Spiny Lobster Amendment 10 ACL/AM Amendment Summary of Written Public Comment

In addition to the comments provided during the scoping meetings, the following written comments were submitted to the Council regarding the Spiny Lobster Amendment 10 (ACL/AM Amendment):

Eight letters were received, six of which request that the Council give management control of the spiny lobster fishery to the State of Florida. Of the two remaining letters, one recommends against state control noting that without federal oversight it may be possible for the Florida Keys lobster fishery to be prosecuted by vessels operating out of ports in other southeast states; the last letter also argued against turning over management to the State of Florida, as well as against repealing the joint lobster FMP. This letter also suggested that all lobster be landed tailed or whole; no action be taken regarding possession and handling of short lobsters “undersized attractant”; and recommends that lobster traps not be limited to certain areas, inasmuch as commercial trappers have been proactive in preventing trap movement and meeting with coral advisors.

Copies of the letters are attached.

E-mail w/attachments from Russell Moore:

Dear Council Members;

In reference to the Draft Scoping Document Amendment 10 to the Spiny Lobster Fishery Management Plan, the Environmentally Concerned Commercial Divers of the Florida Keys supports the delegating of the Spiny Lobster Fishery Management Plan to the Florida Fish and Wildlife Commission. Spiny lobster is more of a state resource and we feel that over the years the Florida Fish and Wildlife Commission has worked hard to manage the lobster resource in Florida. They have made and continue to make good decisions for the lobster fishery.

E.C.C.D Environmentally Concerned Commercial Divers of the Florida Keys is a pending Non-Profit Organization. Our organization consists of men and women that are charter boat captains, marine life collectors, commercial fishermen and long time residents of the Florida Keys. We have a diverse background in all areas of the Florida Keys fisheries. E.C.C.D members are very passionate and concerned about the condition of the Florida Keys marine ecosystem and its fisheries.

Our mission is to create a marine restoration, fishery management and habitat maintenance program in the near future for the Florida Keys marine environment. Our goal is to create and maintain a healthy, thriving, sustainable marine ecosystem and fisheries in the Florida Keys for current and future generations to utilize and enjoy.

Grant Request Information

Title of Project
Alternative gear to reduce debris in the FL lobster fishery

Total Amount Requested	$ 136,721.00
Matching Contributions Proposed	$ 136,721.00
Proposed Grant Period	11/01/2008 - 10/31/2010

Two Sentence Project Summary
We will evaluate if a new lobster fishing gear, artificial habitats called casitas, proposed by fishermen will reduce ecological impacts, reduce ghost fishing, and reduce trap debris.

Project Description
The long-term conservation outcome of the proposed research program is to reduce the impact of the lobster fishery and derelict fishing gear. Recent research has identified traps as the dominant type of debris in the Florida Keys National Marine Sanctuary (FKNMS). Fishermen have proposed to test an alternative fishing gear, metal or concrete structures called casitas, as an alternative to traps in some areas. Research is required to evaluate the relative effects of traps and casitas and identify suitable habitats for casita placement. A five part research program is proposed to address this issue. First, we will survey all commercial lobster divers in Florida (n=336). Second we will consolidate and evaluate all existing data on casitas, traps, and marine debris in our study area. Third, we will complete video transects to characterize the habitat and find additional casitas. Fourth, we will conduct underwater surveys of existing casitas to evaluate the effect of casitas. And fifth, we will conduct underwater surveys of experimental casitas and traps to evaluate the impact of the proposed casita design relative to traps. Potential movement and loss of each type of fishing gear and fishery independent estimates of lobster catch rates will also be measured

Organization and Primary Contact Information

Organization	Florida Fish and Wildlife Conservation Commission
Organization Type	State or Local Government
Organization Web Address	MyFWC.com
Organization Phone	
Street Line 1	
City, State, Country Postal Code	, ,
Region (if international)	
Organization Congressional District	
Tax Status	Ineligible State/local Government Agencies
Tax ID	593105845
Primary Contact	Mr. Thomas R Matthews
Position/Title	Associate Research Scientist
Street Line 1	Fish and Wildlife Research Institute
Street Line 2	2796 Overseas Hwy, Suite 119
City, State, Country Postal Code	Marathon, Florida, North America - United States 33050
Region (if international)	
Phone and E-mail	305-289-2330 x104; tom.matthews@myfwc.com
Keywords	Conservation Threat
Sub-keywords	Threat - Natural System Modifications; Threat - Biological Resource

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

June 24, 2008

National Fish and Wildlife Foundation
1120 Connecticut Avenue
Suite 900
Washington, DC 20036

Dear Sir or Madam:

I am writing to support the proposal entitled "Alternative gear to reduce debris in the Florida lobster fishery" being submitted to your Marine Debris Research and Technology Grants Program by the Florida Fish and Wildlife Conservation Commission's spiny lobster research team. For many years, the Florida Keys National Marine Sanctuary has been challenged by the illegal use of artificial habitats, locally called casitas. Many of these casitas have moved in storms, causing damage to the Sanctuary's benthic communities. Enforcement and casita removal programs have been difficult, expensive, and only partially effective. Consequently, I and the other managers of the Florida Keys National Marine Sanctuary, have begun preliminary discussions regarding alternative approaches to dealing with this issue. One common thread is that we lack objective scientific information that will aid us in our decision making. This proposed research will provide that information. I am fully supportive of this proposed research.

