



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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George Geiger, Chairman
Duane Harris, Vice Chairman

Robert K. Mahood, Executive Director
Gregg T. Waugh, Deputy Executive Director

AGENDA Spiny Lobster Committee Meeting

Jekyll Island Club Hotel
371 Riverview Drive
Jekyll Island, Georgia

Thursday, March 6, 2008 — 8:00 A.M. to 10:00 A.M.

1. Approval of Agenda – Tony Iarocci
2. Approval of December 2007 Meeting Minutes – Tony Iarocci
3. Scoping Comments on Import Amendment (**Attachment 1A, 1B & 1C**)
 - A. Review of Comments – Gregg Waugh
 - B. Committee Discussion and Guidance to Staff – Tony Iarocci
4. Amendment X (CFMC Administrative Lead with SAFMC & GMFMC) (**Attachment 2**)
 - A. Overview of Status & Timing – Gregg Waugh
 - B. Committee Discussion & Guidance to Staff – Tony Iarocci
5. Status of Florida's changes to the lobster regulations
6. Amendment Y (GMFMC Administrative Lead with SAFMC) (**Attachment 3**)
 - A. Overview of Issues to be Addressed & Timing – Gregg Waugh
 - B. Committee Action: Provide Guidance to Staff – Tony Iarocci
7. Other Business – Tony Iarocci
8. Adjourn – Tony Iarocci

- Attachment 1A. Scoping Document**
- Attachment 1B. Scoping Minutes**
- Attachment 1C. Scoping Comments**
- Attachment 2. Items Related to Import Amendment**
- Attachment 3. List of Items for Amendment Y**

DATE:	<u>2/11/2008</u>
FISHERY:	<u>Spiny Lobster</u>
SUBJECT:	<u>Briefing Materials</u>
STAFF	<u>Waugh</u>
SOURCE:	<u>SAFMC, CFMC & NMFS</u>

Spiny Lobster Committee Members:

Tony Iarocci, Chair Mark Robson, Vice Chair
George Geiger John Wallace

OVERVIEW

Spiny Lobster Committee Meeting

March 6, 2008
Jekyll Island Club Hotel
371 Riverview Drive
Jekyll Island, Georgia

The Spiny Lobster Committee needs to: (A) review scoping comments for Import Amendment X (CFMC Lead) and provide guidance to staff; (B) receive a status report on lobster management changes in Florida; and (C) discuss issues and timing for Amendment Y (GMFMC Lead).

A. Scoping Comments on Amendment X (CFMC Lead) (Attachment 1)

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 (scoping document included as **Attachment 1A**). All letters and comments (**Attachment 1C**) plus minutes of scoping meetings (**Attachment 1B**) are included. A summary of the Florida scoping meeting is as follows:

SPINY LOBSTER SCOPING – ISLAMORADA, FL JANUARY 24, 2008 DRAFT SUMMARY NOTES: (DETAILED MINUTES WILL BE AVAILABLE IN THE FUTURE)

Mr. Eugenio Pineiro, Chairman of the Caribbean Council, read the chairman's statement on behalf of the Caribbean, Gulf, and South Atlantic Fishery Management Councils. Other members of the scoping meeting board were as follows: Tony Iarocci, chair of the South Atlantic Council's spiny lobster committee; Miguel Rolon, Executive Director of the Caribbean Council; Gregg Waugh, Deputy Executive Director of the South Atlantic council; Joe Kimmel, NMFS SERO; and Diana Martino, Caribbean council staff. There were 9 members of the public present.

Gregg Waugh presented an overview of the scoping document and issues under consideration.

Karl Lessard – reviewed the Gulf Council's Spiny Lobster AP position: the AP supported Approach 1.

Gary Graves – Keys Fisheries, Marathon, Florida. Industry in his area support Approach 1; they also support prohibiting scrubbing tails, possession of berried lobsters, etc. They are concerned about using tail weight; fishermen can measure length on a boat but not weight. Fishermen may bring lobsters in that can't be exported because they don't meet the minimum size limit. They support 5.5" tail length for imports from the whole Caribbean. He distributed a sheet with information on production from his plant

for tails that measure 5.5” and their weight; tails from shedding/molting lobsters may not weigh as much.

Bruce Irwin – member of South Atlantic Council Spiny Lobster AP. He thanked the CFMC for taking the initiative to address this issue to protect the stock of lobster. He supports Approach 1 with one point of concern about the weight as mentioned by Gary Graves.

