Draft Addendum XXI for Public Comment

Transferability Measures

June 2013
Addendum XXI Timeline

- **Fall 2011–Jan 2013**: Draft Addendum for Public Comment Developed
- **May 2013**: Board reviews Draft & Makes Any Necessary Changes
- **June – July 2013**: Public Comment Period
- **August 2013**: Management Measures & Final Approval

Current step in the Amendment Development Process
In December 2011, the American Lobster Board approved the development of an addendum to respond to the poor stock condition in the Southern New England (SNE) by scaling the size of the fishery to the size of the resource.
Background

- This addendum to address changes in the transferability program for LCMA 2 and 3.
- These changes are designed to allow for flexibility in the movement of traps as the consolidation program for LCMAs 2 and 3 to address latent effort (unfished allocation) is implemented.
Proposed Management Options

LCMA 2 Proposed Options (Section 3.1)
1. Trap Allocation Transfers
2. Single Ownership Trap or Individual Permit Cap
4. Aggregate Ownership Cap

LCMS 3 Proposed Options (Section 3.2)
1. Trap Transfers
2. LCMA 3 Endorsement
3. Trap and Permits Caps
LCMA 2 Trap Allocation Transfers

A. Partial Transfer of a multi-LCMA Trap Allocation

• Option 1 – Status quo
• Option 2 – Two areas can be fished
• Option 3 – Two areas can be fished (chosen annually)
• Option 4 – All areas can be fished
B. Full Business Transfers

• Option 1 – Status Quo
• Option 2 – One area can be fished

C. Transfer of a multi-LCMS Trap Allocation (Partial or Full Business)

• Option 1 – Two areas can be fished
• Option 2 – Two areas can be fished (chosen annually)
• Option 3 – All areas can be fished
LCMA 2 Single Ownership Cap

➢ Previously called trap banking

➢ Option 1 – Status Quo
  • No trap banking allowed

➢ Option 2 – Single Ownership Cap or Individual Permit Cap
  • Allows for the purchase and accumulation of traps over the current 800 active trap cap for LCMA 2 up to the single ownership cap of 1600 traps.
LCMA 2 Sunset Provision

- **Option 1 – Status Quo**
  - No sunset provisions

- **Option 2** – The single ownership cap would expire one year after the last trap reduction

- **Option 3** – The single ownership cap would expire two years after the last trap reduction
LCMA 2 Aggregate Ownership Cap

Option 1 – Status Quo

• No single company or individual may own, or share ownership, of more than two qualifies LCMA 2 permits. This option limits permits, not traps.

Option 2 - An entity could not own more than 1,600 traps (800 active and 800 banked traps).

For both options, those individuals who had more than two permits in Dec 2003 may retain the number they had at that time but can’t own/share ownership of additional permits.
A. Partial Transfers of a multi-LCMA Trap Allocation

- Option 1 – Status Quo
- Option 2 – Two areas can be fished
- Option 3 – Two areas can be fished (chosen annually)
- Option 4 – All areas can be fished
LCMA 3 Trap Transfer

B. Full Business Transfers

• Option 1 – Status Quo
• Option 2 – One area can be fished

C. Transfer of a multi-LCMA trap allocation (full business or partial)

• Option 1 – Two areas can be fished
• Option 2 – Two areas can be fished (chosen annually)
• Option 3 – All areas can be fished
Option 1 – Status quo
- No change to LCMA 3 area designation

Option 2 LCMA 3 Designation
- As part of annual permit renewal, NOAA Fisheries will require fishermen with LCMA 3 permits to designate whether they plan to fish in Area 3 or specifically in the Area 3, SNE stock (A3-SNE).
- Split by 70W longitude.
LCMA 3 Trap and Permit Caps

➢ Active Trap Cap
  • Option 1 – Status Quo (2,000 traps)
  • Option 2 – Active Trap Cap

<table>
<thead>
<tr>
<th>Year</th>
<th>Area 3</th>
<th>Area 3-SNE</th>
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<tr>
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</tr>
<tr>
<td>Year 1</td>
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<td>1900</td>
</tr>
<tr>
<td>Year 2</td>
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<tr>
<td>Year 5</td>
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<td>1800</td>
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LCMA 3 Trap and Permit Caps

- Single Ownership Cap or Individual Permit Cap
  - Option 1 – Status Quo
  - Option 2 – Single Ownership Cap or Individual Permit Cap

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Traps</th>
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<tbody>
<tr>
<td>Year 1</td>
<td>2,333</td>
</tr>
<tr>
<td>Year 2</td>
<td>2,216</td>
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<tr>
<td>Year 3</td>
<td>2,105</td>
</tr>
<tr>
<td>Year 4</td>
<td>2,000</td>
</tr>
<tr>
<td>Year 5</td>
<td>1,900</td>
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</table>
Aggregate Ownership Cap or Dealer Accumulation Limits

