

Atlantic States Marine Fisheries Commission

**ADDENDUM XIX TO AMENDMENT 3 TO THE AMERICAN
LOBSTER FISHERY MANAGEMENT PLAN**

LOBSTER CONSERVATION MANAGEMENT AREA 3 TRANSFER TAX



ASMFC Vision Statement:

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

Approved February 19, 2013

1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) has coordinated interstate management of American lobster (*Homarus americanus*) from 0-3 miles offshore since 1997. American lobster is currently managed under Amendment 3 and Addenda I-XVIII to the Fishery Management Plan (FMP). Management authority in the exclusive economic zone (EEZ) from 3-200 miles from shore lies with NOAA Fisheries. The management unit includes all coastal migratory stocks between Maine and North Carolina. Within the management unit there are three lobster stocks and seven management areas. The Southern New England (SNE) stock (subject of this Draft Addendum) includes all or part of six of the seven lobster conservation management areas (LCMAs) (Appendix 1). There are nine states (Massachusetts to North Carolina) that regulate American lobster in state waters of the SNE stock, as well as regulate the landings of lobster in state ports.

The most recent transferability rules were established in Addenda XII and XIV. This addendum modifies the conservation tax for LCMA 3 to a single transfer tax of 10% for full or partial business sales.

1.1 Statement of the Problem

Resource Issues

The SNE lobster stock is at a low level of abundance and is experiencing persistent recruitment failure caused by a combination of environmental drivers and continued fishing mortality (ASMFC, 2009). It is this recruitment failure that is preventing the SNE stock from rebuilding. This finding is supported by the 2009 Stock Assessment Peer Review Panel and the 2010 Center for Independent Experts review of Technical Committee (TC) findings and conclusions articulated in the April 2010 report to the Board: “Recruitment Failure in Southern New England Lobster Stock.”

Current abundance indices are at or near time series (1984 to 2009) lows (ASMFC 2009) and this condition has persisted since the early 2000s. In May 2009, the Board set interim threshold and target values well below those recommended by the TC in recognition that stock productivity has declined in the past decade. The stock is overfished but overfishing is not occurring. Members of the Board and TC believe that environmental and ecosystem changes have reduced the resource’s ability to rebuild to historical levels.

Management Issues

The Board initiated Addendum XVIII to scale the SNE fishery to the diminished size of the SNE resource. The final Addendum contained trap reductions measures for Areas 2 and 3. The Draft addendum that had gone out for public comment had included proposed changes to both areas transferability programs, but these measures were delayed to allow the PDT to further clarify the issues.

In approving Addendum XVIII, the Board inadvertently failed to include a proposed change to LCMA 3’s transfer tax. Since this issue will be considered in the upcoming federal rule-making process this winter, the Board needs to finalize its action relative to the LCMA 3 transfer tax and provide its recommendations to NOAA Fisheries during its winter 2012 public comment period on the LCMA 3 transfer tax.

2.0 Background

The ASMFC Lobster Management Board has approved past addenda governing the LMCA 3 trap fishery that allocated traps to each permit holder based on past performance. The trap allocation programs for LCMA 3 also contained provisions which allowed transfers of trap allocation among eligible permit holders to mitigate some the negative effects of trap allocation schemes. These programs are called ITTs: Individual Transferable Trap (ITT) programs. The Commission has recommended that NOAA Fisheries implement all approved measures for the LCMA 3 ITT program, including the transfer tax measures. However, despite the desire for trap allocation transfers, they have yet to be fully enacted, primarily because NOAA Fisheries has met administrative challenges trying to implement these programs.

Through Addendum XII, it was understood by the Board and NOAA Fisheries that before transfers would be allowed or resumed two things must occur: 1) NOAA Fisheries must adopt complementary rules and 2) a joint state/federal database must be created to track trap allocations and transfers among the permit holders for these three areas. NOAA Fisheries will begin rulemaking to consider federal rules that would allow trap allocation transfers among LCMA 2, 3, and OCC permit holders in 2013. Since the Board changed the transfer tax measures that were previously contained in Addendum XIV, a new recommendation will be sent to NOAA fisheries during the comment period.

3.0 Management Program

3.1 Transfer Tax

A. Transfer Tax Rate

In order to further downsize the fleet to the reduced status of the lobster stock in SNE, each transfer of traps will be assessed a conservation tax in LCMA 3. The tax will be assessed on all transfers including transfer between vessels in the same corporation. *This would replace Section 4.1.1 of Addendum XIV*

A conservation tax of 10 % is assessed on any transfer or full business sale with a LCMA 3 area designation. The tax will be assessed and by the agency/jurisdiction(s) that approves the business transaction.

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.

4.0 Compliance

All states must implement Addendum XIX through their approved management programs for the start of the 2013 fishing year. States may begin implementing management programs prior to this deadline if approved by the Management Board.

5.0 Recommendation for Federal Waters

The SNE lobster resource has been reduced to very low levels. The Atlantic States Marine Fisheries Commission believes that additional fishery restrictions are necessary to prevent further depletion of the resource.

The Atlantic States Marine Fisheries Commission believes that the measures contained in Amendment 3 and Addenda I-XIX 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 3 and 4 of this document.