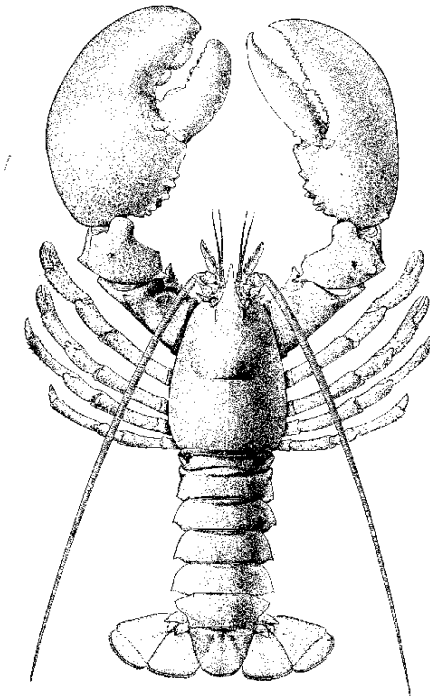


# GUIDE TO



## Draft Supplemental Environmental Impact Statement on Updating American Lobster Fishery Management Measures in Federal Water

December 2000



**GUIDE TO  
Draft Supplemental Environmental Impact Statement  
on Updating American Lobster Fishery Management Measures  
in Federal Water**

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**GOAL**

To obtain public response on a draft supplemental environmental impact statement (DSEIS) describing actions under consideration to make federal measures governing lobster fishing consistent with interstate measures.

**DATES**

Written comments will be accepted until January 9, 2001. Public meeting information:

**Rhode Island**

Tuesday	December 12	Narragansett Town Hall Assembly Room	3 PM
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**Maine**

Wednesday	December 13	Holiday Inn by the Bay, Portland	3 PM
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**New York**

Thursday	December 14	Town Board Room at Town Hall, Riverhead	4:30PM
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**New Jersey**

Friday	December 15	Community Room, Municipal Complex, Toms River	1 PM
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**TO GET A COPY OF THE DSEIS AND TO MAKE COMMENTS**

Send your request for the document to the State, Federal and Constituent Programs Office, NOAA Fisheries, 1 Blackburn Dr., Gloucester, MA 01930; or fax your request to (978) 281-9117. Written comments should be sent to the same address and/or fax number. Comments will not be accepted via email or internet.

Both a summary of the document and the full document are also available online here:

<http://www.nero.mms.gov/ro/doc/nr.htm>

## PREFERRED MEASURES RELATING TO HISTORICAL PARTICIPATION

### Summary of Preferred Alternative for Federal Lobster Trap Gear Permit Holders to Complement Interstate Management Measures; and Areas of Concern

#### HISTORICAL PARTICIPATION IN LCMAs 3, 4, and 5

- \* Would be required for operations in Lobster Conservation Management Areas 3, 4, and 5
- \* Establishes qualification criteria that determine which operations may fish in each area
- \* Requires documentation to prove prior participation and an affidavit of prior effort levels to be used in setting trap limits for each operation that has qualified

#### "CONSERVATION EQUIVALENT" TRAP LIMITS FOR AREA 1 FISHERY

Waiver for Area 1 federal trap permit holders who also have a NH full commercial fishing license-- would be allowed to fish additional 400 traps in state waters and no more than 800 in federal waters (same as at present).

#### BOUNDARY CLARIFICATION

- \* Creates an overlap area between Area 1 and Area 2 encompassing the Cape Cod Canal
- \* Changes the boundary line between the Outer Cape Cod Area and Area 1
- \* Creates an overlap area between Area 1 and the Outer Cape Cod Area on the western tip of Cape Cod
- \* Changes boundary between Area 2 and the Outer Cape Cod Area

#### AREAS OF CONCERN-- request for public comment

- \* Documentation of historical participation
- \* Proliferation of state-by-state waivers to the federal rules are sure to cause administrative burden and complexity and may be hard to evaluate for conservation equivalency unless states bordering a lobster management area can agree to the same waivers

#### ISSUES TO BE RESOLVED--request for public comment

- \* Increase in minimum size
- \* Stock assessments
- \* Use of marine protected areas

**PREFERRED MEASURES RELATING TO HISTORICAL PARTICIPATION**

Measures for effort control, showing where preferred measure differs from that requested by the ASMFC for Lobster Conservation Areas 3, 4 & 5 [See Note]

**EFFORT CONTROL AREA 3 Trap allocation for each operation based on number of traps it typically fished in a qualifying year**

