

Atlantic States Marine Fisheries Commission

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



ASMFC Vision Statement:

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

February 2007

1.0 Introduction

American lobster management authority lies with the coastal states and is coordinated through the Atlantic States Marine Fisheries Commission (Commission). Responsibility for compatible management action in the exclusive economic zone (EEZ) from 3-200 miles from shore lies with the Secretary of Commerce through Atlantic Coastal Fisheries Cooperative Management Act in the absence of a federal fishery management plan (FMP). American lobster has been managed by the states under the Commission's FMP, amendments, and addenda since December 1997. American lobster is currently managed under Amendment 3 to the FMP, which was approved in December 1997. The plan is designed to minimize the chance of population collapse due to recruitment failure. The goal of Amendment 3 is to have a healthy American lobster resource and a management regime that provides for sustained harvest, maintains appropriate opportunities for participation, and provides for cooperative development of conservation measures by all stakeholders.

This document establishes a much-needed consistent coastwide monitoring and reporting criteria for the lobster fishery. Insufficient data is the primary limitation on managers' ability to manage the fishery.

2.0 Background

Amendment 3 required that all states maintain at least their current reporting and data collection program. Action was deferred until the Atlantic Coastal Cooperative Statistics Program (ACCSP) developed a coastwide statistics program. Addendum II to Amendment 3 encouraged all state fisheries management agencies adopt the monitoring and reporting standards outlined in Sections 3.1.1 and 3.2.1 of the Addendum, but did not require any changes to the monitoring and reporting system.

Addendum VIII included data collection and monitoring provisions for all states. The provisions within the Addendum improved the lobster data collection program; however, it did not meet ACCSP standards or all of the recommendations from the 2005 stock assessment peer review. The Board determined that a more rigorous data collection program is warranted to assess and manage the valuable lobster resource. Table 1 shows the current data collection program for each of the states and agencies.

3.0 Statement of the Problem

The collection and accurate interpretation of both fisheries-dependent and fisheries-independent data are fundamental to our knowledge of lobster. It will allow us to gain a full understanding of the nature of changes in the magnitude of landings and productivity of the lobster resource.

Fisheries-dependent data, such as landings, sea sampling, and port sampling, are collected in concurrence with harvesting. These data are influenced by many variables specific to how fishermen harvest their catch (area fished, number of fishermen, fishing effort, gear, experience fishing, and the lobster availability). Accurate and comparable landings are the principal data needed to assess the impact of fishing on lobster populations. The quality of current landings data is not consistent spatially or temporally. Standardized mandatory reporting of landings data coastwide would improve the lobster stock assessment. Aligning stock management areas with area designations for landings is necessary. Enhanced sea sampling and port sampling to create a

more complete record of biological characteristics of the catch and harvest would also improve the usefulness of these data. Sea sampling is especially needed in offshore waters.

Fishery-dependent information (data collected by scientific surveys) is also important. Such data are needed to accurately assess marine fish populations and are used in conjunction with fisheries-dependent data for estimating total population size and mortality rates. There is a need to develop consistent techniques that monitor distribution and abundance of lobster independent of the fishery. Current methods (e.g. trawls) are limited in area (gear conflicts) and habitat sampled (unable to access complex bottom). Additional methodologies should be investigated that cover a wide range of sizes and habitats.

The 2004 Lobster Model Review Panel and the 2005 Stock Assessment Peer Review Panel found the data available are woefully inadequate for the management needs of the lobster fishery, and it is the primary limitation on the ability to manage the fishery. Throughout the world most well managed fisheries spend at least 2-5% of the landed value on data collection and analysis. For the Gulf of Maine component of this fishery alone this would suggest an annual investment of \$4-10 million. Estimates indicate the current investment is much less.

4.0 Management Program

4.1 Expanded coastwide mandatory reporting and data collection program.

This option replaces section 4.0 Monitoring and Reporting of Amendment 3 to the Interstate Fishery Management Plan for American Lobster.

Dealer and Harvester Reporting

1. 100% mandatory dealer reporting and at least 10% of active harvesters reporting (with the expectation of 100% of license holders reporting in time)
2. Two-ticket system (verification): dealer and harvester landings information (trip level reporting). Harvesters report trip data and catch estimates (in pounds) and dealers report landing weights (in pounds).
 - a. Harvester reports include: a unique trip id (link to dealer report), vessel number, trip start date, location (NMFS Statistical Area), traps hauled, traps set, quantity (lbs), trip length
 - b. Dealer reports include: unique trip id (link to harvester report), species, quantity (lbs), state and port of landing, market grade and category, areas fished (NMFS Statistical Area), price per pound

A one-ticket system can also be used to collect the above information. In a one-ticket system, both dealer and fisherman report different data on a single form.

3. Harvesters and dealers are required to report standardized data elements for each trip by the tenth of the following month.
4. Permit holders are linked to federal vessel or individual permit/license level reporting for lobsters using ACCSP protocol (<http://www.accsp.org/cfstandards.htm>)
5. ACCSP stores this information.

At-sea sampling program:

Biological characteristics:

1. Collect information to characterize the commercial catch: length, sex, v-notched, egg bearing status, legal-size discards, and cull status
 - a. Other biological information that can be collected but are not a part of the minimum standards include: tissue for genetic or toxicity analyses, stomach contents for food habit assessments, gonads for maturity schedule confirmation.
2. Weight sampling intensity by areas and season to match 3-year average of area's seasonal commercial catch.
3. Fishery Effort: Fishing location (NMFS Statistical Area), total trawls, or traps sampled.

Port sampling Program:

Biological characteristics:

1. Collect information to characterize commercial landings: length, sex, cull status, and market category
 - a. Other biological information that can be collected but are not a part of the minimum standards include: tissue for genetic or toxicity analyses, stomach contents for food habit assessments, gonads for maturity schedule confirmation.
2. Set minimum number to be sampled per unit landings by area and season

Sufficient at-sea sampling can replace port sampling.

Fishery Independent Data

All statistical areas should be sampled by at least one of the following: annual trawl survey (seasonally standardized), ventless trap survey, and a young-of- year survey.

These surveys should be based on cooperative work between states for inshore and offshore characterization of the stock units.

4.2 Implementation

States must implement, at minimum, the monitoring and data collection measures contained section 4.1 of this document by January 1, 2008.

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-X are necessary to limit the expansion of effort into the lobster fishery, to rebuild stocks to recommended levels. The Commission recommends that the federal government promulgate all necessary regulations to implement the measures contained in the management options section of this document.

Table 1. Current reporting for dealer and harvesters by state for the lobster commercial fishery and state biological sampling.

