



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
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MEMORANDUM

October 22, 2013

To: American Lobster Management Board
From: Kate Taylor, Senior FMP Coordinator
RE: Draft Addendum XXII to the American Lobster FMP Public Comment

Draft Addendum XXII presents options for management of the SNE lobster stock (LCMA 3). These options were previously considered under Draft Addendum XXI but were separated from that document in order to make a correction to accurately reflect the trap reduction schedule. This draft addendum also adds Option 3 for consideration under Section 3.2 (Aggregate Ownership Cap) which would allow a single company or individual who holds more than five times the single ownership cap prior to the selected control date, to increase each permit's allocation up to the approved trap cap.

The following summary represents comment received by ASMFC by October 17, 2013. This summary is provided to give the Board an overview of the support for specific options contained in the document. Support for an option was only indicated in the table if the commenter specifically stated preference for one or more of the options in the document. A total of two written comments were received during the public comment period. No public hearings were held. The specific comments, by organization, are provided below.

AOLA

3.1 Single Ownership Cap - AOLA supports Option 2 (Single Ownership Cap)

3.2 Aggregate Ownership Cap - AOLA supports Option 3 (Aggregate Ownership Cap)

Little Bay Lobster Group

3.2 Aggregate Ownership Cap - AOLA supports Option 3 (Aggregate Ownership Cap)

In addition to AOLA and Little Bay Lobster Group, the following organizations also commented on the Single and Aggregate Ownership Cap options during the public comment period for Draft Addendum XXII. Their comments are presented here for reference. Note: Option 3 under Section 3.2 was not included for consideration in Draft Addendum XXII.

Off the Shelf, Inc.

Single Ownership Cap – In favor of Option 2 (Single Ownership Cap)

Aggregate Ownership Cap – In favor of Option 1 (Status Quo)

RI Lobstermen's Association

Single Ownership Cap – In favor of Option 2 (Single Ownership Cap)

Aggregate Ownership Cap - In favor of Option 2 (Aggregate Ownership Cap)

Cote Fisheries, Inc.

Single ownership trap cap – In favor of Option 2 (Single Ownership Cap)

Aggregate Ownership Cap – In favor of Option 2 (Aggregate Ownership Cap)



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

David Spencer, President
exec@offshorelobster.org

David Borden, Executive Director
dborden@offshorelobster.org

Bob Beal, Executive Director
ASMFC
1050 N. Highland St., Suite 200A-N
Arlington, VA 22201

Tuesday, October 15, 2013

Dear Bob:

I appreciate the opportunity to comment on behalf of the Atlantic Offshore Lobstermen's Association (AOLA) in regards to Lobster Addendum XXII. Although David Spencer, President of AOLA, and I will be in attendance at the next Lobster Board meeting, we would like to offer the following comments during the comment period so that they are a matter of record.

The members of AOLA commend you and your staff for the speed at which you have developed this Addendum. Our members agree with the goals and objectives of Addendum XXII and would like to offer the following comments on specific sections of the document.

Section 3.1 Single Ownership Cap

Our Association agrees that it is desirable to have an ownership cap in order to prevent the excessive consolidation of the Area 3 lobster fishery. As noted in this document, Addendum XXI contained a typographic error in Table 2, and included a five year cap of 1900 traps vs. the intended cap of 1800. Members of the Board recognized that omission, and authorized this Addendum to correct that typographical error. We therefore oppose option 1 which is the non-action alternative. Our Association supports option 2 since it will result in a cap of 1800 traps, and also provide the industry with needed flexibility to adjust to the proposed 25% trap cut in Area 3.

Section 3.2 Aggregate Ownership Cap

The Association supports Option 3, which is a correction and expansion of an alternative included in Addendum XXI. AOLA has always advocated a cap on ownership at five permits in an effort to avoid the excessive consolidation of the offshore lobster industry. Option 3 includes that initiative, but also affords each permit holder the right to raise their trap allocation up to the single ownership cap of 1800. Likewise, it has always been our intent to grandfather any individuals and companies that own more than five permits, prior to publication of new control rule, and allow them to similarly increase their trap allocations on each permit up to the single ownership cap of 1800. We view this as a matter of equity and fairness, since it treats all permits in a similar manner, which is essential if we want NMFS to adopt compatible regulations for federal waters.