Control Measure	ASMFC Request	NMFS Alternative
<b>Qualification Period</b>	03/25/91 to 11/1/97	03/25/91 to 09/01/99
		Reason: NMFS needs to give advanced notice of qualification dates. That date was published as September 1, 1999, just after ASMFC formally approved historical participation as an effort reduction strategy
<b>Qualification Criteria</b>	As requested	Same as those requested
Must have:		
* A current federal limited access lobster permit		
* Demonstrated history of active fishing (at least 200 traps) in Area 3 for two consecutive months during the year used as the qualifying year		
* Documented landings of at least 25,000 pounds of lobster from any portion of its range during the qualifying year.		
<b>Documentation</b>	Ranking system	No ranking system
Variety of official documentation accepted to substantiate historical trap use	Where some kinds of documentation are considered more acceptable than others	Reason: A combination of documents will likely be required by many permit-holders to validate use; the affidavit will serve as the enforceable document.
<b>Initial Trap Allocations</b>	Reviewed by outside panel of contractors	NMFS review
* Number fished in qualifying year		
* No more than 3,250		
* If fewer than 1200; no reductions		Reason: Such a panel would likely require approval under the Federal Advisory Committee Act, which takes time; there is no funding for contractor. These factors would cause implementation delay

**NOTE:** Federal permit holders applying for trap allocations in Area 3,4 or 5, or all three areas, must use the same qualifying year for all of them; the present requirement that federal permit holders who fish in more than one area abide by the most restrictive rules in all areas is unchanged.

<b>Control Measure</b>	<b>ASMFC Request</b>	<b>NMFS Alternative</b>
<b>Initial Trap Allocations con't.</b>	Publish final allocations in Federal Register by name	No publication; release of aggregated information  Reason: Release by individual name may violate the Freedom of Information Act and the Privacy Act
<b>Trap Reductions (See Table 1)</b>	Gradual over five years	Gradual over five years
<b>Vessel Upgrades</b>	50+ ft vessels or vessel upgrade, replacements limited to no more than 10% increase in length overall or 20% increase in horsepower for 2 yrs	No change in present rules  Reason: Requested change requires substantiating present lengths, costly, delays in permit transfers and replacements for regulatory reasons; hard to quantify relationship to conservation benefits (since pots do the fishing, unlike in scallop or groundfish, where vessel power is more important to harvest capacity).
<b>EFFORT CONTROL AREAS 4&amp;5</b>	<b>Trap allocation for each operation based on number of traps it typically fished in a qualifying year</b>	
<b>Qualification period</b>	03/25/91-09/15/98	03/25/91-09/1/99  Reason: NMFS needs to give advanced notice of qualification dates. That date was published as September 1, 1999, just after ASMFC formally approved historical participation as an effort reduction strategy.
<b>Qualification Criteria</b>	None, other than documented activity during qualifying period	Same as Area 3 without the landings requirement  Reason: NMFS believes it is necessary to document historical participation and that criteria should be reasonably consistent w/those of Area 3.
<b>Documentation</b>	None	Same as Area 3
<b>Initial Trap Allocations</b>	As Requested	Same as requested

\*Number fished in qualifying year

Table 1. Proposed trap reduction schedule for Area 3; phased in over five years, reductions taken from initial individual trap allocation (ITTA) based on historical participation

<b>Initial Individual Trap Allocation</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
1200-1299	1200	1200	1200	1200	1200
1300-1399	1248	1200	1200	1200	1200
1400-1499	1344	1290	1251	1213	1200
1500-1599	1437	1388	1337	1297	1276
1600-1699	1530	1467	1423	1380	1352
1700-1799	1620	1548	1498	1452	1417
1800-1899	1709	1628	1573	1523	1482
1900-1999	1797	1705	1644	1589	1549
2000-2099	1884	1782	1715	1654	1616
2100-2199	1969	1856	1782	1715	1674
2200-2299	2054	1930	1849	1776	1732
2300-2399	2140	2003	1905	1836	1789
2400-2499	2225	2076	1981	1896	1845
2500-2599	2309	2197	2034	1952	1897
2600-2699	2392	2218	2107	2008	1949
2700-2799	2475	2288	2169	2063	2000
2800-2899	2557	2357	2230	2117	2050
2900-2999	2640	2425	2291	2171	2100
3000-3099	2722	2493	2351	2225	2150
3100-3199	2821	2575	2422	2288	2209
3200-3250	2920	2656	2493	2351	2267