	ME	NH	RI	MA	CT	NY	NJ	NMFS
Dealer	Voluntary through SAFIS	SAFIS (keyed in by state)	SAFIS	SAFIS	SAFIS	SAFIS*	SAFIS	SAFIS
Harvester	None	SAFIS (VTR)*	SAFIS (VTR)	Annual reporting of monthly summaries	Trip Level State Logbooks (SAFIS*)	NERO Codes (VTR)	None, except for federal vessels with Multi-species permits	SAFIS (Only vessels with Multi-species permits report using VTRs)
Biological Sampling	Port/ Sea	Port / Sea	Sea/ port in offshore	Sea/ port in offshore	Sea	Sea (low in '05-'06/ Port in ocean only)	None	Some Port and Sea
* States will come on-line with this reporting on January 1, 2007								
SAFIS- Trip level reporting consistent with ACCSP standards								
VTR- Vessel Trip Report (trip level reporting)								

Atlantic States Marine Fisheries Commission

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May 2007

1.0 Introduction

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This addendum establishes a rebuilding time frame for Southern New England (SNE) lobster stock. It sets management measures for Lobster Conservation Management Areas 2, 3, 4, 5, and 6 that should aid in the rebuilding of the SNE lobster stock. The addendum also creates a species-specific mechanism of ensuring that a state meets its obligations under the plan in a way that minimizes the probability that a state's delay in complying does not adversely affect other states' fisheries or conservation of the resource.

2.0 Management Program

2.1 SNE Rebuilding

2.1.1 Statement of the Problem

The 2006 American lobster stock assessment presents a mixed picture with stable abundance for the Georges Bank (GBK) stock and much of the Gulf of Maine (GOM) stock, yet decreased abundance and recruitment with continued high fishing mortality for the SNE stock. Due to the poor condition of the SNE stock, a rebuilding management program is necessary to improve the stock health.

2.1.2 Background

The GOM and GBK stocks are not depleted nor is overfishing occurring based on the reference points (Table 1). In the GOM, the stock is below the threshold fishing mortality rate ($F=0.76$) for the three most recent years ($F=0.69$) and above the target abundance level (69.62 million lobster) for the three most recent years (123.12 million lobster). In the GBK, the stock is below the target fishing mortality rate ($F=0.34$) for the three most recent years ($F=0.29$) and above the target abundance level (8.61 million lobster) for the three most recent years (9.05 million lobster).

The SNE stock is in poor condition based on current biological reference points (Table 1). The stock is below the abundance threshold and above the fishing mortality threshold, therefore, the stock is considered depleted and overfishing is occurring. Overfishing is occurring because the average fishing mortality rate for the three most recent years ($F=0.84$) is higher than the median threshold ($F=0.82$). The stock is depleted because average abundance for the three most recent years (14.01 million lobster) fell below the median threshold level (22.31 million lobster). A goal of the management program in SNE is to reach the target fishing mortality ($F=0.74$) and the target abundance (23.90 million lobster). Because the SNE stock is overfished,

Amendment/Addendum X requires that immediate steps be taken to reduce fishing mortality below the F threshold.

The 2006 Terms of Reference & Advisory Report to the American Lobster Stock Assessment Peer Review found that further management restrictions are warranted. The Peer Review Panel believes the declining trend in population abundance is well established and warrants a reduction in fishing mortality (ASMFC, 2006). However, because the cause of the decline and recent values of natural mortality are unknown, how great a reduction in fishing mortality is needed for stock recovery cannot be estimated.

In response to the poor stock condition, the Lobster Management Board (Board) convened the Lobster Conservation Management Teams (LCMTs), through a memo dated August 28, 2006 (LCMTs) from Areas 2, 3, 4, 5, and 6 to advise the Board on management strategies that would achieve the biological reference points (Table 1) for SNE and the goals and objectives of the FMP. States had the option to address SNE rebuilding in either a two-step (two addenda) or one-step (one addendum) process. The two-step process would first require development of a management program to achieve the fishing mortality target, and second, a management program to achieve the abundance target. The one-step process would require development of a single management program that achieves both the fishing mortality and abundance biological reference point target.

For those states wanting to follow the two-step process, the LCMTs convened in the fall of 2006 to advise the Board with a management strategy that would achieve the F target reference point (a 10% reduction in F). The LCMTs strategies to reduce fishing mortality were reviewed by the Lobster Technical Committee (TC) and included in the draft addendum document for public comment. For the second step, a 71% increase in abundance is necessary to reach the abundance target. The LCMTs will again advise the Board on management strategies that would achieve the abundance target for SNE and the goals and objectives of the FMP. Those strategies will be reviewed by the TC and included in a future addendum document.

For those states wanting to follow the one-step process the LCMTs convened in the fall of 2006 to advise the Board on management strategies that would achieve both target biological reference points for SNE and the goals and objectives of the FMP. Those strategies were also reviewed by the TC and included in the draft addendum document for public comment.

2.1.3 Management Program

2.1.3.1 Rebuilding Time Frame for the SNE Stock

This section replaces section 2.1 of Addendum II to Amendment 3 of the American lobster FMP. Addendum II to Amendment 3 indicates that the American lobster resource should be rebuilt before the end of 2008. This management program replaces the 2008 deadline.

15-year adaptive rebuilding program ending overfishing immediately

The fishery management plan seeks to decrease fishing mortality on the American lobster resource in the SNE stock to less than the fishing mortality reference point immediately. Should an overfishing determination be made at any point in the rebuilding time frame, the Commission will prepare and implement, within two years, a plan to immediately end overfishing.

Currently, the SNE stock is determined to be overfished (Table 1) and immediate steps are necessary to reduce fishing mortality below the fishing mortality threshold point.

The fishery management plan seeks to restore abundance in the American lobster resource in the SNE stock to greater than the abundance target reference point before the end of 2022. Rebuilding progress will be evaluated every two years. If no measurable progress has been made after 5 years, the rebuilding plan can be adjusted. The rebuilding plan can also be adjusted after 10 years if no measurable progress has been made to meet the biological reference points. If the rebuilding program were adjusted, management measures would be taken to reach the rebuilding goals.

2.1.3.2 Comprehensive SNE Rebuilding Management Program

Suites of management measures are applied throughout the SNE stock area to address the rebuilding requirements of the SNE stock. These measures are applicable to all SNE lobster fisheries (commercial trap, non-trap, as well as recreational harvesters) in LCMA 2, 3, 4, 5, and 6 (except where noted). This comprehensive program is a common biological management strategy, which is consistent with advice given to the Board in December 2004 by the American Lobster Stock Assessment Subcommittee report, "Model Technical Review: Terms of Reference & Panel Report."