Scot Zimmerman – FL Keys Commercial Fishermen’s Association. We will be submitting written comments. Generally support the Councils’ efforts to address imports. Support Approach 1. Concerned about a decline in landings in Florida and feel it is due to harvest of small lobsters in the Caribbean area. Mentioned a concern about the collection of wild juveniles for grow-out and potential impacts on the lobster stock.

Tom Hill – Key Largo Fisheries and a member of SFA. Support Approach 1. He is concerned about using weight because it changes with the size of tail due to molting, etc.

Tom Mathews – mentioned the concern of Paul Raymond (NMFS Law Enforcement) to consider the tail weight to aid enforcement. Writing the regulations as an import rule would address the concerns of industry because the tail weight requirement would only apply to imports. A number of Caribbean countries have a voluntary (memorandum of agreement) 4.5 – 5.4 ounce tail size rule (ESPESKA) and this is what the countries want to see as an import regulation. Weight is important for tracking imports; this is very important for law enforcement and for making legal cases.

The scoping meeting ended at 7 p.m.

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

Regulation	GMFMC/SAFMC/FL	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 scoping document outlined the following potential actions:

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.

One approach would be to prohibit imports smaller than the existing U.S. minimum size limits. For example, no one in the Continental U.S. would be allowed to import a Caribbean spiny lobster (*Panulirus argus*):

1. Less than 3.0 inches (7.62 cm) carapace length if the animal is whole.
2. Less than 5.5 inches (13.97 cm) tail length if only the tail is present.
3. Less than 5 ounces if want a tail weight (e.g., 4.2 – 5.4 ounces).

For Puerto Rico and the U.S. Virgin Islands, no one would be allowed to import a Caribbean spiny lobster (*Panulirus argus*):

1. Less than 3.5 inches (8.89 cm) carapace length if the animal is whole.
2. Less than 6.2 inches (15.75 cm) tail length if only the tail is present.
3. Less than 5.9 ounces if want a tail weight (need to specify what 5.9 or 6 ounces means in the industry).

Another approach would be to prohibit imports into the Continental U.S. and Caribbean U.S. that are smaller than the existing Continental U.S. minimum size limit. For example, no one in the Continental and Caribbean U.S. would be allowed to import a spiny lobster (*Panulirus argus*):

1. Less than 3.0 inches (7.62 cm) carapace length if the animal is whole.
2. Less than 5.5 inches (13.97 cm) tail length if only the tail is present.
3. Less than 5 ounces if want a tail weight (e.g., 4.2 – 5.4 ounces).

Other approaches that could apply to all jurisdictions would prohibit the importation/possession of tail meat, berried lobsters, and tails that have been stripped, clipped, etc.

A Team has been formed to write the amendment document. The first meeting was held on February 7, 2008. Results are included as **Attachment 2**.

Timing for this amendment is as follows:

Item	Proposed Dates (Kimmel)	Anticipated & Actual Dates
Letter designating CFMC admin. lead		7/20/07
NOI for DEIS published in FR		7/26/07; comments due by 8/27/07
Scoping (public comments)	Oct – Dec 2007	Thru Jan 2008
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 – Marathon, FL		1/24/08
TEAM named & writes document		1/30/08
CFMC approves for PH		3/26-27/08
GMFMC approves for PH		6/2-6/08 TX
SAFMC approves for PH		6/8-13/08 FL
DEIS Published	May 2008	June or July 2008
Public Hearings	June 2008	July 2008
Councils review & approve	Aug-Oct 2008	
CFMC reviews & approves		8/14-15/08
GMFMC reviews & approves		8/4-7/08 MS
SAFMC reviews & approves		9/15-19/08 SC
Final Document sent to Secretary		10/1/08
FEIS Published & Proposed Rule		
Final Rule Effective	End of Feb 2009	

REQUIRED COMMITTEE ACTION: Review the list of alternatives/timing and provide guidance to staff/Team.

B. Status Report on Potential Changes from Florida

The committee will receive an update on potential actions and timing for changes from the State of Florida.

C. Amendment Y (GMFMC Lead) (Attachment 3)

The Gulf Council addressed spiny lobster at their October/November 2007 meeting and results will be presented at the South Atlantic Council's December meeting. The timing for work on this amendment will also be described.

The following items are to be included (**Attachment 3**):

1. Tailing permit
2. Federal 50-short rule
3. The northern fishery
4. Updating the Council/State of Florida process
5. Annual Catch Limits & Accountability Measures

REQUIRED COMMITTEE ACTION: Provide staff guidance on items to include and on suggested Amendment timing.