

***Fishery Management Report No. 29a of the
ATLANTIC STATES MARINE FISHERIES COMMISSION***



Addendum I

To Amendment 3 of the Interstate Fishery Management Plan for
American Lobster

August 1999

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1. INTRODUCTION

On August 3, 1999, the Atlantic States Marine Fisheries Commission (ASMFC) American Lobster Management Board (Board) approved Addendum I to Amendment 3 to the Interstate Fishery Management Plan (FMP) for American Lobster. The purpose of the Addendum is to continue implementation of the area management program and to clarify provisions of the FMP through the adaptive management approach established by Amendment 3.

Amendment 3 was approved in December 1997. During 1998, the Board engaged in discussions to fully implement Amendment 3. Amendment 3 established a framework for area management, which includes industry participation through seven Lobster Conservation Management Teams (LCMT). The LCMTs were encouraged to develop a management program which suites the needs of the area while meeting targets established in the plan. The LCMTs, with the support of state agencies, have played a vital role in advancing the area management program.

The LCMTs for Areas 2, 3, 4, 5, 6, and the Outer Cape submitted area management proposals to the Board during the fall of 1998. The proposals included management measures to control effort and increase egg production. A technical evaluation was conducted to ensure that the proposals achieved the targets in Amendment 3. After reviewing the proposals and the technical evaluation, the Board chose to incorporate the LCMT recommendations into the area management program.

The Board adopted a two-phase approach to incorporate the LCMT recommendations, which will involve two addenda to Amendment 3. Addendum I incorporates measures from the LCMT proposals directed towards controlling effort. The Board decided to address management measures affecting egg production in Addendum II, following the release of an updated, peer-reviewed stock assessment. The last lobster assessment was conducted in 1996 and is currently being updated for peer review during the winter of 1999. The Board felt the updated assessment would provide more recent data upon which to base management decisions. The stock assessment will also indicate the current status of the stock, which may affect the management measures necessary to meet the egg production goals of the FMP. The Board's intent was to prevent approving and implementing measures that may need to be changed a few months later, following the release of the stock assessment. The Board felt it was important to move forward with the components not related to egg production as soon as possible under Addendum I.

Addendum I also clarifies several components of Amendment 3, such as: 1) refining management area boundaries in Massachusetts state waters; 2) establishing a trap tag system to implement and enforce trap limits; 3) encouraging increased data collection and begin implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP); 4) clarifying criteria and procedures a state must follow to apply for *de minimis* status; and 5) establishing a circular escape vent size comparable to the rectangular escape vent required by Amendment 3.

The second step in translating the LCMT proposals into area management plans will begin following the release of the next peer-reviewed stock assessment. Addendum II will include measures recommended by the LCMTs to increase egg production.

Thirteen public hearings were held from Maine through New Jersey on the proposed management measures for Addendum I. The Board reviewed public comments from the public hearings and written comments submitted to the Commission on June 3, 1999, and approved Addendum I on August 3, 1999.

The management measures adopted by the states, to comply with the Commission's management plan, will apply within state waters. The Commission will recommend that the Secretary of Commerce implement the management measures adopted in Addendum I in federal waters.

2. MANAGEMENT PROGRAM SPECIFICATIONS

For a detailed description of the coastwide requirements, prohibited actions, and other compliance measures that are applicable under Amendment 3 and this addendum, readers should refer to *Fisheries Management Report No. 29 of the Atlantic States Marine Fisheries Commission: Amendment 3 to the Interstate Fishery Management Plan for American Lobster*.

The provisions of this section may be changed in order to meet the goals and objectives specified in Section 2 of Amendment 3 and the egg production rebuilding schedule. Any changes made to Addendum I will be done via addendum under Section 3.6 of Amendment 3.

2.1. EGG PRODUCTION REBUILDING SCHEDULE

The egg production rebuilding schedule, defined in Section 2.5 of Amendment 3, shall be adjusted following the next peer-reviewed stock assessment.

2.2. BLACK SEABASS POT FISHERY

Fish pots used in the black seabass fishery shall be classified as non-trap gear and be subject to the limits on landings by fishermen using gear or methods other than traps in Section 3.1.7 of Amendment 3. Specifically, the black seabass fishery will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

2.3. TRAP TAG SYSTEM

2.3.1. Issuing Authority

In state waters, the state licensing agency shall be the issuing authority. Each state shall issue tags to its own residents. In cases where license holders do not hold a license in their resident state, the state in which they fish shall issue tags.