Spatial scales of the assessment

The scale of the assessments and the scale of management actions are seriously mismatched. A kaleidoscope of management regulations takes place on a different scale from the assessments. The assessments need to be done at the same spatial scale as the regulations, or a spatially explicit model needs to be used that can consider management regulations at the actual scale they are implemented. The Panel is quite concerned that reference points are being calculated from assessments that combine management areas with different size limits or V-notching regulations. This concern ties directly into the data limitations, where catches cannot be assigned to management areas. The spatial scale of data, regulations and models needs to be unified.

Comprehensive Southern New England Lobster Management Measures:

2.1.3.2.1 Minimum Gauge Size

The minimum size is 3 3/8" except for Area 3 permit holders who would still be bound by the schedule of minimum size increasing terminating at 3 1/2" in 2008.

2.1.3.2.2 Maximum Gauge Size

The maximum size for males and females is 5 1/4" for all vessels fishing in LCMA 2, 4, 5, and 6.

Area 3 shall have a maximum size for males and females of 7" and shall be lowered 1/8 of an inch per year for two years, resulting in a maximum gauge of 6 3/4" on July 1, 2010.

2.1.3.2.3 Vent Size

The July 1, 2008 vent increase to 2 1/16" x 5 3/4" for rectangular vents and 2 11/16" for circular vents for LCMA 3 is delayed until July 1, 2010.

2.1.3.2.4 V-notch Definition

The V-notch definition is changed to 1/8 inch. A v-notched lobster is defined as any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure, or obliterate such a mark.

V-notching by fishermen of egg-bearing lobsters is a voluntary measure and notching of legal lobsters may be accomplished through paid-for mitigation programs.

2.1.3.2.5 Trap Reductions

LCMA 3: Active trap reductions of 2 ½ percent per year in 2009 and 2010 are required for all LCMA 3 trap fishermen. These reductions immediately follow the 2007 and 2008 5% trap reductions.

Other: LCMA-specific trap reductions will be studied for future implementation with LCMT input. The Plan Review Team (PRT) and the Technical Committee (TC) will examine the status and relative effectiveness of various effort control plans, before future trap reductions are considered. Specifically, the PRT and TC will examine the degree of latent effort that remains in the fisheries as affected by current Effort Control Plans in Areas 2, 3, 4, 5, and 6. While effort control plans have been accomplished throughout Southern New England, the most recent plan in LCMA 2 may be the most restrictive because the eligibility period did not include the period of peak activity, but rather the years of low fishery performance to capture attrition.

2.2 Delayed Implementation

2.2.1 Statement of the Problem

Since about 2001, the Administrative Oversight Committee, the ISFMP Policy Board, and the Lobster Board have expressed concern over the timeliness of state implementation of required management measures. Specifically, these groups are concerned that the traditional non-compliance finding and sanctions under the Atlantic Coastal Fisheries Conservation and Management Act (ACFCMA) addressing quota overages cannot address short-term delays in implementation that range from a few days to a few months. The traditional process cannot deal with the inequities that result from states implementing current measures after the fisheries open.

2.2.2 Background

At the ASMFC Annual Meeting in 2002, the ISFMP Policy Board approved a series of changes to the ISFMP Charter. One of the changes requires each of the species management boards to determine if delays in implementation have impacted, or may negatively impact, the achievement of the goals and objectives of the management program. In May of 2006, the Lobster Board concluded that delays in implementation have impacted the achievement of the goals and objectives of the management program. Like lobster, the management of summer flounder, scup, and black sea bass had been repeatedly affected by delays in implementation of required regulations and the responsible Board was the first to develop an addendum to address the impacts of delayed implementation. The Policy Board has directed other species management boards to use the summer flounder, scup, and black sea bass program as a guide in setting delayed implementation programs.

The Addendum provides a mechanism of ensuring that a state meets its obligations under the lobster plan in a way that minimizes the probability that any delay in the state's compliance does not adversely affect other states' fisheries or conservation of the resource. These measures are deemed critical for the long-term conservation of lobster. This Addendum does not propose to modify the existing compliance review and sanction process that is described in ASMFC guidance documents and ACFCMA, nor does it propose to modify the existing conservation equivalency procedures for lobster. States have the ability to adopt measures that are more conservative than those approved by the Board.

2.2.3. Delayed Implementation Management Program

Delays in implementation of the measures listed in A-F below have impacted, or may negatively impact, the achievement of the goals and objectives of the management program and are therefore listed as measures to be included in the delayed implementation program.

- A) Failure to adopt adjustments to a minimum gauge size
- B) Failure to adopt adjustments to a maximum gauge size
- C) Failure to adopt adjustments to a v-notch possession rule
- D) Failure to adopt adjustments to minimum vent size
- E) Failure to adopt adjustments to a trap allocation program
- F) Failure to adopt adjustments in quotas or trip limits (These measures are not currently part of any lobster management program, but could be used in the future)

State-Wide Season Closure

For each day that a state does not implement any of the lobster management measures identified in Section 2.2.3 of Addendum XI of the Lobster Plan, that state's resident lobstermen are prohibited from fishing for or landing lobsters for an equal number of days during the same or equivalent time period in the following year, regardless of the area in which they are authorized to fish or the state in which they are authorized to land.

Delayed implementation measures are effective in LCMA 1, 2, 4, 5, 6, and OCC.

2.2.4 Required Notification Period for States to Notify the Commission of Regulatory Changes

States must notify ASMFC within seven calendar days of any management changes. States must continue to submit annual reports on March 1.

3.0 Compliance Schedule

State management programs must have regulations to implement Addendum XI by the dates indicated in order to be in compliance with the Fishery Management Plan for Lobster.

November 1, 2007: States submit plan to meet reference point targets

ASMFC 2008 Winter Meeting: Management Board reviews plans

July 1, 2008: State implemented regulations become effective

March 1, Annually: Plan Review Team reviews state compliance reports

4.0 Recommendations for Actions in Federal Waters

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

5.0 Tables

Table 1. Biological reference points and current (2001-2003) stock status for each American lobster stock unit.

Stock status is determined by comparing the average F and average abundance during the three most recent years to stock-specific median values. Median abundance and median fishing mortality, over the fixed time period of 1982-2003 for GOM and GBK and 1984-2003 for SNE, are the threshold reference points for each American lobster stock. Note that values listed for SNE stock reflect model results assuming natural mortality (M)=0.15 from 1984-1997 and M=0.65 from 1998-2003. See details in the 2005 Stock Assessment document for full analyses.

