of Option 2:

- Fishery-dependent data for spiny lobster is limited, may be insufficient, may not be timely, or similarly, annual differences in lobster size might not be substantial due to existing size limits.



## Appendix

### Appendix A - Examples of potential approaches for when an AM is triggered

1. No action – Reduce the length of the fishing season by the amount needed to ensure landings are not exceeded again.

*Pros:* This AM corrective action is already established.

*Cons:* Most spiny lobster harvest occurs in Puerto Rico state waters outside federal reach, if the spiny lobster ACL is exceeded, NMFS may not have the ability to reduce the length of the fishing season by the amount necessary to prevent a future overage unless compatible regulations are implemented by Puerto Rico DNER.

2. Implement a commercial trip limit in the year following an overage.
  - a. Establish a pre-determined commercial trip limit based on the ACL overage amount. The commercial trip limit could be composed of different category ranges. For example, set a more restrictive trip limit based on a greater ACL overage.

*Pros:*

- Establishing a trip limit would likely slow the rate of harvest (if harvest is also reduced in state waters, where most of the harvest takes place).

*Cons:*

- Time lags in landings data could affect how quickly an AM is triggered and a trip limit is implemented each year. The effectiveness of a trip limit would depend on the DNER adopting a similar trip limit in state waters.
- It may be challenging to determine when the trip limit should take place so that it provides the most benefit to the population while minimizing socio-economic effects.
- Enforcement of the trip limit may be difficult particularly if Puerto Rico does not implement a similar trip limit.
- An annually variable trip limit may create confusion among fishers.

3. Implement a dynamic closed season for the spiny lobster the year following an ACL overage, where the closure length could be pre-determined based on the ACL overage amount (set in different category ranges).

*Pros:*

- Establishing a dynamic closed season would likely slow the rate of harvest (if the closure also applies in state waters, where most of the harvest takes place).



- A dynamic closure that allows holiday seasons to be avoided (e.g., Lent, Christmas) may create buy-in from fishers and Puerto Rico to implement the same closure.

Cons:

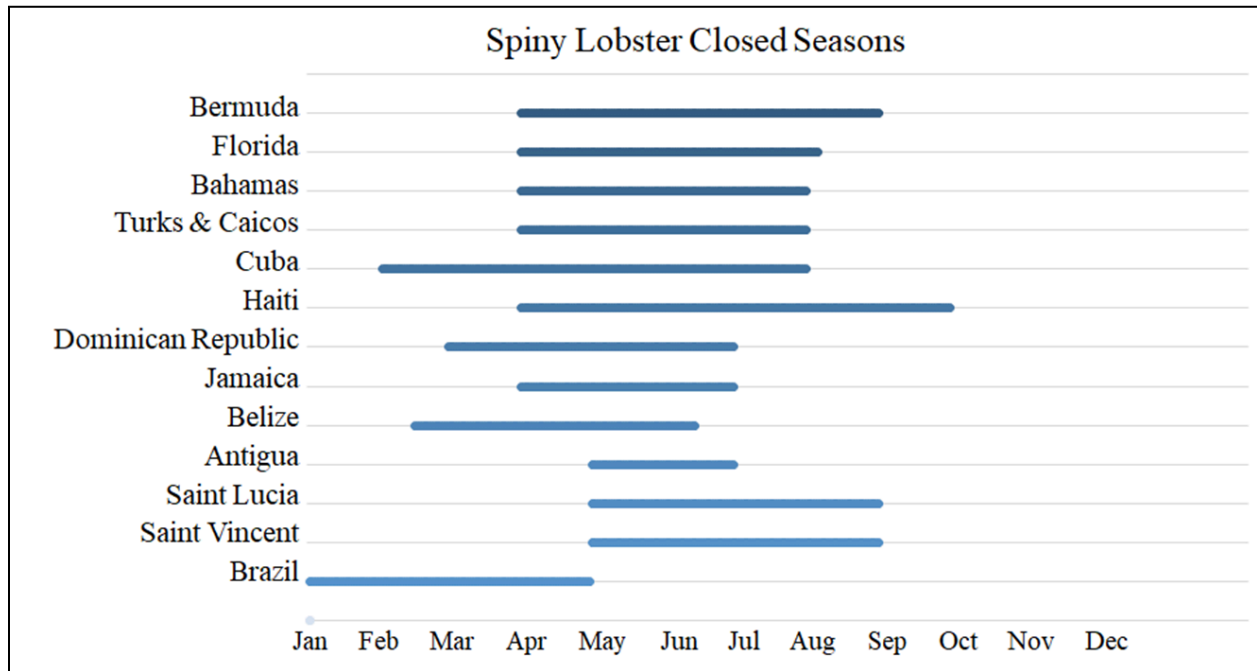
- The effectiveness of the closure would depend on the DNER adopting a similar closure in state waters.
- It may be challenging to determine when the closure should take place so that it provides the most benefit to the population while minimizing socio-economic effects.
- Time lags in landings data could affect how quickly an AM is triggered and a closure is implemented each year.
- Enforcement of the closure may be difficult particularly if Puerto Rico does not implement compatible regulations.
- Varying annual closures may create confusion among fishers.
- May create a derby or shift fishing effort



## Appendix B - Additional management measures that could be considered

- **Annual seasonal closure** – although spiny lobster in the Caribbean spawns year-round, consider a fixed seasonal closure to cover the primary spawning months (Mar to Aug).

