



**MAGNUSON - STEVENS ACT/NEPA PUBLIC HEARING  
SUMMARY DOCUMENT:  
THE CARIBBEAN, GULF OF MEXICO, AND SOUTH  
ATLANTIC COUNCILS'  
AMENDMENT TO ADDRESS THE IMPORTATION OF SPINY  
LOBSTER PRODUCTS THAT DO NOT MEET U.S.  
CONSERVATION STANDARDS**

**JULY 2008**

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The purpose of this document is to request that the public provide input on alternatives that the Councils are considering to address the importation of spiny lobster products that do not meet U.S. conservation standards.

## **I. BACKGROUND**

The Caribbean spiny lobster (*Panulirus argus*) has a relatively long planktonic larval phase, which is referred to as the puerulus stage. Planktonic larvae are widely dispersed by ocean currents before they settle and recruit to a specific habitat. The long larval duration for spiny lobsters accounts for connectivity from their source areas to their settlement areas. Recruitment is dependent on environmental conditions, such as temperature and salinity, and on the availability of spawning adults, which is influenced by fishery factors, such as fishing pressure, minimum size limit compliance, and more. Studies also have shown local gyres or loop currents in certain locations could influence the retention of locally spawned larvae. In addition, benthic structures such as coral reefs may disturb the flow of water and lead to the settlement of larvae in a particular location.

Most of the Caribbean spiny lobster research has been conducted on the Florida population, but the interconnectivity issue also has been studied in the Caribbean region and is recognized and discussed in the Caribbean Council's Spiny Lobster Fishery Management Plan. Caribbean spiny lobsters range throughout the western Atlantic Ocean from North Carolina to Brazil, including Bermuda, the Bahamas, and all of the Caribbean and Central American areas in between. DNA analysis indicates a single stock structure for Caribbean spiny lobster throughout its range.

Some Caribbean spiny lobster fisheries managed by other countries (e.g., Brazil, Nicaragua, and Ecuador) are reportedly heavily exploited and exporting to the United States millions of pounds of lobsters that are at or below their mean size at reproduction. Overexploiting spiny lobster stocks in foreign fisheries could jeopardize the abundance and structure of U.S. stocks because the larval recruitment of U.S. stocks is dependent on the reproductive potential of stocks managed by other countries. The potential for overfishing the Caribbean spiny lobster is relatively high because a lucrative market exists for all sizes of this species. Approximately 90 percent of the Caribbean spiny lobster marketed in the United States is harvested by foreign fisheries managed by Central and South America countries.

Requiring Caribbean spiny lobster products marketed in the United States to meet a minimum U.S. conservation standard could help stabilize the reproductive potential of the Caribbean spiny lobster by reducing the amount of juvenile spiny lobster mortality in foreign fisheries. Scientists state that the harvest of juvenile tails in other Caribbean countries impacts the sustainability of U.S. lobster stocks because these harvesting countries produce the parental stocks and larvae for the U.S. stocks. In other words, if you destroy brood stock off the coast of Latin America, you effectively destroy the fisheries of other countries, regardless of the management programs in those countries. This animal is an example of a shared resource in that it has no national boundaries because of its dependency on the ocean currents for its larval distribution.

Establishing a minimum conservation standard for spiny lobsters imported to the United States would assist law enforcement officers in restricting illegal product in the market. The United States imports over 90 percent of the spiny lobster harvested in Brazil, Colombia, Central America, and the Caribbean countries. The “big four” exporters to the United States are Bahamas, Brazil, Honduras, and Nicaragua. All these countries have some form of minimal size limit for the Caribbean spiny lobster. Furthermore, exporting countries do not have the law enforcement resources to effectively monitor shipments to the United States.

The United States imports millions of dollars of undersized lobster each year. Most of these imports go undetected because of the enforcement loopholes that exist for international poachers. These loopholes include: (a) the lack of a U.S. minimal size limit that is applicable for all imports; (b) the use of secretive codes to disguise the undersized lobster tail shipments; (c) the increased use of “trans-shipments through countries of convenience” (i.e., shipping illegal product through countries that have weaker lobster laws and changing the country of origin to avoid investigators); and (d) shipping the illegal tails to U.S. ports where inspectors are not as savvy to the lobster smuggling issues.

