

# OVERVIEW

## Spiny Lobster Committee Meeting

March 4, 2009

Jekyll Island Club Hotel  
371 Riverview Drive  
Jekyll Island, Georgia

The Spiny Lobster Committee needs to: (A) receive a status report on Spiny Lobster Amendment 4/8 (Import Amendment); (B) receive a status report on lobster management actions in Florida; (C) discuss issues and timing for Amendment 6 (GMFMC Lead); and (D) review scoping comments and provide direction to staff.

### A. Spiny Lobster Amendment 4/8

The Notice of Intent to prepare a Draft Environmental Impact Assessment was published in the Federal Register on July 26, 2007; comments were due by 8/27/07. The Councils held a scoping meeting on January 24, 2008 in Islamorada, Florida. All letters and comments plus minutes of scoping meetings were reviewed at the March 2008 committee/Council meeting. The public hearing Amendment/DEIS, public hearing summary, proposed regulations, public hearing minutes/summaries and comments were reviewed at the September 2008 meeting. **The proposed rule was published on 10/29/08 and the amendment (Attachment 1) was approved in December 2008 (Attachment 2). It is anticipated that the final rule will be effective in February 2009.**

Current regulations that are addressed by this amendment are as follows:

Regulation	GMFMC/SAFMC	CFMC
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.

**The Public Hearing document outlines the following actions:**

**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 (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 (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.

**REQUIRED COMMITTEE ACTION:**

- 1. Receive report from NMFS.
- 2. Action as may be necessary.

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

<b>Item</b>	<b>Proposed Dates</b>	<b>Anticipated &amp; Actual Dates</b>
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	Aug/Sept 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	

**B. Status Report on Potential Changes from Florida**

The committee will receive an update on potential actions and timing for changes being considered for management in the State of Florida.

**REQUIRED COMMITTEE ACTION:**

1. Receive report from Florida representatives.
2. Action as may be necessary.

**C. Status Report on Gulf Council Actions/Timing for Amendment 6**

The Gulf Council and the South Atlantic Council need to prepare an amendment to address the new requirements of the Reauthorized-MSA. The Gulf Council's recommended timing for work on this amendment will be discussed by Tom McIlwain, GMFMC Liaison.

**REQUIRED COMMITTEE ACTION:**

1. Receive report from the Gulf Council.
2. Action as may be necessary.

**D. Comprehensive ACL Amendment Scoping**

The committee will receive an overview of scoping comments from staff and provide guidance to staff on items to be included. Scoping meetings were held as follows:

- (1) January 26, 2009 in Charleston, SC
- (2) January 27, 2009 in New Bern, NC
- (3) February 3, 2009 in Key Largo, FL
- (5) February 4, 2009 in Cape Canaveral, FL
- (5) February 5, 2009 in Pooler, GA

The following items were included in the scoping document:

**1. Tailing permit**

- a. Continue to allow – “The possession aboard a fishing vessel of a separated spiny lobster tail in or from the EEZ is authorized only when the possession is incidental to fishing exclusively in the EEZ on a trip of 48 hours or more and a Federal tail-separation permit specified in Section 640.4(a) (2) has been issued to and is on board the vessel.”
- b. Do not allow tailing; this would require all lobsters to be landed whole. This would help prevent the use of hooks and spears to harvest lobsters.

**2. Federal 50-short rule**

- a. Continue to allow – “A live spiny lobster under the minimum size limit specified in paragraph (b)(1) of this section that is harvested in the EEZ by a trap may be retained aboard the harvesting vessel for future use as an attractant in a trap provided it is held in a live well aboard the vessel. No more than fifty undersize spiny lobsters, or one per trap aboard the vessel, whichever is greater, may be retained aboard for use as attractants. The live well must provide a minimum of  $\frac{3}{4}$

gallons (1.7 liters) of seawater per spiny lobster. An undersized spiny lobster so retained must be released to the water alive and unharmed immediately upon leaving the trap lines and prior to one hour after official sunset each day.”

- b. Prohibit possession and use of shorts as attractants.

### **3. The northern fishery**

- a. Continue to allow two lobsters per person recreational and commercial year-round.  
Note: Possession of berried lobsters is prohibited; stripping of eggs and/or clipping of fins is also prohibited.
- b. Allow a larger commercial harvest.
- c. Others???

### **4. Updating the Council/State of Florida process**

- a. No action – this would leave the current out-dated process in place.
- b. Modify the process to reflect the changes in the State of Florida.

### **5. Annual Catch Limits, Management Measures to Limit Sectors to their Annual Catch Targets, & Accountability Measures** – beginning January 1, 2011 the Councils must specify annual catch limits for spiny lobster that will prevent overfishing. This will need to be done in conjunction with the State of Florida.

The following list of items, as they apply to species not undergoing overfishing, will be in the ACL Comprehensive Amendment. Annual crops that are not in an overfished state are exempt from these requirements.

1. Annual Catch Limits
2. Annual Catch Target
3. Accountability Measures
4. Allocations between the commercial, for-hire, and recreational sectors
5. Regulations to limit total mortality (landings and discards) to the Annual Catch Target.  
Management regulations may include, but are not limited to, the following:
  - a) Commercial quotas and recreational allocations
  - b) Trip limits
  - c) Vessel limits
  - d) Size limits
  - e) Bag limits
  - f) Closed areas
  - g) Closed seasons
  - h) Permit endorsements

### **Comprehensive ACL Amendment Timeline**

The following is the timeline specified in the SAFMC/NMFS SERO Regional Operations Schedules/Deliverables:

1. Scoping – approve for scoping at the December 2008 meeting; scoping January/February 2009
2. Appoint Team Members
3. Committee/Council review scoping comments and options paper at March and June 2009 meetings.
4. Approve document for public hearings – September 2009.
5. Public Hearings – November (1<sup>st</sup> & 2<sup>nd</sup> weeks) 2009.
6. Review Public Hearing Input & Approve – December 2009.
7. Final Approval (if necessary) – March 2010.
8. Send for Secretarial Review – March 2010.

### **REQUIRED COMMITTEE ACTION:**

1. Receive overview of scoping comments from staff.
2. Provide guidance to staff on timing and items to include.

**Note:** Minutes from the June 13, 2007 Joint Spiny Lobster Committee & Advisory Panel meeting are included as background information.