Variable	GOM	GBK	SNE
Fishing mortality			
Fishing mortality threshold	0.76	0.34	0.82
Fishing mortality target	0.67	0.31	0.74
Recent fishing mortality 2001-2003	0.69	0.29	0.84
Fishing mortality below threshold?	Yes	Yes	No
Fishing mortality near or below target?	Yes	Yes	No
Abundance (millions of lobster)			
Abundance threshold	65.58	7.95	22.31
Abundance target	69.62	8.61	23.90
Recent abundance 2001-2003	123.12	9.05	14.01
Abundance above threshold?	Yes	Yes	No
Abundance near or above target?	Yes	Yes	No

6.0 Reference

ASMFC, 2006. Terms of Reference & Advisory Report to the American Lobster Stock Assessment Peer Review. Stock Assessment Report number 06-03.

Stock Assessment Report No. 06-03 (Supplement)
of the
Atlantic States Marine Fisheries Commission

American Lobster Stock Assessment for Peer Review

Conducted on
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Prepared by the
ASMFC American Lobster Stock Assessment Subcommittee

Mr. Steve Correia, Massachusetts Division of Marine Fisheries
Mr. Robert Glenn (Chair), Massachusetts Division of Marine Fisheries
Ms. Penny Howell, Connecticut Department of Environmental Protection
Dr. Larry Jacobson, National Marine Fisheries Service
Mr. Carl Wilson, Maine Department of Marine Resources

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The Commission appreciates the efforts of Commission staff Toni Kerns, Patrick Kilduff, former staff Carrie Selberg, and Tina Berger in development and review of the Atlantic Lobster stock assessment. The Commission also recognizes Geoff White (ACCSP), Mike Cahill (ACCSP), and Peter Mooreside (ASMFC), and former staff Dr. Lisa Desfosse for development and maintenance of the Atlantic Lobster Database.

Executive Summary

American lobster (*Homarus americanus*) supports one of the most valuable commercial fisheries in the Northeast U.S. with an annual estimated revenue in excess of \$350 million in 2004 (NMFS, 2006). The U.S. lobster resource occurs in continental shelf waters from Maine to North Carolina. Three new stocks units have been identified in this assessment based primarily on regional differences in life history parameters. They are the Gulf of Maine (GOM), Georges Bank (GBK), and Southern New England (SNE). Each stock supports both an inshore and offshore component, however total U.S. lobster landings are primarily comprised of catch from nearshore waters (0 to 12 nautical miles).

The management unit for American lobster is the entire Northwest Atlantic Ocean and its adjacent inshore waters where lobster is found from Maine through North Carolina. The Atlantic States Marine Fisheries Commission (ASMFC) manages the lobster fishery in state waters (0-3 miles from shore) and the National Marine Fisheries Service (NMFS) manages the lobster fishery in federal waters (3-200 miles from shore), both under the authority of the Atlantic Coastal Fisheries Cooperative Management Act.

Currently, American lobster is managed under Amendment 3 to the Interstate Fishery Management Plan and its subsequent Addenda, I-VII.. The plan is designed to minimize the chance of population collapse due to recruitment failure. The goal of Amendment 3 is to have a healthy American lobster resource and management regime, which provides for sustained harvest, maintains appropriate opportunities for participation, and provides for cooperative development of conservation measures by all stakeholders.

The U.S. lobster fishery is conducted in each of the three stock units -- GOM, GBK, and SNE. Each area has an inshore and offshore component to the fishery. GOM and SNE areas are predominantly inshore fisheries, while the GBK area is predominantly an offshore fishery. Total landings were relatively constant at 14,000 mt through the late 1970s. Since then, landings have doubled, reaching 37-38,000 mt in 1997-98 and dropping to 33,000 mt in 2003.

GOM supports the largest fishery, constituting 74% of the U.S. landings between 1981 and 2003, and 85% between 2001 and 2003. Landings in the GOM were stable between 1981 and 1989, averaging 14,700 mt, then increased dramatically from 1990 (19,200 mt) to 1999 (30,000 mt), remaining at record levels since (2000-2003 average of 30,300 mt).

GBK constitutes the smallest portion of the U.S. fishery, averaging 5% of the landings from 1981 to 2003. During this time period, landings from the GBK fishery have remained stable, varying between 1,100 and 1,700 mt (1981-2003 average of 1,400 mt).

SNE has the second largest fishery, accounting for 21% of the U.S. landings between 1981 and 2003. Landings increased sharply from the early 1980s to the late 1990s, reaching a time series high of 10,054 mt in 1997. Landings remained near the time series high until 1999, when the fishery experienced dramatic declines in landings. From 2000 to 2003, landings accounted for only 12% of the U.S. landings, reaching a time series low of 8% in 2003.

The modeling tools used in this assessment to provide management advice for American lobster were similar to models used in previous assessments. An enhanced version of the Collie-Sissenwine model (CSM, a.k.a. “modified DeLury” in ASMFC 2000) was used to estimate mortality and abundance of male and female lobster in individual areas. A life history model (a.k.a. egg-per-recruit model or EPR in ASMFC 2000) was used to estimate egg production per recruit and other per-recruit reference points for male and female lobster in each stock assessment region used in previous assessments. The life history model was updated with new growth parameters and current management measures.

One of the short comings of the recommended biological reference points is that the status of each stock is solely based on comparison with a relatively recent 22-year trend. In order to corroborate this comparison, trends for a suite of indicators have been examined for the same time period (1982 to present). These indicators were chosen as measures of fishing mortality, stock abundance, and fishery performance. This multiple stock indicator approach or “the traffic light approach” tends to minimize bias/uncertainty by putting equal weight on many indicators, and therefore presents a truer picture of the overall stock status.

The American lobster resource presents a mixed picture, with stable abundance for the GBK stock and much of the GOM stock and decreased abundance and recruitment yet continued high fishing mortality for the SNE stock and Area 514 of the GOM stock.

Current abundance of the GOM stock overall is relatively high compared to the 22-year time series and recent fishing mortality has been comparable to the past; however, recruitment for the southern GOM (area 514) has declined (three of the last four recruitment values have been near record lows) and post-recruit abundance has declined to the historical low. Further restrictions are warranted for Area 514 given the persistence of low recruitment and its effect on total abundance, and by implication, egg production.

The GBK stock appears to be stable; current abundance and fishing mortality are similar to their medians for the 22-year time series. However, the number of traps fished is very high and further increases in effort are not advisable.

The SNE stock abundance is relatively low compared to the 20-year time series and fishing mortality is relatively high; further restrictions are warranted. The declining trend in population abundance is well established and warrants a reduction in fishing mortality.

