



UNITED STATES DEPARTMENT OF COMMERCE **National**
Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

November 24, 2000

**AMERICAN LOBSTER
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
REQUEST FOR PUBLIC COMMENT - PUBLIC HEARINGS SCHEDULE**

Dear American Lobster Permit Holder:

The National Marine Fisheries Service (NMFS) announces the availability of a Draft Supplemental Environmental Impact Statement (DSEIS) which analyzes different alternatives for management of the American lobster fishery in the Exclusive Economic Zone (EEZ). The DSEIS analyzes measures recommended by the Atlantic States Marine Fisheries Commission (Commission) in Addendum I to Amendment 3 of the interstate fishery management plan (ISFMP) for American lobster made in accordance with the provisions of the Atlantic Coastal Fisheries Cooperative Management Act. The DSEIS also analyzes alternatives to those preferred measures.

NMFS IS SEEKING PUBLIC COMMENT ON SEVERAL ALTERNATIVES IDENTIFIED IN THE DSEIS WHICH MAY AFFECT YOUR CURRENT AND FUTURE ACTIVITIES IN THE AMERICAN LOBSTER FISHERY.

This letter is only a summary of the alternatives described and analyzed in the lobster DSEIS. **You are encouraged to obtain a copy of the DSEIS from the State, Federal and Constituent Programs Office, National Marine Fisheries Service, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298. (telephone: 978-281-9278).** The DSEIS is also available at the Northeast Regional Office's website at: <http://www.nero.nmfs.gov/ro/doc/nr.htm>.

NMFS announces PUBLIC HEARINGS, described in detail later in this document, to receive comments on Federal lobster management alternatives in this DSEIS. Testimony may be presented at the public hearings and through written comments. Written comments should be sent to the State, Federal and Constituent Programs Office, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298. Comments may also be sent via fax to (978) 281-9117. **Written comments sent via mail or fax must be received by NMFS no later than 5:00 p.m., eastern standard time, on January 9, 2001.** Comments will not be accepted if submitted via e-mail or Internet.



American lobster - Draft SEIS

In summary, the preferred alternatives analyzed in the DSEIS would establish a management approach using historical participation to control fishing effort in the lobster trap fishery in the offshore EEZ (Lobster Conservation Management Area 3 (LCMA 3)) and nearshore EEZ waters from New York south to Cape Hatteras, North Carolina (LCMA 4 and 5). Alternatives in the DSEIS also evaluate a conservation equivalency provision for trap limits in New Hampshire coastal waters, and boundary clarifications for lobster conservation management areas off Massachusetts. Subsequent to the Commission's approval of Addendum 1 to the ISFMP, the Commission also requested that NMFS consider an increase in the minimum gauge size in the Federal waters comprising LCMA 2, 3, 4, 5, and Outer Cape Cod. The DSEIS does not analyze the proposed increase in the legal minimum size of harvested lobster, but seeks public comment at this time to facilitate potential future rulemaking associated with the legal minimum size. The preferred alternatives in the DSEIS are described in more detail below.

A. Historical participation in LCMA 3, 4, and 5

NOTE: Under the preferred alternative described in the DSEIS, if you cannot meet the eligibility criteria identified in the DSEIS, your vessel would be prohibited from fishing with trap gear in the Federal waters of LCMA 3, 4, and/or 5. The preferred alternative in the DSEIS regarding historical participation in LCMA 3, 4, and 5, would require vessels in possession of a limited access American lobster permit to meet certain eligibility criteria to continue to fish for lobster with traps in LCMA 3, 4, or 5 as follows:

- 1) Possession of a current Federal limited access American lobster permit.
- 2) Provision of documentation to demonstrate a history of 2 consecutive calendar-months of active lobster trap fishing (of at least 200 traps) in the LCMA you wish to qualify in during any calendar year during the qualification period from March 25, 1991 to September 1, 1999.
- 3) Required only for vessels who wish to qualify for LCMA 3, provision of sales receipts or records showing the landing of at least 25,000 pounds of lobster from any area throughout the range of the resource during the year used as the qualifying year referenced in the preceding paragraph (Criterion No. 2 above).
- 4) Once a Federal permit holder qualifies to participate in the LCMA 3, 4, and/or 5 lobster trap fishery, qualifying permit holders would be required to provide a signed affidavit to NMFS, certifying the number of traps fished in LCMA 3, 4, and/or 5 during the qualifying year. Federal permit holders would be required, if requested by the Regional Administrator, to submit associated documentation to support the affidavit. The preferred alternative for LCMA 3 also proposes that no Federal lobster permit holder would be given an initial trap allocation of more than 3,250 traps and each trap allocation of greater than 1,200 traps would be

reduced on a sliding scale basis over 5 years. Trap reductions would not go below a baseline of 1,200 traps. LCMA 3 allocations of less than 1,200 traps would remain at their current level.

