Summary of South Atlantic Public Comments on Spiny Lobster Amendment 10

Public Hearings: April 2011	
Location	# comments on Am10
New Bern, NC	1
N. Charleston, SC	0
Pooler, GA	1
Jacksonville, FL	1
Cape Canaveral, FL	3
Duck Key, FL	9
Key West, FL	14

Letters Received on Am 10	11

Most Common Concerns for the Public
[mostly commercial trap fishermen in the Florida Keys]

1) Require gear markings on trap lines **[Action 10]**

- most commenters supported No Action, including representatives/members of Organized Fishermen of Florida (OFF) and the Florida Keys Commercial Fishermen's Association (FKCFA)
- replacing trap lines will be very costly for the trap fishermen, with few benefits for the turtles, corals, etc.
- certain colors may even attract turtles, which would create more problems
- if there has to be one color for all lobster trap lines, it should be black
- Bill Kelly (FKCFA) provided an estimate for cost of replacing all trap lines with a specific color at: $12.6 million to replace all trap lines, and loss of over $6 million in discarded rope.

2) Closed areas to protect Elkhorn and Staghorn coral **[Action 9]**

- most commenters supported No Action, including representatives/members of the Gulf Spiny Lobster Advisory Panel, Organized Fishermen of Florida (OFF), the Florida Keys Commercial Fishermen's Association (FKCFA), the Florida Keys Sanctuary Advisory Council, and the SAFMC Coral AP.
- fishermen and Sanctuary Council representatives did not feel they were adequately involved in the process of designating the areas
- industry should be involved, and can help identify more useful areas to close to protect the corals
- existing closed areas in the Keys and the limit on the number of lobster traps are sufficient in protecting Elkhorn and Staghorn corals

3) Modify Tailing Permits **[Action 8]**

- overall, comments are mixed on which alternatives would best address the problem of eliminating illegal harvest by some divers but keeping the tailing permit available for Keys trap fishermen who work in the Tortugas and other places, requiring multi-day trips.
- some supported eliminating all tailing permits (Alternative 2), including two AP members who submitted letters
- others supported the additional requirements to obtain a tailing permit (Pref Alt 3), such as boat size requirements and longer trips
- some commenters suggested limiting tailing permits to Monroe County only

4) Use of Shorts as Attractants [**Action 7]**

- most commenters supported Preferred Alternative 4 (50/boat and 1/trap) because it is consistent with Florida regulations; use of shorts make traps more efficient; using shorts as attractants does not harm the stock and has been a traditional method of fishing
- four commenters, including two South Atlantic lobster AP members, commented in support Alternative 2 (prohibition on shorts) due to high mortality and the potential spread of PaV1 in traps via shorts

5) ACL and ACT values [**Action 4]**

- most commenters felt that the ACL/ACT is set too low
- some commenters stated that the most recent season (2010-11) was already projected to exceed the ACT; the stock is considered healthy and the limits leave no room to grow
- some commenters felt that the Council should not set ACLs without adequate data and an accepted stock assessment, regardless of MSA requirements

Action 1: Remove species from the management unit.	
Public Hearings	- Few comments, but all in support of Preferred Alternative
Letters	- None

Action 2: Set MSY, Overfishing Threshold, Overfished Threshold	
Public Hearings	- Two in support of Preferred Alternative (OFL= 7.9 MP)
Letters	- None

Action 3: Sector Allocations	
Public Hearings	- None
Letters	- None

Action 4-1: ABC Control Rule	
Public Hearings	- One in support of Preferred Alternative
Letters	- None

Action 4-2: Set ACL.	
Public Hearings	- Some support for Preferred Alternative, but in general most suggested a higher ACL
Letters	- One in support of more conservative ACL (AP member)

Action 4-3: Set ACT
- Discussed in the first section, #5

Action 5: Set AMs	
Public Hearings	- One in support of AM
Letters	- None

Action 6: Update Framework Procedure and Protocol	
Public Hearings	- one in support of Preferred Alternative
Letters	- None

Action 7: Use of Shorts as Attractants [extended from #4 in the first section]	
Public Hearings	- most supported Preferred Alternative 4 - two supported Alternative 2 (no possession or use)
Letters	- two supporting Alternative 2 - three supported Preferred Alternative 4

Action 8: Modifying Tailing Permits [extended from #3 in the first section]	
Public Hearings	- mixed reactions from commenters - some commenters supported divers being allowed to have tailing permits, because divers are switching to multi-day trips to offset fuel costs - one commenter opposed Preferred Alternative 4 (all whole or all tails) because it limits flexibility for tailoring long trips for the market; another opposed because it would require lobsters caught at the end of a multi-day trip to be tailed for no reason - one commenter supported Preferred Alternative 4 because it eliminates a loophole for illegal harvest of shorts
Letters	- two commenters, including one AP member, supported Alternative 2 (eliminating tailing permits) due to enforcement problems and too many criteria that would be difficult to monitor

Action 9: Establish closed areas to protect Elkhorn and Staghorn corals [extended from #2 in the first section]	
Public Hearings	- most commenters want No Action, or this action removed from Amendment 10 and added to a future amendment to allow for a better process - some commenters brought up the impact of divers, anchors, etc. on the corals, none of which are addressed in this action - fishermen feel their input would be valuable in identifying better areas - one commenter felt that additional closed areas would result in crowding - one commenter felt that closed areas could not be enforced and would cause more problems
Letters	- one commenter supported prohibiting lobster traps in waters 30m or less - one commenter supported delayed action and more industry involvement - one commenter felt that existing closed areas were sufficient

Action 10: Require gear markings on trap lines [extended from #1 in the first section]	
Public Hearings	- most commenters want No Action or at least have the color be black - need to better evaluate effects of traps on protected species before implementing something so costly, without being sure of the benefits - one commenter suggested requiring just a spot of spray paint color to identify the lobster trap lines - one commenter suggested replacing all existing rope would generate unnecessary landfill waste
Letters	- one commenter supported color for trap lines

Action 11: Allow public to remove derelict lobster traps in the Florida EEZ	
Public Hearings	- few comments, mostly in support of Preferred Alternative
Letters	- one commenter supported Alternative 2 to allow public to remove any derelict traps

Additional Comments From Public Hearings and Letters

- One commenter felt that there was a disconnect between findings (minimal impact on protected species by lobster traps) in the Biological Opinion and the recommendations.
- Four letters recommended that: "all SAFMC council members should demand to see the PaV1 powerpoint presentation by Mark Butler of Old Dominion University and see how the PaV1 virus is transmitted from lobster to lobster at the June 7th SAFMC meeting in Key West."
- Several commenters felt we need better science and stock assessments to make good decisions
- Two commenters raised the concern that the diving sector needed more regulations
- Two commenters felt that the State of Florida should take over management of spiny lobster