The Notice of Intent to analyze the impacts of this proposed action in a Draft Environmental Impact Statement was published in the *Federal Register* on July 26, 2007; written comments were due by 8/27/07. The Caribbean Council completed a series of scoping meetings in the Caribbean U.S. on November 13, 2007.

The South Atlantic, Caribbean, and Gulf of Mexico Councils held a scoping meeting in Islamorada, Florida on January 25, 2008. Written comments were due by 5 pm on January 28, 2008.

At their March 2008 meeting the CFMC approved the amendment for public hearings; the GMFMC and SAFMC approved the amendment for public hearings at their June 2008 meetings. Three public hearings have been scheduled in the Keys (location and date below); the CFMC is holding hearings in Puerto Rico and the U.S. Virgin Islands.

The Draft Environmental Impact Statement (DEIS) was filed with the Environmental Protection Agency (EPA) on June 20, 2008. The EPA announced the availability of the DEIS on June 27, 2008 with a 45-day comment period ending on August 11, 2008.

## II. CURRENT SITUATION

Current regulations that are anticipated to be addressed by this amendment are as follows:

<b>Regulation</b>	<b>GMFMC/SAFMC</b>	<b>CFMC</b>
Minimum Carapace Length	3.0 inches (7.62 cm)*	3.5 inches (8.9 cm)***
Minimum Tail Length	5.5 inches (13.97 cm)	
Minimum Tail Weight		
Berried Lobsters	No possession; can't strip eggs.**	Can't possess on vessel; Can be kept in trap; can't strip eggs.
Clipped fins	No possession; can't clip fins.**	No possession; can't clip fins.
Tail meat		

\*Does not apply to use of shorts as attractants.

\*\*Applies to spiny & slipper lobsters.

\*\*\*Lobsters must be kept whole until landed.

### III. MANAGEMENT ALTERNATIVES

**Problem/Need:** Lobsters are being imported below the respective Continental and Caribbean U.S. minimum size limits. Much of the imported lobster does not meet the minimum size limits in the country of origin. This is adversely impacting recruitment throughout Florida and the Caribbean and, as a result, the status of spiny lobster in Caribbean and U.S. waters because of the distribution and dispersal of larvae during their long larval phase.

#### **ACTION 1: MINIMUM SIZE LIMITS FOR SPINY LOBSTER (*PANULIRUS ARGUS*) IMPORTED INTO THE UNITED STATES**

A. **Alternative 1 (No Action Alternative) – Do not establish minimum size limit restrictions on spiny lobster imported into the U.S.**

Under the no action alternative, imports would be subject to the management and regulations of the exporting country and violations of those regulations would be pursued through the Lacey Act.

B. **Alternative 2 (SAFMC Preferred) – No person in the U.S. would be allowed to import a spiny lobster (*Panulirus argus*), as follows:**

1. Any spiny lobster of less than 5 ounces tail weight (5 ounces is defined as a tail that weighs 4.2 – 5.4 ounces). If the imported product does not meet this minimum weight requirement, the person importing the lobster can demonstrate compliance by showing that the product imported satisfies the tail length requirement, or that it was harvested from an animal that satisfied the minimum carapace length requirement of:
  - a. Greater than 3.0 inches (7.62 cm) carapace length if the animal is whole.
  - b. Greater than or equal to 5.5 inches (13.97 cm) tail length if only the tail is present.
  
2. *In Puerto Rico and the U.S. Virgin Islands:* Any spiny lobster of less than 6.0 ounces tail weight (6 ounces is defined as a tail that weighs 5.9 – 6.4 ounces). If the imported product does not meet this minimum weight requirement, the person importing the lobster can demonstrate compliance by showing that the product imported satisfies the tail length requirement, or that it was harvested from an animal that satisfied the minimum carapace length requirement of:
  - a. Greater than or equal to 3.5 inches (8.89 cm) carapace length if the animal is whole.
  - b. Greater than or equal to 6.2 inches (15.75 cm) tail length if only the tail is present.

- C. **Alternative 3** – No person would be allowed to import into the U.S., including Puerto Rico and the U.S. Virgin Islands, any spiny lobster (*Panulirus argus*) of less than 5 ounces tail weight (5 ounces is defined as a tail that weighs 4.2 – 5.4 ounces).