- To leverage any fiscal support for this important work I am also offering, on behalf of the FKNMS, the following logistical support for this project.
- Dockage and/or trailer storage for the FWC research vessel during their operations.
- SCUBA tank air fills and tank storage at the FKNMS Headquarters.
- A minimum of 20 person-days of field support.

Further, we will endeavor to make available any data from permitted research and ROV operations in the casita region to aid in the ability to describe the habitat and estimate existing illegal casita density. Thank you in advance for the consideration of this proposal. Please do not hesitate to contact me if I can provide additional information that would be useful in your deliberations.

Sincerely,

CDR Dave Score, NOAA
Superintendent

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service
Office of National Marine Sanctuaries
Southeast, Gulf of Mexico, and Caribbean Region
c/o Florida Institute of Oceanography
830 First Street South
St. Petersburg, FL 33701

June 24, 2008

National Fish and Wildlife Foundation
1120 Connecticut Avenue NW
Suite 900
Washington, DC 20036

To whom it may concern:

I am writing to support the proposal entitled "Alternative gear to reduce debris in the FL lobster fishery" being submitted to your Marine Debris Research and Technology Grants Program by the Florida Fish and Wildlife Conservation Commission's spiny lobster research team. For many years, the Florida Keys National Marine Sanctuary has been challenged by the illegal use of artificial habitats, locally called casitas. Many of these casitas have moved in storms, causing damage to the Sanctuary's benthic communities. Enforcement and casita removal programs have been difficult, expensive, and only partially effective.

This proposed research is the necessary first step to answer important questions regarding the environmental impact of casitas that will enable NOAA's Sanctuary Program to determine if the use of a limited number of casitas in selected habitats north of the Lower Keys will be compatible with our charter and management philosophy. There is continuous pressure applied by stakeholders to permit casitas in the Sanctuary, yet no science to evaluate if such an approach is wise. This proposed research will evaluate the habitats north of the lower Keys where most of the illegal casitas have been placed, survey for environmental impacts, and test several designs for possible management application. Science is the backbone upon which the Sanctuary Program makes management decisions. Casita use is an important management issue that has no specific research to-date to support a decision. I am fully supportive of this proposed research.

Sincerely yours,

Brian D. Keller, Ph.D.
Regional Science Coordinator

Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chair
Miami

Brian S. Yablonski
Vice-Chair
Tallahassee

Kathy Barco
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Executive Staff
Kenneth D. Haddad
Executive Director

Victor J. Heller
Assistant Executive Director

Karen Ventimiglia
Deputy Chief of Staff

Division of Marine Fisheries Management
Mark S. Robson
Director

(850) 487-0554
(850) 487-4847 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

June 27, 2008

National Fish and Wildlife Foundation
1120 Connecticut Avenue
Suite 900
Washington, DC 20036

RE: Spiny Lobster Fishery Alternative Gear Research

To whom it may concern:

I am writing to support the proposal entitled "Alternative gear to reduce debris in the FL lobster fishery" being submitted to your Marine Debris Research and Technology Grants Program by the Florida Fish and Wildlife Conservation Commission's (FWC) Fish and Wildlife Research Institute (FWRI). The FWC's Division of Marine Fisheries Management is fully supportive of this research. We believe this work is the necessary first step to answer important questions regarding one of the most controversial and vexing management issues facing Florida's spiny lobster fishery. The issue is the practice of placing artificial habitat on the bottom in the waters of the Florida Keys to attract and concentrate spiny lobster. Though this practice is reputedly common in certain areas of the Keys, it is currently illegal, and the potential adverse ecological and environmental effects of the practice upon the marine habitat are poorly understood. Wooden lobster traps are currently the dominant gear in Florida's commercial lobster fishery, but recent work has shown that their impacts upon the environment are potentially substantial. Artificial lobster habitat is managed as fishing gear for spiny lobsters in other countries in the Caribbean region. Consequently, we are interested in evaluating whether or not such habitat, if designed appropriately and strictly managed, offers a viable alternative to the use of lobster traps that would reduce this fishery's adverse environmental impact on the marine ecosystem.

