



# Draft Addendum XIX for Public Comment Review

**LCMA Transfer Tax**  
**October 2012**





## Purpose

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- Address the LMCA 3 trap transfer tax for full and partial business sales



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## Background

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- Addendum XVIII was approved at the August Board meeting
- It adopted a consolidation program for LCMA 2 and 3 to address latent effort and reductions in traps allocated
- It proposed a uniform trap tax as a part of LCMA 3 transfer program but did not address it
- NOAA Fisheries will begin public comment in the winter of 2012/2013 for the LCMA 3 transfer program



## Background

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- If the Board is considering changes to the transfer tax for LCMA it will need to provide public comment to NOAA Fisheries during the comment period
- The comment period will likely be closed before the next Board meeting in February



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# Transfer Tax

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## Transfer Tax Amount

- Option 1: Status Quo, Conservation tax of 20% is for partial transfers and 10% is assessed on full business sales
- Option 2: Conservation tax of 10% is assessed on and transfer (full or partial) (LCMT Preferred)
  - **Example:** If a fisherman A purchases 100 traps from fisherman B, 10 traps will be retired for conservation purposes and 90 traps will be added to fisherman A's allocation or trap allocation bank account.



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# Compliance and Recommendation to NOAA Fisheries

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- Determine measures, if approved, that should be recommended to NOAA Fisheries for implementation in Federal waters.



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## Proposed Timeline

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- Board considers approval of Draft Addendum XIV for public comment **October 2012**
- Public Comment period open for 35 days
- Board considers final approval of Draft Addendum XIV via email vote **December 2012**
- If the Board approves a change to the transfer program send a letter to NOAA Fisheries during the comment period reflecting the new measures **Winter 2012/2013**