- Option 1 – Status Quo (Anti-monopoly clause)
- Option 2 – Aggregate Ownership Cap or Ownership Accumulation Limits

→ no single company or individual may own traps greater than 5 x the Single Ownership Cap

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Traps</th>
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<tbody>
<tr>
<td>Year 1</td>
<td>11,665</td>
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<tr>
<td>Year 2</td>
<td>11,080</td>
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<tr>
<td>Year 3</td>
<td>10,525</td>
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<tr>
<td>Year 4</td>
<td>10,000</td>
</tr>
<tr>
<td>Year 5</td>
<td>9,500</td>
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If the existing lobster management program is revised by approval of this draft addendum, the American Lobster Management Board will designate dates by which states will be required to implement the addendum.

The Board will determine which measures, if appropriate, that should be recommended to NOAA Fisheries for implementation in Federal waters.
Public Comment Summary

- Written comments
  - One individual comment
  - Seven comments from the following organizations:
    → AOLA
    → Cote Fisheries, Inc.
    → Little Bay Lobster Group
    → MA Lobstermen’s Association
    → NMFS
    → Off the Shelf, Inc
    → RI Lobstermen’s Association.
A joint MA and RI public hearing was held on June 26th and four individuals attended.

- For Area 2 options, comments were provided in support of allowing all areas to be fished when transferring a multi-LCMA trap allocation, to have a single ownership cap which will sunset after 2 years, and to have an aggregate ownership cap of 1,600 traps.

- For Area 3 options, comments were in favor of the SQ for partial transfers, and Option 2 – All areas can be fished – for full business transfers, as well as for an active trap cap.
NMFS Proposed Rule

American Lobster Management Board

August 2013
NMFS published a proposed rule in June to:

1. Limit access into Areas 2 and Outer Cape Cod
2. Implement a trap transferability program in Areas 2, 3 and OCC.

The Board submitted comments on some of the options under consideration prior to public comment closure on July 29th
The proposed rule is consistent with the Commission’s plans in the following:

- To limit access and qualify individuals into Areas 2 and OCC.
- Trap transfer programs in Areas 2, 3, and OCC, specifically the 10% partial trap transfer tax, the 800 trap cap for OCC and Area 2, and the implementation and use of a trap transfer database.
- The proposal to restrict allowable landings to those from ports or states that are in or adjacent to Area 2.
- Area 2 Hardship Appeal.
The proposed rule is consistent with the Commission’s plans in the following:

- Two month winter trap haul out.
- Area 1 qualifiers who hold a federal permit and purchase traps from Areas 2, 3 or OCC would, upon selling any of their transferable allocation, forfeit their eligibility to fish in Area 1.
Discussion Items

- Proposed management measures that are not consistent with current/proposed Plans:
  - NMFS did not include an Area 2 ownership cap, as is being considered in DA XXI.
  - NMFS proposes an Area 3 trap cap of 1,945 traps. This is different from the Area 3 trap cap currently under consideration in DA XXI (2,000 traps).
  - NMFS will not impose a 10% conservation tax on full business transfers. The Commission’s plan places a 10% tax on all transfers (full or partial).
  - Option to opt into trap transferability program.
Discussion Items

Proposed management measures that are not consistent with current or proposed Commission Plans:

- The allowance of dual (state and federal) permit holders to transfer traps with any other dual permit holder, regardless of state affiliation
- The Clerical and Director’s Appeals process for trap allocation.
Further Comments?

1. Area 2 ownership cap
2. Area 3 trap cap
3. 10% conservation tax on full business transfers
4. The allowance of dual (state and federal) permit holders to transfer traps with any other dual permit holder, regardless of state affiliation

1. Clerical and Director’s Appeals
NMFS also considered but rejected qualifying SCUBA divers for trap allocations, in part because it would add new trap fishing effort from those (SCUBA divers) who did not fish with traps during the involved time period.
Lobster Gear Markings

American Lobster Management Board

August 2013
In May, the NEFMC sent a letter to ASMFC to discussed the inconsistency and related safety concerns of lobster gear marking regulations.

The Council believes that some of the current gear marking requirements may be unobservable on the water's surface and, in some cases, not strictly followed.
Gear Markings

- Commissioners from ME, NH, and MA, along with representatives from NMFS and the Atlantic Large Whale Take Reduction Plan met via conference call in July to discuss these concerns.
Gear Markings

- Varying enforcement abilities in 3 – 12 miles and 12+ miles
- NMFS proposed rule to revise management measures to reduce incidental mortality and injury to whale in commercial trap/pot and gillnet fisheries.
➢ Continue to work towards addressing safety concerns

• Discuss with LCMA 1

• Gear markings is what is used in federal waters, but other methods may be more effective.