



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701-5505

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## NOAA Fisheries Service Seeks Public Comment on a Proposed Rule for Spiny Lobster in the Gulf of Mexico and South Atlantic *Comment Period Ends October 24, 2011*

NOAA Fisheries Service is seeking public comment on a proposed rule for the Gulf of Mexico and South Atlantic spiny lobster fishery. The proposed rule published in the *Federal Register* on September 23, 2011 (76 FR 59102). The public comment period ends on **October 24, 2011**.

### Background

The Fishery Management Plan for Spiny Lobster Resources in the Gulf of Mexico and South Atlantic is jointly managed by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). NOAA Fisheries Service and the Councils developed Amendment 10 to address new requirements of the Magnuson-Stevens Fishery Conservation and Management Act. They also considered requirements listed in a biological opinion on the spiny lobster fishery developed under the Endangered Species Act. If Amendment 10 is approved, the final regulations are expected to be implemented in 2012.

### The proposed rule would:

- Remove four species of lobster from federal management;
- Establish an annual catch limit, annual catch target, and accountability measure for Caribbean spiny lobster;
- Revise the protocol for cooperation with Florida and the framework procedure, which allows more timely implementation of routine regulatory changes;
- Require fishermen with tailing permits to land spiny lobster all whole or all tailed, and require applicants for a tailing permit to possess either a federal spiny lobster permit or the Florida permits required for commercial lobster fishermen;
- Allow retention of as many as 50 Caribbean spiny lobsters under the minimum size limit and one per trap; and
- Authorize the removal of traps in federal waters off Florida through Florida's trap cleanup program.

In addition, the Councils approved non-regulatory actions to revise thresholds used to determine the status of the stock, such as overfishing (rate of removal is too high) and overfished (population abundance is too low). The Councils also established an acceptable biological catch control rule. The Councils considered alternatives to create new closed areas to protect coral and implement trap line-marking requirements; however, they chose to take no action at this time to allow time for additional stakeholder input.

### Request for Comments

Written comments on this proposed rule must be received no later than October 24, 2011, to be considered by NOAA Fisheries Service. See the **Addresses** section for information on where and how to submit comments.

### Addresses

Copies of the proposed rule and Amendment 10 may be obtained from the NOAA Fisheries Service Web site [sero.nmfs.noaa.gov/sf/SpinyLobsterAmendment.htm](http://sero.nmfs.noaa.gov/sf/SpinyLobsterAmendment.htm) or the Federal e-Rulemaking Portal [www.regulation.gov](http://www.regulation.gov).

You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: [www.regulations.gov](http://www.regulations.gov). All comments received are part of the public record and will generally be posted to [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments.
- To submit comments through the Federal e-Rulemaking Portal: [www.regulations.gov](http://www.regulations.gov), click on "submit a comment," then enter "NOAA-NMFS-

2011-0106" in the keyword search and click on "search." To view posted comments during the comment period, enter "NOAA-NMFS-2011-0106" in the keyword search and click on "search." You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

- Mail: Susan Gerhart, NOAA Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

Comments received through means not specified in this bulletin may not be considered.

Comments received by October 24, 2011, whether specifically directed to the amendment or the proposed

rule, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

For more information on Amendment 10 please refer to the [Frequently Asked Questions](#) on the NOAA Fisheries Service Web site.

If you would like to receive these fishery bulletins via e-mail as soon as they are published, e-mail us at: [SERO.Communications.Comments@noaa.gov](mailto:SERO.Communications.Comments@noaa.gov).

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