This assessment recommends a new robust set of biological reference points (BRPs) to be used for the management of American lobster stocks (Table 1). These include median abundance and median fishing mortality, over the fixed time period of 1982-2003, as threshold reference points for each American lobster stock. The assessment further recommends that stock status be determined by comparing the average F and average abundance during the most recent three years to stock-specific median values (computed for the fixed years 1982-2003). Additionally, abundance and fishing mortality targets would be defined by the F value below, and the abundance value above, a minimum of one estimated standard error from the threshold.

Based on the recommended reference points, “overfishing” would occur if the average fishing mortality rate for the three most recent years were higher than the 1982-2003 median threshold. A

stock would be “depleted” if average abundance for the three most recent years fell below the 1982-2003 median threshold level. In either of these cases, corrective management action should be implemented.

The GOM stock is in favorable condition based on the recommended BRPs. The stock is above the abundance target and at or near the target F. In terms of the recommended reference points, the GOM lobster stock is not depleted and overfishing is not occurring.

The GBK stock is in a favorable condition based on the recommended BRPs. The stock is above the abundance target and below its fishing mortality target. In terms of the recommended reference points, the GBK stock is not depleted and overfishing is not occurring.

The SNE stock is in poor condition based on the recommended BRPs. The stock is below the abundance threshold and at or near the fishing mortality threshold. In terms of the recommended reference points, it is depleted and at the overfishing threshold. The interpretations of stock status are robust to the levels of M chosen.

Table 1. New recommended target and threshold reference points with stock status variables for lobster in each stock area.

Variable	GOM	GBK	SNE
<i>Fishing mortality</i>			
Fishing mortality threshold	0.76	0.34	0.82
Fishing mortality target	0.67	0.31	0.74
Recent fishing mortality 2001-2003	0.69	0.29	0.84
Recent fishing mortality 2000-2002	0.54	NA	NA
Fishing mortality below threshold?	Yes	Yes	No
Fishing mortality near or below target?	Yes	Yes	No
<i>Abundance</i>			
Abundance threshold	65.58	7.95	22.31
Abundance target	69.62	8.61	23.90
Recent abundance 2001-2003	123.12	9.05	14.01
Recent abundance 2001-2003	126.65	NA	NA
Abundance above threshold?	Yes	Yes	No
Abundance near or above target?	Yes	Yes	No

Atlantic States Marine Fisheries Commission

1444 Eye Street, N.W., Sixth Floor
Washington, D.C. 20005
(202) 289-6400
(202) 289-6051 (fax)
www.asmfc.org

February 1, 2008

To: Lobster Board
From: Lobster Technical Committee (TC) (majority recommendation not full consensus)
Re: Addendum X Conservation Equivalency Proposal Review

Currently, Addendum X to Amendment 3 of the ASMFC FMP requires that dealers report NMFS statistical area fished for lobster transactions. The intent of this requirement was to account for where landings were occurring (in cases where 100% trip level harvester reporting was not occurring). Having the dealers record the NMFS statistical area would place the landing in the proper biological stock assessment area for assessment purposes. For assessment purposes it is important for the TC to attribute landing to the appropriate biological stock assessment unit.

The TC reviewed proposals from Maine and Massachusetts that requested the data requirement of dealers reporting NMFS statistical area fished be collected in alternate methods. The Maine DMR seeks conservation equivalency of the dealer reporting requirement by assigning landings from dealers based on the dealer location relative to adjacent statistical areas. The Massachusetts DMF seeks conservation equivalency of the dealer reporting requirement by using the current data collection system that accounts for all permit holders through its annual recall log. The MA annual recall log attributes area fished and landings on a monthly basis and is submitted to the agency annually. The TC found these alternate methods acceptable for purposes of identifying the statistical area fished. In Maine, the majority of the statistical areas fished fall within the Gulf of Maine biological stock assessment unit. In Massachusetts there are lobster fisheries in all three stock units, however fishermen must choose one LCMA on their permit and are required to report their landings by statistical area. These two data elements allow the TC to account for landings to the appropriate biological stock assessment unit. The TC recommends approving the proposals from both states.

The TC continues to emphasize the importance of their recommendation to the Board in May of 2007 regarding harvester reporting. At that time the TC presented analytical results demonstrating that landings data will be inaccurately expanded to total harvest if less than 30% of actively fishing harvesters report their landings. Expansions based on less than 25% reporting is unacceptably imprecise unless all licensed harvesters are carefully stratified by area fished (such as ME zones) and fishing history (such as high effort, low effort, inactive). It is strongly recommended that, regardless of the percent chosen, mandatory reporting be randomly distributed over all of these strata.

The TC is concerned with the sources of funding for state lobster data collection (sea sampling, port sampling, and ventless trap surveys). Funding for the majority of data collection has been from lobster health grants and "plus up" funding. These funding sources will be completed at the end of 2008. No new funding sources have been identified for years beyond 2008. The TC emphasizes that with limited data collection, any new assessments would be impossible.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 070717357-7399-01]

RIN 0648-AV77

Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: NMFS announces that it is considering and seeking public comment on the potential implementation of management measures in the Federal American lobster (*Homarus americanus*) fishery compatible with recommendations for Federal action as specified in the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for American Lobster (ISFMP). These management measures may include: 100 percent mandatory dealer reporting requirements for Federal American lobster dealers; implementation of an American lobster maximum size limit (maximum carapace length restriction) in several Lobster Management Areas (LMA); and, revision to the definition of a V-notch for protection of egg-bearing female American lobsters in several LMAs in the Federal American lobster fishery. NMFS is considering implementation of these management measures based on ISFMP actions taken by the Commission in response to recommendations provided in the most recent peer-reviewed lobster stock assessment, completed by the Commission in December 2005.

DATES: Comments must be received by October 22, 2007.

ADDRESSES: Written comments should be sent to Harold Mears, State, Federal and Constituent Programs Office, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Comments may also be sent via e-mail to LobsterJuly07@noaa.gov, via fax (978) 281-9117 or via the Federal e-Rulemaking portal at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Robert Ross, Fishery Management Specialist, (978) 281-9234, fax (978) 281-9117, e-mail bob.ross@noaa.gov.

