



# Draft Addendum XXI for Public Comment

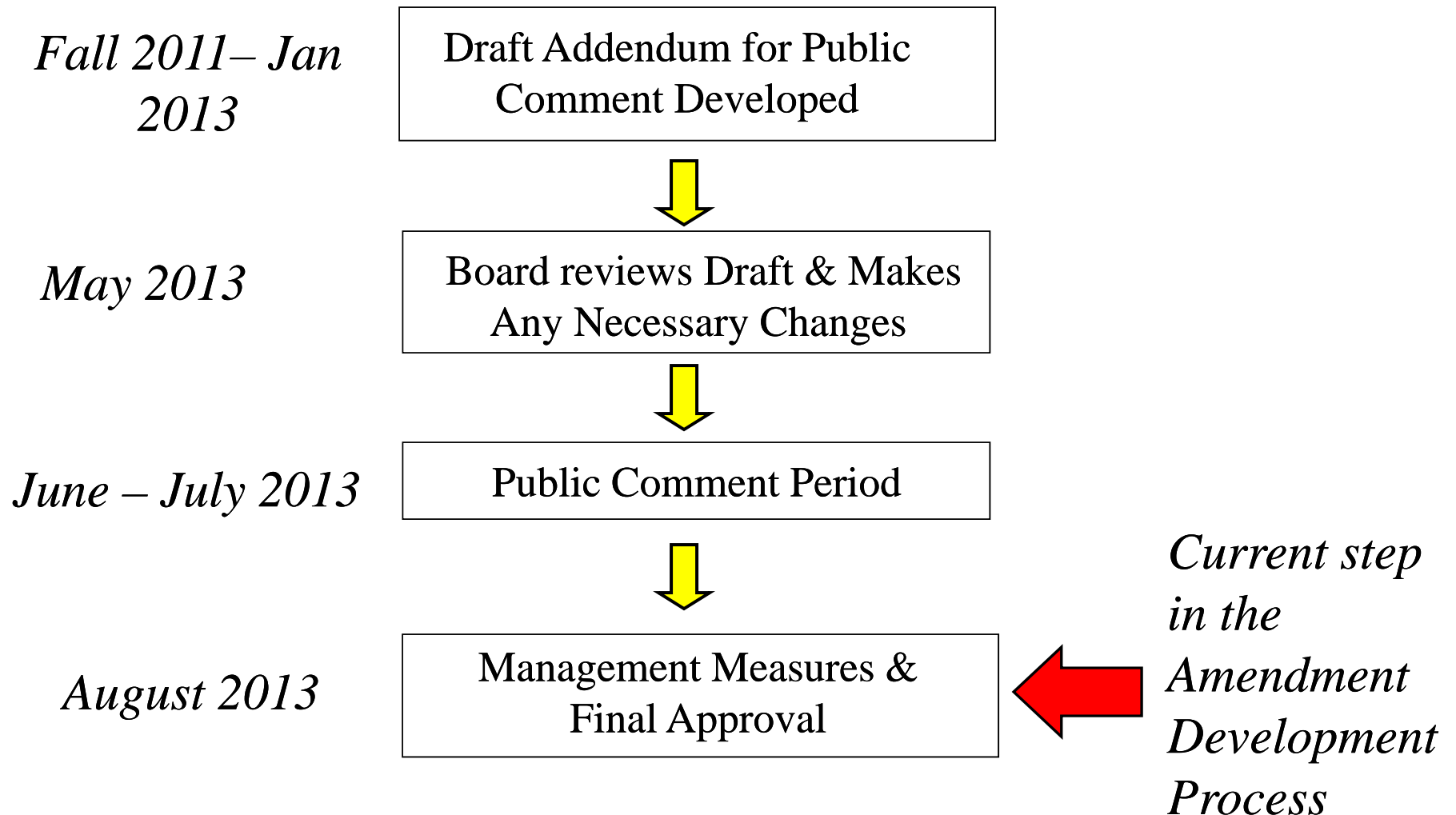
**Transferability  
Measures**

**June 2013**





# Addendum XXI Timeline





---

# Background

---

- 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
3. Sunset Provisions
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



---

# **LCMA 2 Trap Allocation Transfers**

---

## **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.**



---

# LCMA 3 Trap Transfers

---

## 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



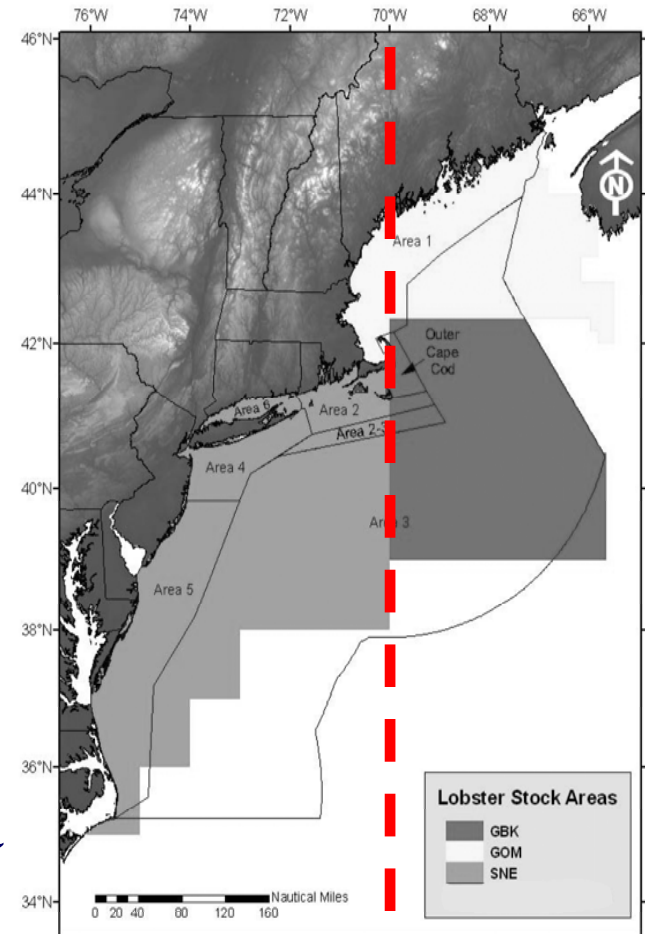
# LCMA 3 Endorsement

## ➤ 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**

*Active Trap Cap for Area 3 and Area 3-SNE designation*

<b>Year</b>	<b>Area 3</b>	<b>Area 3-SNE</b>
Year 0	2000	2000
Year 1	1900	1900
Year 2	1805	1805
Year 3	1715	1800
Year 4	1629	1800
Year 5	1548	1800



---

# 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

Area 3 Individual Permit Cap Table

Year	Number of Traps
Year 1	2,333
Year 2	2,216
Year 3	2,105
Year 4	2,000
Year 5	1,900



---

# LCMA 3 Trap and Permit Caps

---

## ➤ 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

Area 3 Aggregate Ownership Cap or Ownership Accumulation Limits Table

Year	Number of Traps
Year 1	11,665
Year 2	11,080
Year 3	10,525
Year 4	10,000
Year 5	9,500





---

# Compliance and Recommendation to NOAA Fisheries

---

- 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.



---

# Public Comment Summary

---

- A joint MA and RI public hearing was held on June 26<sup>th</sup> 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



---

# Proposed Rule

---

- 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



---

# Proposed Rule

---

- **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



---

# Proposed Rule

---

- **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**



---

# Considered but Rejected

---

- 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





---

# Gear Markings

---

- In May, the NEFMC sent a letter to ASMFC to discuss 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.