



MAGNUSON - STEVENS ACT/NEPA SCOPING DOCUMENT:

**THE CARIBBEAN, GULF OF MEXICO, AND SOUTH
ATLANTIC COUNCILS'
AMENDMENT TO ADDRESS THE IMPORTATION OF SPINY
LOBSTER PRODUCTS THAT DO NOT MEET U.S.
CONSERVATION STANDARDS**

DECEMBER 2007

<p>Caribbean Fishery Management Council 268 Muñoz Rivera Avenue, Suite 1108 San Juan, Puerto Rico 00918-1920 (787) 766-5926 (Phone) (787) 766-6239 (Fax) Website: www.caribbeanfmc.com</p>	<p>Gulf of Mexico Fishery Management Council 2203 N. Lois Avenue, Suite 1100 Tampa, FL 33607 (813) 348-1630 (Phone) (888) 833-1844 (Toll Free) (813) 348-1711 (Fax) Website: www.gulfcouncil.org</p>	<p>South Atlantic Fishery Management Council 4055 Faber Place Drive, Suite 201 North Charleston, South Carolina 29405 (843) 571-4366 (Phone) (866) safmc-10 (Toll Free) (843) 769-4520 (Fax) Email (general): safmc@safmc.net Website: www.safmc.net</p>
--	---	--

Email scoping comments (by 5 pm on 1/28/08): SpLobScoping@safmc.net



A publication of the South Atlantic Fishery Management Council pursuant to
National Oceanic and Atmospheric Administration Award Number NA05NMF4410004

Scoping meetings are less formal than public hearings and occur prior to the Councils taking any position on a management issue. When the Councils are considering the need for management, scoping meetings provide an opportunity for members of the public to make suggestions BEFORE the Councils have made any decisions.

The purpose of this document is to request that the public provide input on possible options that the Councils should examine to address the importation of spiny lobster products that do not meet U.S. conservation standards.

I. BACKGROUND

The Caribbean spiny lobster (*Panulirus argus*) has a relatively long planktonic larval phase, which is referred to as the puerulus stage. Planktonic larvae are widely dispersed by ocean currents before they settle and recruit to a specific habitat. The long larval duration for spiny lobsters accounts for connectivity from their source areas to their settlement areas. Recruitment is dependent on environmental conditions, such as temperature and salinity, and on the availability of spawning adults, which is influenced by fishery factors, such as fishing pressure, minimum size limit compliance, and more. Studies also have shown local gyres or loop currents in certain locations could influence the retention of locally spawned larvae. In addition, benthic structures such as coral reefs may disturb the flow of water and lead to the settlement of larvae in a particular location.

Most of the Caribbean spiny lobster research has been conducted on the Florida population, but the interconnectivity issue also has been studied in the Caribbean region and is recognized and discussed in the Caribbean Council's Spiny Lobster Fishery Management Plan. Caribbean spiny lobsters range throughout the western Atlantic Ocean from North Carolina to Brazil, including Bermuda, the Bahamas, and all of the Caribbean and Central American areas in between. DNA analysis indicates a single stock structure for Caribbean spiny lobster throughout its range.

Some Caribbean spiny lobster fisheries managed by other countries (e.g., Brazil, Nicaragua, and Ecuador) are reportedly heavily exploited and exporting to the United States millions of pounds of lobsters that are at or below their mean size at reproduction. Overexploiting spiny lobster stocks in foreign fisheries could jeopardize the abundance and structure of U.S. stocks because the larval recruitment of U.S. stocks is dependent on the reproductive potential of stocks managed by other countries. The potential for overfishing the Caribbean spiny lobster is relatively high because a lucrative market exists for all sizes of this species. Approximately 90 percent of the Caribbean spiny lobster marketed in the United States is harvested by foreign fisheries managed by Central and South America countries.

Requiring Caribbean spiny lobster products marketed in the United States to meet a minimum U.S. conservation standard could help stabilize the reproductive potential of the Caribbean spiny lobster by reducing the amount of juvenile spiny lobster mortality in foreign fisheries. Scientists state that the harvest of juvenile tails in other 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. In other words, if you destroy brood stock off the coast of Latin America, you effectively destroy the fisheries of other countries, regardless of the management programs in those countries. This animal is an example of a shared resource in that it has no national boundaries because of its dependency on the ocean currents for its larval distribution.

Establishing a minimum conservation standard for spiny lobsters imported to the United States would assist law enforcement officers in restricting illegal product in the market. The United States imports over 90 percent of the spiny lobster harvested in Brazil, Colombia, Central America, and the Caribbean countries. The "big four" exporters to the United States are Bahamas, Brazil, Honduras, and Nicaragua. All these countries have some form of minimal size limit for the Caribbean spiny lobster. Furthermore, exporting countries do not have the law enforcement resources to effectively monitor shipments to the United States.

The United States imports millions of dollars of undersized lobster each year. Most of these imports go undetected because of the enforcement loopholes that exist for international poachers. These loopholes include: (a) the lack of a U.S. minimal size limit that is applicable for all imports; (b) the use of secretive codes to disguise the undersized lobster tail shipments; (c) the increased use of "trans-shipments through countries of convenience" (i.e., shipping illegal product through countries that have weaker lobster laws and changing the country of origin to avoid investigators); and (d) shipping the illegal tails to U.S. ports where inspectors are not as savvy to the lobster smuggling issues.

The Notice of Intent to analyze the impacts of this proposed action in a Draft Environmental Impact Statement was published in the *Federal Register* on July 26, 2007; written comments were due by 8/27/07. The Caribbean Council completed a series of scoping meetings in the Caribbean U.S. on November 13, 2007.

The South Atlantic, Caribbean, and Gulf of Mexico Councils are holding a scoping meeting (location and date below) and collecting written comments on the proposed action. **Written comments must be received by 5 pm on January 28, 2008.** Comments can be mailed to the South Atlantic Council at the address on the cover or they can be emailed to: SpLobScoping@safmc.net

This scoping document is being distributed prior to the scoping meeting to give everyone a chance to prepare comments. Copies of the scoping document will also be available at the following scoping meeting (detailed location information is shown later of this document):

Scoping Meeting Date and Location

Islamorada, FL

January 24, 2008

6 pm

II. CURRENT SITUATION

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.

III. PRELIMINARY APPROACHES

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.

IV. PUBLIC SCOPING MEETING SITE AND DATE

Scoping meeting on 1/24/08 begins at 6 p.m.

Thursday, 1/24/08 (6 pm)

The Islander

82100 Overseas Highway

Islamorada, FL 33036

Phone: 800-753-6002 or 305-664-2031

**Written comments must be received by 5 pm on January 28, 2008.
The Councils accept comments sent by mail, fax, or E-mail
(SpLobScoping@safmc.net).**

IV. WHAT NEXT?

Comments should be provided to the South Atlantic Council by 5 pm on January 28 (?), 2008. Comments received will be provided to the Gulf Council for review during their January 28-31, 2008 meeting. Comments will also be provided to the Caribbean Council.

All comments will be considered by the Councils in drafting an amendment to the Spiny Lobster Fishery Management Plan. There will be a number of opportunities to provide public input as the Councils develop this document.

The Caribbean Council is the lead Council in preparing this amendment. The tentative 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	
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	