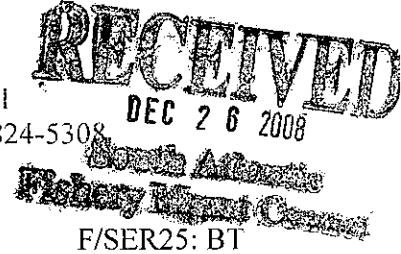




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

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Robert Mahood, Executive Director
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dear Bob:

By this letter, I am approving Amendment 4 to the Spiny Lobster Fishery Management Plan (FMP) of Puerto Rico and the U.S. Virgin Islands and Amendment 8 to the Joint Spiny Lobster FMP of the Gulf of Mexico and South Atlantic. The amendment examines two actions with various alternatives restricting imports of Caribbean spiny lobster (*Pandalus argus*) into the United States to minimum conservation standards to achieve an increase in the spawning biomass of the spiny lobster stock and increase long-term yields from the fishery. It will limit Caribbean spiny lobster imports to minimum sizes necessary to protect juvenile spiny lobster, prohibit the importation of berried (egg-bearing) females, or those lobsters whose eggs, pleopods, or swimmerets have been removed, and prohibit the importation of tail meat without the exoskeleton attached. These actions are designed to protect juvenile and actively reproducing individuals, will help enhance the reproductive potential of the Caribbean spiny lobster stock.

Limiting Caribbean spiny lobster imports to minimum sizes that protect juvenile spiny lobsters is expected to increase spawning stock biomass by reducing the amount of juvenile mortality in foreign fisheries. Such action is expected to allow spiny lobsters to reach mean size of sexual maturity prior to entering the fishery, thus increasing the probability of dispersal of larvae throughout the species' range. Scientists state that the harvest of juvenile lobsters in Caribbean countries impacts the sustainability of U.S. lobster stocks because these harvesting countries produce the parental stocks and larvae for the U.S. stocks.

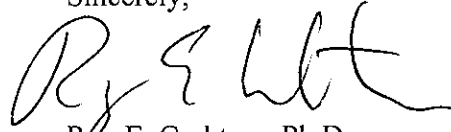
The protection of berried females is also imperative to protect the spawning stock biomass. If no protections are afforded to the females as they are actively reproducing, then all benefits from increasing the spawning stock biomass have been lost. The prohibition of lobster tail meat without the exoskeleton attached would close a potential loophole whereby undersize lobster could be harvested, processed into meat, and then made available to the market, thus circumventing minimum size requirements.

NOAA's National Marine Fisheries Service published a proposed rule to implement Amendment 4 to the Spiny Lobster FMP of Puerto Rico and the U.S. Virgin Islands and Amendment 8 to the Joint Spiny Lobster FMP of the Gulf of Mexico and South Atlantic on October 29, 2008 (73 FR 64295), and we expect to have the final rule effective February 1, 2009.



NMFS appreciates the Council's ongoing efforts to protect juvenile and actively reproducing individuals, which will enhance the reproductive potential of Caribbean spiny lobster.

Sincerely,

A handwritten signature in black ink, appearing to read "R. E. Crabtree". The signature is fluid and cursive, with the first name "Roy" and last name "Crabtree" clearly distinguishable.

Roy E. Crabtree, Ph.D.
Regional Administrator