

**Addendum XV to Amendment 3
to the Interstate Fishery Management
Plan for American Lobster
Limited Entry for Federal Waters of LCMA 1**



ASMFC Vision Statement:

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

Approved November 3, 2009

1.0 Statement of the Problem

In the Gulf of Maine (GOM) there has been an increase in fishing effort in the lobster fishery since 2000 and those effort levels are the highest levels since 1981 (ASMFC, 2009). Overall, GOM stock abundance is relatively high with recent fishing mortality comparable to the past (since 1981). The GOM stock encompasses all of Lobster Conservation Management Area (LCMA) 1, and part of both LCMA 3 and the Outer Cape Management Area. There is concern that high lobster fishing effort levels in GOM are not likely to be supportable if abundance returns to long-term median levels. Limited access programs in other lobster management areas have the potential to cause fishermen who do not qualify in that area to shift trap fishing operations to LCMA 1 where prior to the adoption of this addendum, there was open access. In addition, recent constraints on participation in several traditional otter trawl fisheries, and broader use of area closures may result in a shift in non-trap lobster fishing effort to the lobster trap fishery by vessels that have traditionally harvested lobsters by non-trap methods. An unchecked increase in effort in the lobster trap fishery, as a result of a shift from non-trap to trap gear and/or as a result of an influx of fishing operations from other areas to LCMA 1, may jeopardize current efforts to achieve the objectives of the ISFMP and rebuild stocks.

2.0 Introduction

This addendum maintains the historic level of trap fishing effort and curtail a potential influx of new Federal lobster vessels in the LMCA 1 EEZ fishery. The addendum limits entry of vessels which have not fished with traps in Area 1 in the past from fishing in Area 1 with traps in the future.

3.0 Background

The LCMA 1 Lobster Conservation Management Team (LCMT) met in May and June of 2008 and in April of 2009 to discuss concerns of increasing fishing effort in to the EEZ waters of LCMA 1, as noted in section 1.0-Statement of the Problem. The LCMT worked to identify qualification criteria that would effectively capture current participation in the LCMA 1 EEZ lobster trap fishery and limit future trap fishing effort to current LCMA 1 participants to recommend to the Board. The intent of the LCMT was to limit future access based eligibility criteria that are universally available to all LCMA 1 participants, regardless of their state of residency. The LCMT evaluated several potential eligibility criteria that would document a trap fishing history in LCMA 1, including the requirement to elect LCMA 1 on the Federal lobster permit and purchase of lobster trap tags endorsed for the EEZ portion of LCMA 1.

There were several challenging issues the LCMT discussed over the course of the Area 1 meetings in 2008 and 2009. One area of discussion involved the potential use of lobster landings to document past performance in Area 1. After the LCMT was informed there was not a universal reporting system across all state and Federal regulatory jurisdictions to consistently capture lobster landings by individual fishing vessels, the LCMT agreed not to require documented landings as one of the qualification criteria.

Limited use of medical and/or military exceptions was also discussed. Concerns were voiced that a medical condition or military service could potentially exclude active Area

1 participants, if the qualification period was limited to only to a one or two year period. On the other hand, there was concern that a qualification process that included a medical waiver or military exemption could prove problematic and had the potential to allow for additional fishing effort in Area 1. Ultimately the Area 1 LCMT opted to recommend the Board expand the length of the qualification period from two to five years (fishing years 2004 – 2008 as of January 2, 2009), rather than allow for a medical waiver or military exemption. The Area 1 LCMT felt a five year time period would be adequate to address any difficulty meeting the qualification requirements that participants may have experienced due to illness or military service.

Based upon the Area 1 LCMT recommendations, in a letter dated October 22, 2008, the ASMFC lobster board requested NMFS implement a control date to limit or restrict future access into the lobster trap fishery in the EEZ waters of LCMA 1. On January 2, 2009, NMFS published in the Federal Register an Advance Notice of Proposed Rulemaking (ANPR) on Federal American lobster management in the EEZ . The ANPR publication date, January 2, 2009, is proposed as a “control date” and could potentially be used to discourage American lobster non-trap vessels from entering the lobster trap fishery, and discourage American lobster trap vessels fishing in other lobster management areas from entering the Area 1 lobster trap fishery, based upon economic speculation while NMFS, in consultation with the ASMFC, considers whether and how access and effort should be controlled.

Federal American Lobster Permits*			Area 1 Federal Lobster Permits				
Fishing Year**	Total	Non-Trap Only	Total	ME	NH	MA	Other
2004	3069	650	1885	1303	432	73	77
2005	3049	643	1857	1305	409	73	70
2006	3054	649	1879	1331	404	69	75
2007	3014	660	1844	1318	383	71	72
2008	3008	647	1841	1310	391	71	69

*Preliminary Data

** May 1 - April 30

4.0 Management Measures

The measures contained in section 4 only affect those fishing with a federal permit in federal waters of LCMA 1. Measures identified in this section would become effective upon promulgation (enactment) of associated Federal regulations by the National Marine Fisheries Service.

Under these management measures Federal LCMA 1 permits are capped at current (2004-2009) levels. Qualified Area 1 Federal permit holders will continue to be able to transfer Federal lobster trap permits within LCMA 1. In addition, these management measures limits entry of Federal lobster non-trap vessels which have not fished with traps in the EEZ waters of Area 1 in the past from fishing with traps in Area 1 in the future.

4.1 Qualification

- A. Possession of a valid Federal American lobster permit**
- B. Proof of LCMA 1 designation on the Federal lobster permit, as of January 2, 2009**
- C. Proof of purchase of lobster trap tags for the waters of LCMA 1 for any one fishing year between the fishing years 2004 through 2008 as of January 2, 2009**

4.2 Compliance

State agencies with a Trap Tag Memorandum of Understanding with NMFS, by February 1, 2010, will review state records of lobster trap tag orders for the fishing years 2004 through 2008 (as of January 2, 2009), and shall provide NMFS with detailed information to allow NMFS to accurately identify all LCMA 1 lobster participants that meet the qualification criteria specified in Section 4.1. Identification by state agencies of each LCMA 1 participant shall include owner and address information and the Federal permit number of the Federally permitted fishing vessel the LCMA 1 trap tags are assigned to.

5.0 Recommendations for Actions in Federal Waters

The Atlantic States Marine Fisheries Commission believes that the measures contained in Amendment 3 and Addenda I-XV are necessary to limit the expansion of effort into the lobster fishery and to rebuild lobster stocks to recommended levels. ASMFC recommends that the Federal government promulgate all necessary regulations to implement the measures contained in Section 4 of this document.

6.0 Reference

ASMFC, 2009. American Lobster Stock Assessment report for peer review. Stock Assessment Report No. 09-01(Supplement). ASMFC, Washington, DC 155pp.