Sincerely,

Mark Robson
Director

RUDY KRAUSE,

26351 Old State Road 4A
Ramrod Key, FL 33042-5337
Phone (305) 872-2100 FAX (305) 872-1286

September 23, 2009

Gulf Council
2203 N. Lois Avenue
Suite 1100
Tampa, FL 33607

To Whom It May Concern:

I am writing you in regards to Amendment 10. I believe the Counsels should give complete management control of the lobster fishery to the State of Florida. They have been managing the lobster fishery for many years and the majority of the fishery is in Florida State waters. I believe that with the demands of the Magnussen Stevenson Act and all the fisheries that have to be managed, that the lobster fishery would better served by letting the State of Florida have unrestricted management. Thank you for your consideration.

Sincerely,

Rudy Krause

Rudy Krause

RECEIVED
SEP 28 2009
GULF FISHERIES COUNCIL

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Fl 33607

Sept. 23, 2009

My name is Judy Meyers. My husband and I live on Little Torch Key and have been fishing commercially for 25 years. I would like to express my support for handing all spiny lobster management to the State of Florida FWC. It makes sense to have one management body, not three as is currently the case.

Respectfully,

Judy Meyers

RECEIVED
SEP 28 2009
GULF FISHERIES COUNCIL

Gulf of Mexico Fishery Managment Council
2203 NORTH Lois Avenue
Suite 1100
TAMPA. FL. 33607 - www.gulfcouncil.org

Oct 1, 2009

My name is Capt. John Nitsche
I live on LITTLE TORCH KEY FL 33042
I been commercial fishing and diving for 14 YEARS.
I would like to see all spiny lobster management, including regulations in federal WATERS, handed to the FLORIDA FISH AND WILDLIFE conservation COMMISSION.
SINCE the magority of fishing accures IN STATE WATERS, I FEEL THE FLORIDA FWC IS BETTER SUITED FOR THIS TYPE OF MANAGEMENT.

RESPECTFULLY

Capt. John Nitsche

RECEIVED
OCT 07 2009
GULF FISHERIES COUNCIL

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Fl. 33607

October, 01. 2009

My name is Monika Nitzsche. I live on Little Torch Key, Fl. and have been commercially fishing & diving with my husband for 14 years. I would like to see all spiny-Lobster management, including regulations in federal waters, handed to the Florida Fish & WildLife conservation commission. It makes sense to me that the management of this fishery be under one management.

Respectfully,

Monika Nitzsche

RECEIVED
OCT 07 2009
FISHERIES COUN

29 Sept 2009

RECEIVED
OCT 07 2009
FISHERIES COUNCIL

Gulf Management Council
2203 N. Lois Avenue
Suite 1100
Tampa, FL 33607

Dear Sirs:

I am writing to you as a private citizen to voice my opinion on Amendment 10 of the Magnussen Stevenson Act. I believe that the State of Florida should retain unrestricted management control of the lobster fishery, since approximately 95% of the lobster fishery is carried out in Florida waters. Thank you.

Capt. Michael P. Currie (USN, Ret.)

Michael P. Currie

Capt. M.P.Currie
88 Key Haven Road
Key West, FL 33040

(305) 296-6831
kwtailhkr@aol.com

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Fl 33607

RECEIVED
OCT 2009
FISHERIES COUNCIL

Sept 25, 2009

My name is Capt. Roland C. Megers. I live on Little Torch Key, Florida and have been active in both Commercial and Charter fishing for 25 years.

I would like to give a position statement on the spiny lobster fishing that all management for this fishery be given to the Florida Fish and Wildlife Commission.

I would also like to address the draft document on amendments 18 and 20 that there be no changes on the existing rules and that absolutely no catch shares be implemented on this fishery.

Respectfully,

Capt. Roland C. Megers

Dear Sirs:

