



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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OVERVIEW

Spiny Lobster Committee Meeting

September 16, 2008
 Charleston Marriott
 170 Lockwood Boulevard
 Charleston, SC

The Spiny Lobster Committee needs to: (A) review public input on the Import Amendment 4/8 (CFMC Lead), review actions by the Caribbean and Gulf Councils, and approve for formal Secretarial review; (B) receive a status report on lobster management changes in Florida; and (C) discuss issues and timing for Amendment 9 (GMFMC Lead).

A. Spiny Lobster Amendment 4/8 (CFMC Lead) (Attachments 1A, 1B & 1C)

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 (**Attachment 1A**), public hearing summary (**Attachment 1B**), proposed regulations (**Attachment 1C**), public hearing minutes/summaries and comments (**Attachments 2A & 2B**) are included.

Current regulations that are anticipated to be 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 (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.

REQUIRED COMMITTEE ACTION:

1. Review the public hearing comments, actions by CFMC/GMFMC, and provide guidance to staff/Team on any necessary changes.
2. Approve the Import Amendment for formal Secretarial Review.
3. Approve the Proposed Rule as being necessary and appropriate.

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

Item	Proposed Dates	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 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
TEAM named & writes document		1/30/08
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 from the State of Florida.

C. Amendment 9 (GMFMC Lead) (Attachment 4)

The Gulf Council and the South Atlantic Council need to prepare an amendment to address the new requirements of the MSA. The timing for work on this amendment will also be described. The following items are to be included (**Attachment 4**):

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.