If the imported product does not meet this minimum weight requirement, the person importing the lobster can demonstrate compliance by showing that the product imported satisfies the tail length requirement, or that it was harvested from an animal that satisfied the minimum carapace length requirement of:

- a. Greater than 3.0 inches (7.62 cm) carapace length if the animal is whole.
- b. Greater than or equal to 5.5 inches (13.97 cm) tail length if only the tail is present.

## **ACTION 2: OTHER IMPORT RESTRICTIONS**

- A. **Alternative 1 (No Action Alternative)** – Do not have other restrictions on the importation of spiny lobster.

Under the no action alternative for Action 2, imports would be subject to the management and regulations of the exporting country and violations of those regulations would be pursued through the Lacey Act.

- B. **Alternative 2 (SAFMC Preferred)** - Do not allow the importation of spiny lobster tail meat which is not in whole tail form with the exoskeleton attached; and do not allow the importation of spiny lobster with eggs attached or importation of spiny lobster where the eggs, swimmerets, or pleopods have been removed or stripped.
- C. **Alternative 3** - Do not allow the importation of spiny lobster tail meat which is not in whole tail form with the exoskeleton attached
- D. **Alternative 4** - Do not allow the importation of spiny lobster with eggs attached or importation of spiny lobster where the eggs, swimmerets, or pleopods have been removed or stripped.

#### **IV. PUBLIC HEARING SITES AND DATES**

##### **Public Hearing Dates and Locations – Spiny Lobster will begin at 5:30 pm**

July 21, 2008  
Radisson Hotel  
3820 N. Roosevelt Blvd.  
Key West, FL 33040  
305-294-5511

July 22, 2008  
Banana Bay  
4590 Overseas Highway  
Marathon, FL 33050  
305-742-3500

July 23, 2008  
Doubletree Hotel  
2649 S. Bayshore Dr.  
Miami, FL 33133  
305-858-2500

**All written comments must be received by 5 pm on August 11, 2008.** You may submit comments by any of the following methods:

- Electronic submissions: e-mail: [0648-AV61.DEIS@noaa.gov](mailto:0648-AV61.DEIS@noaa.gov)
- Fax: (727) 824-5308
- Mail: Jason Rueter  
Sustainable Fisheries Division  
Southeast Regional Office  
NOAA Fisheries Service  
263 13th Avenue South  
St. Petersburg, FL 33701-5505

When submitting fax or e-mail comments, include the following document identifier in the comment subject line: 0648-AV61. All comments received are a part of the public record and will be posted to [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential information or otherwise sensitive or protected information. Anonymous comments will be accepted. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

#### IV. WHAT NEXT?

Comments should be provided by 5 pm on August 11, 2008. Comments received will be provided to the Caribbean, Gulf, and South Atlantic Councils for review during their upcoming meetings.

All comments will be considered by the Councils in finalizing the amendment to the Spiny Lobster Fishery Management Plan.

The Caribbean Council is the lead Council in preparing this amendment. The tentative schedule for this amendment is as follows:

Item	Proposed Dates	Anticipated & Actual Dates
Letter designating CFMC admin. lead		7/20/07
<b>NOI for DEIS published in FR</b>		<b>7/26/07; comments due by 8/27/07</b>
Scoping (public comments)	Oct – Dec 2007	Thru 1/28/08
CFMC approves for scoping		8/14-15/07
GMFMC approves for scoping		10/29-11/1/08
CFMC final scoping meeting		11/13/07
SAFMC approves for scoping		12/2-7/07
CFMC Meets		12/11-12/07
Joint SA/GM Scoping – Islamorada, FL		1/24/08
<b>TEAM named &amp; writes document</b>		<b>1/30/08</b>
CFMC approves for PH		3/26-27/08
GMFMC approves for PH		6/2-5/08 TX
SAFMC approves for PH		6/8-13/08 FL
DEIS Published	May 2008	July 2008
Public Hearings	June 2008	July 2008
Councils review & approve	Aug-Oct 2008	
CFMC reviews & approves		8/12-13/08 USVI
GMFMC reviews & approves		8/11-15/08 Key Largo
SAFMC reviews & approves		9/15-19/08 Charleston
Final Document sent to Secretary		10/1/08
FEIS Published & Proposed Rule		
Final Rule Effective	End of Feb 2009	