# Fishery Management Plan Review

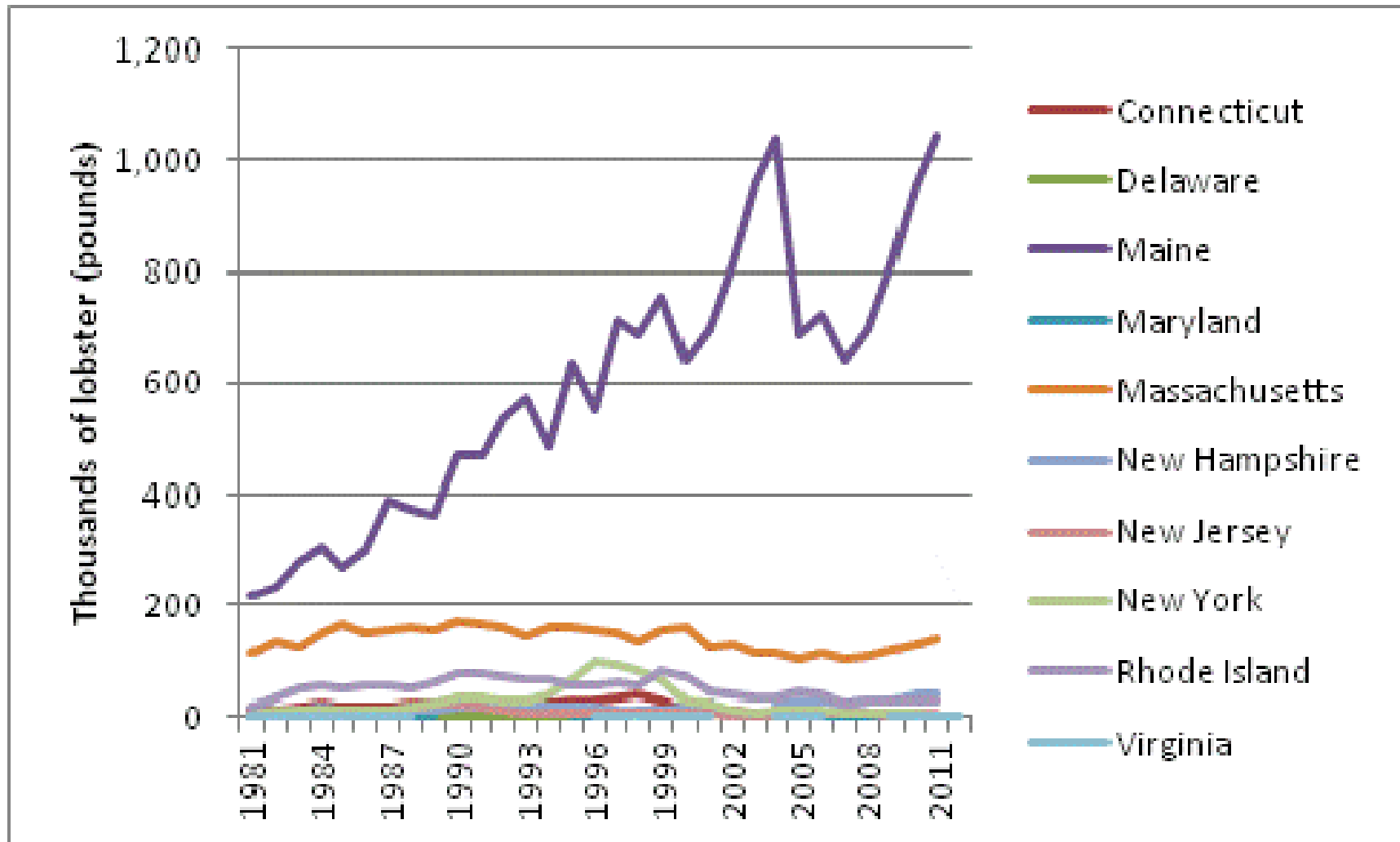
October 2012







# Lobster Landings





# Sampling

State	100% Dealer reporting	10% Harvester Reporting	Overall Fishery Dependent Biological Sampling	Sea Sampling	Port Sampling	Ventless Trap Survey	Settlement Survey	Trawl Survey
ME	✓	✓	✓ -	✓	✓	✓	✓	✓
NH	✓	✓ + 100%	✓ -	✓	✓	✓	✓	✓ (ME )
MA	✓	✓ + 100%	✓ -	✓		✓	✓	✓
RI	✓	✓ + 100%	✓ -	✓	✓	✓	✓	✓
CT	✓	✓ + 100%	✓ -	✓			✓	
NY	✓	✓ 100%	✓ -	✓ -	✓			✓ (CT)
NJ	✓	✓	✓ -	✓				



# Potential Sampling Loss

<b>STATE</b>	<b>At-sea sampling, inshore</b>	<b>Port sampling, offshore</b>
<b>Maine</b> – Carl Wilson	<i>Since 1985, will cease 2012. Propose to continue May-Nov sampling, expand sampling Dec-Apr</i>	<i>The Maine lobster fishery is primarily an inshore seasonal fishery with the majority of the catch caught within three miles of shore.</i>
<b>New Hampshire</b> – Joshua Carloni	<i>Since 1991, will cease 2012. Day trips aboard commercial lobster boats fishing in statistical area 513</i>	<i>Since 2005, will cease 2012. Monthly Jan- Dec for boats fishing in federal waters; May-Nov for boats fishing in state waters.</i>
<b>Massachusetts</b> – Robert Glenn	<i>Since 1981, reduced sampling 2012. Six regions throughout coastal MA; day trips; each region is sampled a minimum of once per month per region during the major lobstering season, May-Nov</i>	<i>Since 2006, ceased 2009. Each of 3 stat areas will be sampled once per quarter, such that one area is sampled every month of the year</i>
<b>Rhode Island</b> – Scott Olszewski	<i>Since 1990, reduced sampling 2012, will cease 2013</i> Within state waters (0-3 miles) and Federal EEZ waters of NMFS Statistical Area 539 in LCMA 2	<i>Since 2006, will cease in 2013</i> Four samples per month, from stat areas 525, 526, 537, and 616



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## *De Minimis* Request

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- NC, VA, MD, and DE requested *de minimis*
- Each state meets the *de minimis* requirement
- The PRT recommends:
  - States implement all biological measures contained in the FMP.
  - States conduct some biological sampling of their fishery to improve the stock assessment but not require it.
- De minimus states are required to collect annual harvest data,
  - `PRT recommends harvest data is collected monthly for use in the stock assessment.



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# PRT Recommendations

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1. Regional Data Collection
2. Evaluate the socioeconomic data being collected by states
3. Concerned about the ability of the lobster management program to respond to changing stock conditions
4. Encourages the full implementation of data collection programs



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## PRT Recommendations

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5. Explore oceanographic and climate change impacts on lobster stock, including lobster productivity
6. States add to the annual compliance report the number of permits issued and number of those permits that are active by state and LCMA (and zone for ME)
7. Encourages state and federal jurisdictions to continue to work cooperatively





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# Technical Committee Report

## Review of LCMA 1 V-Notch Measures





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## Data Sources

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- To assess the impacts the 1/8" proposal would have on the lobster stock TC looked at sea sampling data from Maine and Massachusetts.
- Both datasets had limitations, Maine (temporal) and Massachusetts (spatial).
- TC members could not agree on the best way to analyze data so two separate analyses were conducted.