SUPPLEMENTARY INFORMATION: American lobsters are managed within the framework of the Commission. In 1999, NMFS transferred its Federal lobster fishery regulations from the New England Fishery Management Council (Council) to the Commission (64 FR 68228, dated December 6, 1999). The logic was straightforward, since 80 percent of the lobster fishery occurs in state waters, Federal action alone could no longer ensure that the Council process could prevent overfishing. The Commission is a deliberative body comprised of representatives both from the Atlantic coastal states and the Federal Government. The Commission serves to develop fishery conservation and management strategies for certain coastal species and coordinates the efforts of the states and Federal Government toward concerted sustainable ends. The Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) 16 U.S.C. 5101 *et seq.*, directs the Federal Government to support the management efforts of the Commission. Additionally, to the extent the Federal Government seeks to regulate a Commission species, the regulations must be (1) compatible with the effective implementation of an ISFMP developed by the Commission, and (2) consistent with the national standards set forth in section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). These Federal regulations are promulgated pursuant to the Atlantic Coastal Act and are codified at 50 CFR part 697.

The Commission set forth the foundation of its American Lobster ISFMP in Amendment 3 to the ISFMP (Amendment 3), approved in December 1997. However, the Commission's American lobster management strategy is neither predicated upon a single measure nor is it contained within a single document. Rather, the structure is based on facilitating ongoing adaptive management with necessary elements implemented over time. The intent of Amendment 3 is to achieve a healthy American lobster resource and to develop a management regime that provides for sustained harvest, maintains opportunities for participation, and provides for the cooperative development of conservation measures by all stakeholders. In short, Amendment 3 was envisioned to provide much of the framework upon which future lobster management to be set forth in later addenda would be based. In particular, Amendment 3 employed a participatory management approach by creating the

seven lobster management areas, each with its own lobster conservation management team (LCMT) comprised of industry members. Amendment 3 tasked the LCMTs with providing recommendations for area-specific management measures to the Board to meet the lobster egg production and effort reduction goals of the ISFMP. Eleven addenda to Amendment 3 have been approved since 1999, including Addendum X to Amendment 3 (Addendum X), approved in February 2007, and Addendum XI to Amendment 3 (Addendum XI), approved in May 2007. The measures proposed in this ANPR, and the recommendation by the Commission for the Federal Government to implement complementary regulations to those measures, are contained in Addenda X and XI.

The purpose of Addenda I through IX to Amendment 3 was summarized in a previous ANPR published in the **Federal Register** on December 18, 2006 (71 FR75705). The actions specified in this document are based on actions taken by the Commission as a result of information contained in the most recent peer-reviewed lobster stock assessment completed by the Commission in December 2005. The 2005 lobster stock assessment reported that the American lobster resource presents a mixed picture for the three stocks of American lobster. The assessment indicated that there is stable abundance for the offshore Georges Bank (GBK) stock, and much of the Gulf of Maine (GOM) stock, and decreased abundance and recruitment, yet continued high fishing mortality rates, for the SNE stock and in Statistical Area 514 (Massachusetts Bay and Stellwagen Bank) in the GOM stock. In addition, echoing recommendations from the 2000 stock assessment, the 2005 assessment report stated that the scientific and statistical data available for lobster assessments are woefully inadequate for the management needs of the fishery, and that the primary limitation on the ability to manage lobster is limited data. One of the key recommendations of the 2005 assessment report was the need for implementation of a standardized mandatory reporting system for American lobster.

Based on the 2005 stock assessment recommendations, a standardized mandatory reporting system for American lobster was incorporated in Addendum X. Addendum X establishes a coast-wide reporting and data collection program that includes both dealer and harvester reporting requirements. Specifically, the addendum requires states to implement,

by January 1, 2008, 100 percent mandatory dealer reporting consistent with protocols under the Atlantic Coastal Cooperative Statistics Program (ACCSP) found at <http://www.accsp.org/cfstandards.htm>, and a reporting requirement for at least 10 percent of harvesters. Addendum X also includes recommendations for complementary Federal action. A review of 3,217 American lobster vessel permits indicates that an estimated 2,000 Federal lobster permit holders (62 percent of all Federal lobster fishing vessels) are subject to mandatory reporting requirements by virtue of regulations pertinent to other Federally managed fisheries. Thus, NMFS is already achieving the 10 percent target for the harvesting sector specified in Addendum X, and intends no further requirements for vessel reporting at this time. Conversely, review of reporting requirements for 505 Federally permitted lobster dealers indicates that of these, 356 Federal lobster dealers or approximately 70 percent, are currently obligated to report lobster sales by virtue of regulations for other Federally managed fisheries. Therefore, NMFS announces that it is considering and seeking public comment on implementation of Federal regulations that would extend full mandatory reporting coverage to the remaining 30 percent of Federal lobster dealer permit holders not already encompassed by existing Federal regulations.

Of particular concern in the 2005 assessment report is the SNE stock,

where depleted stock abundance and poor recruitment of juvenile lobsters, coupled with high fishing mortality rates, led the stock assessment and peer review panel to recommend additional harvest restrictions for SNE. The SNE stock extends from the waters south of Cape Cod, Massachusetts to the waters off North Carolina, and encompasses all of Lobster Conservation Management Areas (Area) 4, 5, and 6, and part of Area 2 and 3. According to the assessment, in SNE, 61–72 percent of the fishable stock is made up of new entrants into the legal fishery, and the 2005 stock assessment report noted concern that the fishery is too dependent on these new recruits. Based on recommendations in the 2005 assessment report, the Commission, in May 2007, approved Addendum XI that specifies additional lobster management measures for the SNE stock. Addendum XI also includes recommendations for complementary Federal action. Specific to this regulatory action, Addendum XI requires impacted states to implement a maximum legal carapace size limit of 5–1/4 inches (13.34 centimeters (cm)) in all SNE nearshore Areas (Area 2, 4, 5, and 6) by July 1, 2008, and implement a maximum legal carapace size limit of 7 inches (17.78 cm) in the offshore Area 3, and subsequently decreasing over a two year period to 6–3/4 inches (17.15 cm) by July 1, 2010. In addition to the maximum size limit, Addendum XI modifies the current V-notch definition in SNE. Current Federal regulations

prohibit possession of a female lobster bearing a V-shaped notch on its tail. The current Federal standard V-notch definition in SNE is defined to be any female lobster that bears a straight sided triangular cut, without setal hairs, a least 1/4 inch (0.64 cm) deep, and tapering to a point. This standard V-notch definition is likely to protect notched lobsters until they molt or shed their exoskeleton for the first time after notching. Addendum XI modifies the V-notch definition to be any female lobster that bears a notch or indentation at least 1/8th inch (0.32 cm) deep, with or without setal hairs. This modified V-notch definition may protect notched lobsters for up to two molt cycles, a period that may span three or more years. This Notice announces and seeks public comment on NMFS' intention to implement a lobster maximum legal carapace size limits and modified V-notch definition compatible with those specified in Addendum XI.

Classification

This ANPR has been determined to be not significant for the purposes of Executive Order 12866.