Any Federal lobster permit holder applying for an LCMA 4 and/or LCMA 5 trap allocation who also applies for a trap allocation in LCMA 3, would be required to use the same qualifying year for all areas to avoid a combined allocation greater than the number of traps that an individual ever had in the water at any one time. In addition, the current requirement that Federal permit holders who elect to fish in multiple areas must abide by the most restrictive regulations in any one elected area at any one time, would remain in effect.

B. Modification of LCMA 1 Trap Limits

Management measures for American lobster in the EEZ (64 FR 64228) acknowledge the potential for conservation equivalent measures to be proposed by the states and, if approved by the Commission, considered, as appropriate, for implementation under Federal regulations. The Commission approved a proposal for LCMA 1 from the State of New Hampshire for trap limits which vary from the 800 trap limit in LCMA 1. The New Hampshire lobster management program provides for a two-tier lobster license system: fishermen electing to fish for lobsters with traps in LCMA 1, who qualify for the full New Hampshire lobster license can fish up to 1,200 traps; and fishermen electing to fish for lobsters with traps in LCMA 1, who qualify for the New Hampshire lobster limited license category can fish a maximum of 600 traps. The Commission has requested, and in this DSEIS, NMFS has analyzed an alternative to modify Federal regulations to allow Federal permit holders in LCMA1, who also possess a New Hampshire full commercial lobster fishing license, to fish an additional 400 traps in New Hampshire state waters. The 800 Federal trap limit in the EEZ waters of LCMA 1 would remain unchanged.

C. Lobster Management Area Boundary Clarification for LCMAs off Massachusetts

The DSEIS discusses impacts of establishing boundary lines for LCMA 1, LCMA 2, and the Outer Cape LCMA, that would maintain consistency with the Commission's American lobster ISFMP and avoid the confusion that could result if the Federal and Commission area boundaries and their associated lobster management measures differ. These boundary lines were modified by the Commission in Addendum I to bring the area boundaries more in line with traditional fishing practices, and to correct an oversight when a section of the LCMA 1 boundary line was initially approved under Amendment 3 to the ISFMP.

D. Minimum Carapace Size Increase

Subsequent to the Commission's approval of Addendum 1 to the ISFMP, the Commission also requested that NMFS consider an increase in the minimum gauge size in the Federal waters comprising LCMAs 2, 3, 4, 5, and Outer Cape Cod. The current minimum carapace length for American lobster harvested in the EEZ is 3 1/4 inches (8.26 cm). The increases advocated (but not yet adopted) under the ISFMP reach 3 5/16 inches (8.44 cm) in Area 6 and 3 3/8 inches (8.59 cm) in Areas 2-5 and the Outer Cape Management Area, with annual incremental increases of 1/32 inch (.11 cm). The Commission requested that NMFS consider an increase in the minimum gauge size to promote synchronization of state-federal regulations. NMFS concurs with the need for consistent and timely implementation of regulations throughout the range of the lobster resource. However, NMFS faces a dilemma in not knowing if, in fact, a gauge increase will be approved (or even considered) under the

forthcoming ISFMP addendum. The benefit of a gauge increase in ending overfishing of the American lobster resource can be achieved only if it is implemented concurrently in state waters, where a majority of lobster harvest occurs, and Federal waters. Similarly, differential minimum carapace lengths across management areas could present significant enforcement problems. Nevertheless, NMFS requests public comment at this time to facilitate potential future rulemaking for regulating the minimum size of harvested lobster in the EEZ.

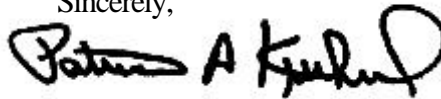
American Lobster Public Meetings Scheduled

The dates, times, and locations of the meetings are scheduled as follows:

- 1. Tuesday, December 12, 2000**, 3 p.m. -- Narragansett Town Hall Assembly Room, 25 Fifth Street, **Narragansett, RI.**
- 2. Wednesday, December 13, 2000**, 3 p.m. -- Holiday Inn by the Bay, 88 Spring Street, **Portland, ME.**
- 3. Thursday, December 14, 2000**, 4:30 p.m. -- Riverhead Town Board Room at Town Hall, 200 Howell Ave, **Riverhead, NY.**
- 4. Friday, December 15, 2000**, 1 p.m. -- Community Room at the Toms River Municipal Complex, 33 Washington Street, **Toms River, NJ.**

We encourage you to phone us with your questions and comments at **978-281-9278**.

Sincerely,



Patricia A. Kurkul,
Regional Administrator