In regards to Option 2, it was noted during the public comment periods on both Addendum XXI and Addendum XXII that this option would not allow individuals to increase their trap ownership, if they exceeded specific ownership limits. This was counter to the industry's intent which was to treat all permit holders in a similar manner. AOLA opposes Option 2 as it violates the fairness standard, since it caps trap ownership for some individuals at their existing level, but allows others to increase trap ownership. In addition, Option 2 if adopted would lead to a situation where two similarly situated companies, with similar numbers of permits, could have two different trap caps, which we view as unfair and discriminatory. It is highly unlikely that NMFS would adopt such a flawed strategy for federal waters, so we urge the rejection of Option 2.

Thank you very much for the opportunity to comment and we look forward to discussing these issues at the next Board meeting.

David Borden
Executive Director

Cc: AOLA members



www.littlebaylobster.com

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Newington, NH 03801
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October 18, 2013

SENT VIA E-MAIL TO: ktaylor@asmfc.org

Kate Taylor
Atlantic States marine Fisheries Commission
1050 N. Highland Street
Suite 200A-N
Arlington, VA 22201

Re: Addendum XXII

Dear Ms. Taylor:

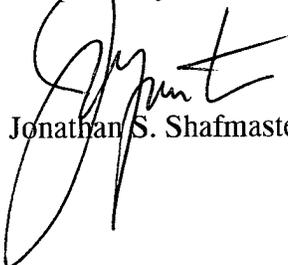
My company, Shafmaster Fishing, owns and operates lobster boats which fish out of Newington, New Hampshire. We fish exclusively in Area III. We support Addendum XXII and specifically endorse Option 3.

We strongly believe the Aggregate Ownership Cap and Accumulation Limits under Option 3 are reasonable and it is only fair to treat those entities which have current ownership in excess of five permits on a pari passu basis with those who have five or less.

As a supporting member of the AOLA, we also believe that the combined impact of Addendum XXI and now Addendum XXII with the commensurate five-year 25% reduction in permitted traps will greatly enhance sustainability in the fishery and bode well for long term economic stability. Also, the effective 10% transfer tax will further reduce fishing effort and, likewise, promote biological sustainability.

Lastly, we endorse and applaud the SNE measures of v-notching and zero tolerance. As a New Hampshire based company which operates under zero tolerance we strongly believe the practice of zero tolerance has benefited the health of our lobster stocks. In fact we would encourage zero tolerance throughout all lobster management areas as a proven tool to promote long term sustainability.

Respectfully,


Jonathan S. Shafmaster

JSS/vo
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New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

RB
TK
KT
MH
DT

OCT 16 2013

October 9, 2013

Mr. Robert Beal, Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200A-N
Arlington, VA 22201

Dear Bob:

Thank you for your letter that reports the concerns of the Atlantic States Marine Fisheries Commission's American Lobster Board in regard to the potential changes to closed areas on Georges Bank. This letter was forwarded to all Council members on September 18, 2013.

The possible changes have been developed as part of a ten year effort to update the Council's Omnibus Habitat Amendment – an effort often referred to as OHA2. There are not currently any management measures in the proposed action that directly address the possibility of gear conflicts between mobile gear and lobster gear should the area of concern open to mobile bottom-tending gear. Council staff met with representatives of the offshore lobster industry on at least two separate occasions. In both instances the industry identified possible impacts to the lobster fishery should the areas open, and staff relayed these concerns to the Council. Lobster industry representatives also raised these issues at Committee meetings during the development of the amendment.

There are several remaining opportunities for the Commission to comment on the proposed actions. The current plan is for the Council to approve the draft document for public hearing at the November Council meeting. I suggest that your representative to the Council may want to comment on specific alternatives at this meeting. There will also be an opportunity to provide input during a public comment period that is planned for early 2014. The Council's final vote is planned for our April meeting.

Thank you for relaying these concerns. We look forward to working with you on these issues.

Sincerely,

Thomas A. Nies
Executive Director