Authority: 16 U.S.C. 5101 *et seq.*

Dated: September 14, 2007.

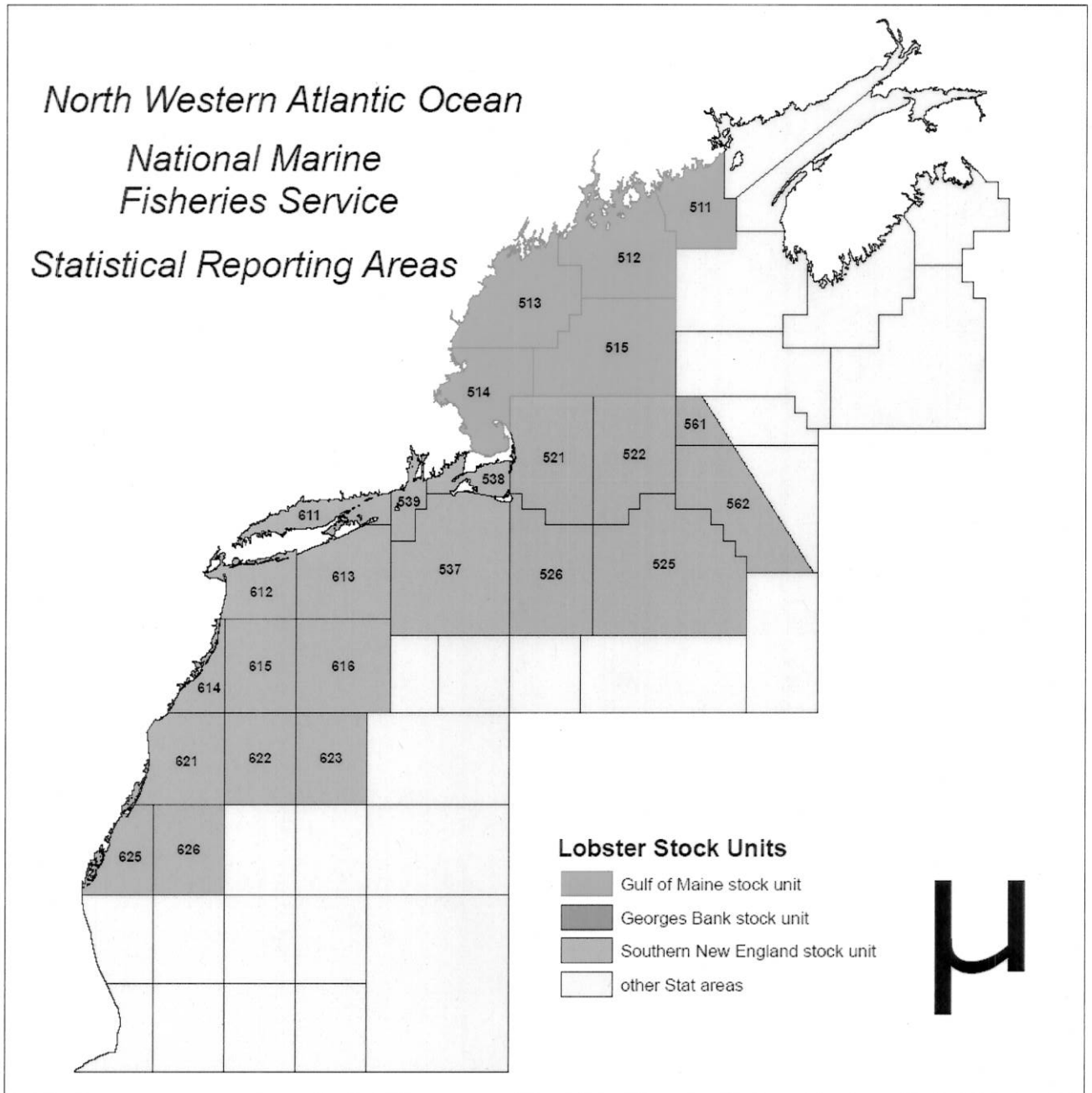
Samuel D. Rauch III,

*Deputy Assistant Administrator For
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. E7–18589 Filed 9–20–07; 8:45 am]

BILLING CODE 3510–22–S

Appendix 6: Revised Lobster Stock Assessment Areas
(Graphics courtesy of ASMFC)



REVIEW OF ANNUAL AMERICAN LOBSTER STATE COMPLIANCE REPORTS

Prepared by the Plan Review Team for the Management Board

May 2008

INTRODUCTION

In accordance with the ASMFC Charter, Plan Review Teams shall at least annually or as provided in a given fishery management plan, conduct a review of states' compliance with the implementation requirements of the fishery management plan for which it was established. The Plan Review Team shall report all findings in writing to the Management Board for appropriate action.

The ASMFC American Lobster Fishery Management Plan requires that states submit annual compliance reports by March 1 of each year. The Plan Review Team reviewed all state reports for compliance with the mandatory measures required by Amendment #3 and Addendum I-Addendum XI via conference call on April 29, 2008. The following report provides an evaluation of each state's program and outlines recommendations to the Board for outstanding compliance issues.

GENERAL COMPLIANCE RELATED RECOMMENDATIONS

Addendum XI

Addendum XI to Amendment 3 of the Lobster FMP requires that states implement the following changes in state waters for LCMA 2, 3, 4, 5, and 6. Regulations are effective on **July 1, 2008**.

LCMA 3

1. V- notch definition change for both the recreational and commercial fishery (trap and non-trap):
The V-notch definition is changed to 1/8 inch. A v-notched lobster is defined as any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure, or obliterate such a mark.
2. Max size: It is for males and females in both the recreational and commercial fishery (trap and non-trap):
2008: 7"
2009 6 7/8"
2010 6 3/4"
3. The July 1, 2008 vent increase to 2 1/16" x 5 3/4" for rectangular vents and 2 11/16" for circular vents for LCMA 3 is delayed until July 1, 2010.

LCMAs 2, 4, 5, and 6:

1. V- notch definition change (as stated above for LCMA 3)
2. Max size limit change: 5 1/4 " for males and females in both the recreational and commercial fishery (trap and non-trap):

The PRT recommends that de minimis states should update state regulations for maximum gauge size and v-notch definitions to ensure consistency of regulations within an LCMA.

The PRT recommends that states clearly report that the maximum size limit in Addendum XI applies to all fishing sectors.

The PRT requests that states send ASMFC state regulations regarding Addendum XI by July 1, 2008, so that the PRT can review the regulations.