**Table B-1.** Closed seasons for spiny lobster harvest in the Wider Caribbean.



- **Seasonal or year-round trip limit** – this option would help reduce catch rates, yet maintain a steady supply of spiny lobster year round (without a closure or with a shorter closure).
- **Limited entry permit** - The Council could consider establishing a federal limited entry permit exclusively for the harvest of spiny lobster in federal waters, and/or establishing cooperative agreements with the DNER for the shared management of the species so that regulations promulgated by Puerto Rico are implemented by NMFS as long as these are consistent with goals and objectives of the Puerto Rico FMP, the national standards, MSA, and other applicable laws.
- **Gear considerations** - For example, implementation of compatible restricted gear types.
- **Year-round harvest prohibition** in federal waters around Puerto Rico.
- **Removal of the spiny lobster from the Puerto Rico FMP** - A determination would need to be made if spiny lobster is in need of conservation and management consistent with factors described in 50 CFR 600.305(c).
- **Other?**



**Table B-2.** Recent CFMC actions related to the management of the spiny lobster.

<p><b>CFMC 175<sup>th</sup> Meeting – August 2021</b></p>	<p>The Council instructed staff to examine alternative times when AMs could be applied to the Spiny Lobster under the Puerto Rico FMP and report back to the Council with the appropriate documentation.</p>
<p><b>SEDAR 57 Spiny Lobster</b></p>	<p>Framework Amendment 1 IBFMPs: Spiny Lobster Reference Points submitted by the CFMC to NMFS in 2020 made changes based on this assessment.</p> <ul style="list-style-type: none"> <li>- Changed the ACLs for all three stocks</li> <li>- Not undergoing overfishing</li> <li>- Regulations effective on April 2023</li> </ul>
<p><b>CFMC 179<sup>th</sup> Meeting – August 2022</b></p>	<p>RA recommends SEFSC and Council work with SSC to work on AMs for spiny lobster (potentially under the enhanced reporting clause). Kevin reminded the group that the SEFSC is working on the updated assessment for spiny lobster now, which should be presented at the December meeting.</p>
<p><b>SEDAR Spiny Lobster Update Assessment (discussed at CFMC 180<sup>th</sup> Meeting – December 2022)</b></p>	<p>Framework Action 2 to Modify Spiny Lobster Reference Points based on SEDAR Update submitted by the CFMC to NMFS in Oct 2023.</p> <ul style="list-style-type: none"> <li>- Changed the ACLs for all three stocks</li> <li>- Puerto Rico stock undergoing overfishing</li> <li>- Regulations effective on May 2024</li> <li>● Submitted by the CFMC in Oct 2023</li> <li>● Regulations became effective on May 2024</li> </ul>
<p><b>Spiny Lobster Status and ACL overages</b></p>	<ul style="list-style-type: none"> <li>● Due to overfishing status and recent ACL overages, the CFMC included evaluating changes to the AM as a priority for 2025.</li> </ul>



## References

[https://www.fisheries.noaa.gov/s3//dam-migration/sero\\_gulf\\_sa\\_spiny\\_lob\\_reg\\_am4.pdf](https://www.fisheries.noaa.gov/s3//dam-migration/sero_gulf_sa_spiny_lob_reg_am4.pdf)

Amendment 10 SA/Gulf SL

[https://www.fisheries.noaa.gov/s3//dam-migration/sero\\_gulf\\_sa\\_spiny\\_lob\\_reg\\_am4.pdf](https://www.fisheries.noaa.gov/s3//dam-migration/sero_gulf_sa_spiny_lob_reg_am4.pdf)

Regulatory Amendment 4 SA/Gulf

<https://repository.library.noaa.gov/view/noaa/45274>

Puerto Rico FMP

[https://safmc.net/documents/att\\_7\\_managing-the-annual-catch-limits-acls-for-data-limited-stocks-draft-pdf/](https://safmc.net/documents/att_7_managing-the-annual-catch-limits-acls-for-data-limited-stocks-draft-pdf/)

NS1 Technical Guidance Subgroup 3 Tech Memo: Managing with ACLs for data-limited stocks in federal fishery management plans - Review and recommendations for implementing 50 CFR 600.310(h)(2) flexibilities for data limited stocks