I was present at the Gulf Council scoping meeting in Key West In September and lodged some basic concerns about the methodology for ascertaining the optimum allowable catch(OAC) that was discussed that evening.
My background was in marine science, but I have been making a living as a commercial fisherman in the Keys for more than 35 years. I understand the need for conservation of the stocks both from the management position and as a harvester with an eye on the sustainability of the fisheries. I would again like to voice my concern about the change in management philosophy that is embodied by the shifting acronyms. The subjective nature of the projected OFL (I gather that was what we used to term the MYS), ABC (which should be the targeted catch level), ACLU, and yet another layer of the ACT, gives me reason to wonder about the political nature of this path.
I also have concerns about the nature of the data that is being used to make these projections. The tables that were included in the literature passed out at the meeting did not make sense to me. Perhaps some of the confusing information comes from the inaccuracies in the trip tickets. Some of the wholesalers do not even ask the fishermen where they fish or any of the other information. They just make up the data. In reviewing the trip ticket information for the past couple of years for my husband's boat, we realized that all of his landings were recorded as coming from the Tortuga's State waters. He has never fished farther west than the Marquesas. None of the trap numbers or depths are accurate either.
The recreational landings that are displayed in figure 7 of your paperwork represent the response from a mail survey. I cannot imagine basing fishery management decisions upon asking fishermen what they caught. I worked as an intercept interviewer for NOAA many years ago. I do not believe that we are working with accurate figures.
To respond to the questions concerning potential actions for scoping (1.5), I would suggest that this whole management process is going to be cumbersome enough without adding separate limits for state and federal landings and as I pointed out before, the information about the origin of the catch is flawed at best. So, the short answer to question #1 is no.
#2. Once again the data has been skewed and it would not be accurate to base the quotas in the current data.
#3. There are many reasons why the timing is wrong for consideration of repealing the joint lobster FMP, but one of the most compelling is the fact that it would compromise the recently implemented Amendments 4 and 8 that prohibit importation of undersized lobsters. Our local recruitment is directly impacted by the harvesting of immature lobsters from Caribbean waters. This action would be totally counterproductive if the goal is stock sustainability.
#4. I believe that Florida FWC is already tasked with of the management items that are listed under this question, but the apparent lack of funds is keeping all of the enforcement agents on the land, so not much action is forthcoming. Our local fishing organization(FKCFA) has been forced to purchase telescopes, cameras, and rent planes to do our own surveillance to curtail the rampant poaching and illegal activities.
#5 an #6 are not harvested in amounts that would make sense to take action on these.
1.6 Other issues:
#1 All lobster should be landed tailed or whole.
#2 There should be no action taken on this item. Studies have shown that the lobsters come and go from the traps and they are switched out with every pull.
#3 It would be helpful to know what aspects are considered outdated and what the changes would be.

Without that information it is not possible to make a recommendation.
#4 No action should be taken on closing further areas to trappers at this time. Commercial trappers have been very proactive in studying different trap designs to prevent trap movement and have been meeting with coral advisers.
It should be noted that no other user group has done as much as the commercial trappers over recent years to reduce the overall impact we have on the environment. We have reduced our gear by more than 50% in the last 15 years and continue to look for ways to reduce our impact. It should also be noted that during that same period, the corals have suffered a huge decline which obviously is linked to factors other than lobster traps. Our gear has been out there for 60 years or more and during most of those years the corals were doing just fine. We make an easy scape goat, but it is quite obvious the real culprit is more complicated and inclusive of all of us.

Sincerely,

Mimi Stafford

Subject: Lobster and King Mackerel
Date: Tuesday, September 22, 2009 8:16 AM
From: Doug Gregory <Gregory-Doug@monroecounty-fl.gov>
To: <ACLScoping@gulfcouncil.org>
Cc: MCCF/FKCFA <fkcfa1@hotmail.com>, Tim Daniels <bdan1@bellsouth.net>, Bruce Irwin <mccfbruce@bellsouth.net>, George Niles <Niles98@att.net>, Jason Yarbrough <stonecrab2165@hotmail.com>, Jeff Cramer <street124@aol.com>, Josh Nicklaus <NicklausD@bellsouth.net>, Karl Lessard <mystic1fish@aol.com>, Simon Stafford <simi01@bellsouth.net>, Mitch & Vicki Gale <vickigale@bellsouth.net>, Pete Worhington <peteworthington@msn.com>, Butch Hewlett <bnbfishing@bellsouth.net>

Dear Gulf Council:

Spiny Lobster Scoping:

In consideration of removing federal management of the spiny lobster fishery, please consider that without federal oversight it may be possible for the Florida Keys lobster fishery to be prosecuted by vessels operating out of ports in other SE US states. This procedure was common in the US based Bahamas fishery prior to 1976. It may even be possible for Florida based vessels to offload onto non-Florida based vessels for transport to another state all in federal waters outside the jurisdiction of the state of Florida.

Coastal Migratory Pelagics Scoping:

A review of the catch history of permit holders in the king mackerel fishery is warranted along with consideration of eliminating permits with no or minimal landings over the past five years. The concern about latent fishing effort is most prevalent in the gillnet fishery. Currently the fishery is healthy and a quota increase has been requested by the AP and endorsed by the SSC and with a quota increase latent fishing effort is likely to become active. Not only would elimination of latent permits be precautionary in limiting the consequent potential fishing mortality increase that would come with an increase in the quota it also would reward those fishermen who remained active in the fishery and thus obviously have a financial dependency on this fishery.

Doug Gregory
Florida Sea Grant
UF/Monroe County Extension
1100 Simonton Street, Suite 2-260
Key West, Florida 33040
(305) 292-4501