MAINE

No compliance issues

NEW HAMPSHIRE

No compliance issues

MASSACHUSETTS

- The minimum gauge size for LCMA 6 should be updated from 3 9/32" to 3 5/16"
- The vent size for LCMA 6 should be 1 15/16"x 5 3/4" for rectangular vents and 2 7/16" for circular vents

RHODE ISLAND

- RI regulations reflect previous regulation that increased the OCC minimum gauge size, the OCC minimum gauge size should be updated to 3 3/8"
- RI regulations reflect previous regulations increasing LCMA 1 measures; increases for LCMA 1 can be deleted
- Addendum IX states that a 10% conservation tax on all trap transfers for LCMA 2. RI regulations do not reflect this tax.

CONNECTICUT

No compliance issues

NEW YORK

No compliance issues

NEW JERSEY

No Compliance issues

The PRT recommends that NJ work with NOAA fisheries to determine the total number of permitted lobstermen that report landings the federal VTR program and land in New Jersey when implementing at least 10% harvester reporting (random sample) requirement of Addendum X.

DELAWARE

Delaware requested de minimis status and meets de minimis requirements for 2008

MARYLAND

Maryland requested de minimis status and meets de minimis requirements for 2008.

VIRGINIA

Virginia requested de minimis status and meets de minimis requirements for 2008.

NORTH CAROLINA

North Carolina requested de minimis status and meets de minimis requirements for 2008.

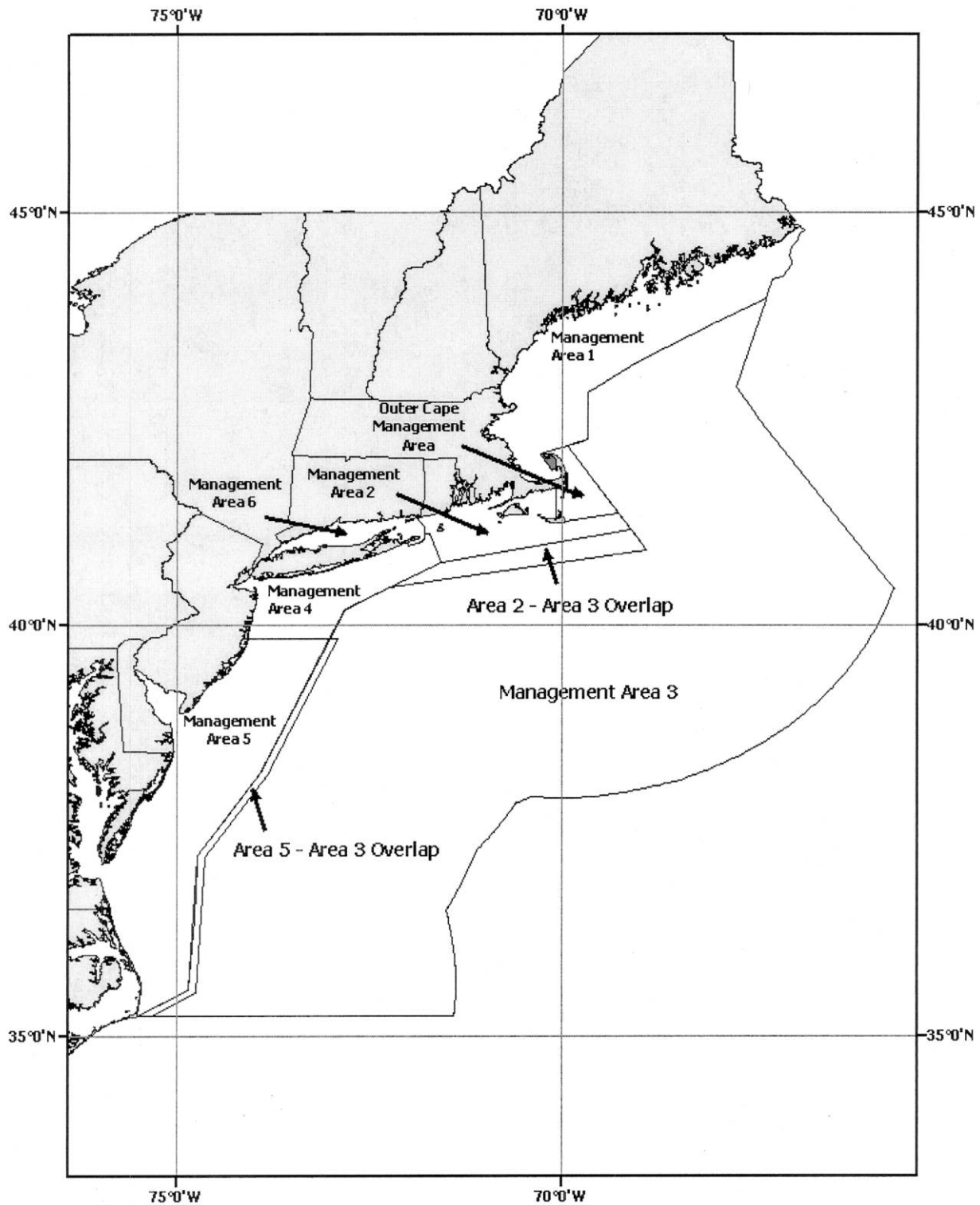
Other Issues

The PRT suggests uniform language on the placement of escape vents within traps.

Appendix 8: LIST OF ACRONYMS

ACA	Atlantic Coastal Act (same Act as next listing)
ACFCMA	Atlantic Coastal Fishery Conservation and Management Act
ANPR	Advanced Notice of Proposed Rulemaking
ALWTRP	Atlantic Large Whale Take Reduction Plan
ASMFC	Atlantic States Marine Fisheries Commission
CCL	Curved Carapace Length
Commission	Atlantic States Marine Fisheries Commission
CL	Carapace Length
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EIS	Environmental Impact Statement
EPS	Egg Production Schedule
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact
FSEIS	Final Supplementary Environmental Impact Statement
ISFMP	Interstate Fishery Management Plan
LCMA	Lobster Conservation Management Area
LCMT	Lobster Conservation Management Team
LIS	Long Island Sound
MAFMC	Mid-Atlantic Fishery Management Council
NAO	National Oceanic and Atmospheric Administration Administrative Order
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NOI	Notice of Intent to Prepare an Environmental Impact Statement
NMFS	National Marine Fisheries Service
OC	Outer Cape
PBR	Potential Biological Removal
SAR	Stock Assessment Report
SCCLIS	South of Cape Cod to Long Island Sound
SEFSC	Southeast Fisheries Science Center
TED	Turtle Excluder Device
TEWG	Turtle Expert Working Group

American Lobster Management Areas



NOAA Fisheries
Northeast Regional Office
Gloucester, MA

9/21/04