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## Analysis #1

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- TC calculated % of legal-sized females protected with the zero tolerance definition.
- Then calculated % of legal-sized females that would be protected with 1/8" definition.
- The conservation loss is the result of subtracting the % protected with 1/8" from % protected with zero tolerance.



# Analysis #1 Results

**Table 1. Percentage of legal-sized female lobsters protected by a v-notch under various v-notch definitions from data collected by Massachusetts and Maine during sea sampling trips.**

<b>Year</b>	<b>% Protected Zero Tolerance Definition</b>	<b>% Protected 1/8" Definition</b>	<b>% Difference</b>	<b>State</b>
<b>2008</b>	38.1	25.4	12.7	ME
<b>2009</b>	20.6	17.9	2.7	MA
<b>2012</b>	20.9	17.7	3.2	MA
<b>2011</b>	16.9	14.0	2.9	MA





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## Analysis #2

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- Second analysis assessed the v-notch population independent of the number of legal-sized females.
- This was done by determining the total number of v-notched lobsters observed during sea sampling and calculated the percent of that total that were marked with a notch  $\leq 1/8$ ".



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## Analysis #2 Results

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- Maine found that 33.3% of the total v-notched lobsters were marked with a notch  $\leq 1/8$ " and would be available to harvest.
- Massachusetts found that between 13 and 16% of total v-notched lobsters were marked with a notch  $\leq 1/8$ ".



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## Conclusions

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- TC members could not come to a consensus on to provide a final recommendation to the board.
- Some TC members strongly feel that available data may not accurately characterize the effects due to its limitations.
- Maine and New Hampshire are currently collecting additional v-notch data which should be available in 2013 for review.



# Technical Committee Report

## Mobile Gear Impacts on Lobster in Closed Area II October 2012





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# Literature

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- The TC looked at available literature and survey data to address the effects mobile gear have on lobsters.
- The first study was conducted by Conn. DEP in Long Island Sound (Smith and Howell 1987).
- The major findings showed that “major” damage or immediate mortality varied seasonally for trawls from 0-14%, and results suggest that damage was more a function of shell condition than temperature.
- Egg bearing females incurred no greater damage/mortality rates than non egg bearing females.  
Egg loss not examined



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## Literature

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- These findings are supported by other studies (Ganz 1980) & (Spurr 1978)
- The TC also looked a study that assessed the effects scallop dredges have on lobster in the Gulf of Saint Lawrence (Jamieson and Campbell 1980).
- They found that in an area where scallop fishing had not occurred in the past, 11.7% of lobsters were either retained or injured.





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## Literature

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- The authors in this study concluded that damage to American lobster was minimal from scallop dredges.
- Important to remember all of studies are area specific.
- The size of lobster in both study areas were different than Georges bank. In scallop dredge survey mean 72mm, less than 25 percentile in GBK.



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## Conclusion

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- The TC does not feel comfortable applying these results to Georges Bank. Additional information is needed, 3-5 years of the following:
- Monthly or seasonal rates of newly-molted versus hard shelled and damaged lobsters from experimental trawling and traps that capture all size classes.
  - Monthly or seasonal estimates of major damage from commercial or experimental trawling and traps.
  - Data characterizing tow duration, deck handling practices and net size for the proposed mobile gear fishery.



## Addendum XVII Implementation

**Most Restrictive Rule  
October 2012**





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## Addendum XVII

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- Addendum XVII required all SNE LCMAAs to reduce exploitation by 10%
- The Board approved a motion that the most restrictive rule would apply
  - Dual permit holder prohibited from fishing for 2 season closures
  - If the longest closed season is picked, dual permit holders could set pots in LCMA 4 when the area is closed



## NY Permit Holders

Gear	# Permit Holders	LMA 4 Landings	LMA 6 Landings	Total Landings
POT	6	33,174	14,331	47,505
TRAWL	3	912	454	1,366
NA	4	1,620	5,808	7,428
Total	13	35,706	20,593	56,299