In federal waters, the state licensing agency may request issuing authority under an agreement with National Marine Fisheries Service (NMFS). In those areas where an agreement is not established, the NMFS shall be the issuing authority.

A private dealer may make actual issuance, but the licensing agency shall have complete oversight and responsibility for timeliness and accuracy.

2.3.2. Fisheries Included in the System

The commercial and recreational lobster trap fisheries shall be included in the trap tag system.

States must be in compliance with the preceding requirement beginning January 1, 2000.

2.3.3. Trap Tag Type and Information

Trap tags shall be truck seal design similar to those used in the states of Maine and Massachusetts during 1999. Each trap tag shall be color-coded coastwide by fishing year. Information printed on commercial trap tags shall be: issuing authority (state/NMFS), area(s) tag is valid including state/EEZ, year(s) tag is valid, and permit or license number. Information printed on recreational trap tags shall be: issuing

authority (state), year(s) tag is valid, and a unique recreational designation.

States must be in compliance with the preceding requirement beginning January 1, 2000.

2.3.4. Transferability of Trap Tags

All trap tags shall be a permanent design not transferable once attached to a trap. All commercial lobster traps aboard a vessel must be tagged. All recreational lobster traps must be tagged. Trap tags must be permanently attached to the trap frame, clearly visible for inspection.

States must be in compliance with the preceding requirement beginning January 1, 2000.

2.3.5. Tag Issuance

Trap tags shall be issued annually during January 1-May 31 coastwide, and shall be valid for one fishing year. Trap tags shall be renewed each year by June 1.

States must be in compliance with the preceding requirement beginning January 1, 2000.

License holders/vessels may be issued their allotment plus 10% to cover routine losses. States will have the flexibility to issue a higher percent over-allotment to license holders fishing in locations where they can document higher historic routine losses, subject to Board approval.

The area management program shall determine which parties (license holder or vessel) will receive trap tags.

License holders/vessels may trade old trap tags in to the issuing authority for replacement tags on a one-for-one basis to allow for necessary gear rotation and maintenance.

2.3.6. Catastrophic Tag Losses

Catastrophic loss shall be defined as losses that exceed the initial allocation for routine loss. When a catastrophic loss occurs, an entirely new allotment of tags shall be issued, at cost to the fishermen, and replacement tags will be distinguished from original tags (i.e. color). Original tags will not be valid once replacement tags are placed in traps. Replacement tags in Area 3 must be placed in traps within 20 days after issuance of replacement tags and in Areas 1, 2, 4, 5, 6, and the Outer Cape within 10 days after issuance of replacement tags.

In the event that replacement tags are not immediately available, states may issue an exemption letter to allow license holders to fish new pots until new tags are issued for a time period not to exceed two months.

The issuing authority shall have the right to invoke emergency measures to suspend trap tag regulations in the event of area-wide catastrophic losses, for a time period not to exceed two months.

2.3.7. Lobster Trap Tag Program Enforcement Standard

In order to have effective enforcement of the trap tag system, it is recommended that law enforcement agencies should have the authority and ability to actively haul lobster gear to check for trap tags. This includes both equipment and training for law enforcement personnel. Additional funding for law enforcement agencies is critical for the implementation and success of the trap tag program.

It is also recommended that untagged traps may be seized and forfeited. States should attempt to standardized permit sanctions for trap tag violations. Such sanctions could include, but are not limited to, suspension of license or reduction in the number of trap tags issued. The ASMFC Law Enforcement Committee should develop further requirements for law enforcement, such as developing enforcement programs and reporting of enforcement activity.

2.3.8. Trap Tag System Management Costs

Each issuing authority shall determine which costs shall be included in its program. Costs may include, but are not limited to, the cost of the trap tag, administration, enforcement and research.

States issuing trap tags in the same management area should attempt to standardize costs as much as possible so as to avoid widely divergent trap tag costs within the same area.

2.3.9. Program Public Outreach

Informational workshops shall be held for state and federal regulatory staff, law enforcement agents, Lobster Conservation Management Team members, and other industry members to develop widespread understanding and support for the goals of the program.

These workshops shall be coordinated through ASMFC and held within the first year of program implementation, and may be held thereafter every two years to review the effectiveness of the program.

2.4. CIRCULAR ESCAPE VENT SPECIFICATION

At least two circular escape vents per trap with a minimum diameter of 2-7/16 inches may be used in place of the rectangular escape vents required in Section 3.2.2 of Amendment 3.

2.5. MEASURES APPLICABLE TO COMMERCIAL FISHING IN LOBSTER MANAGEMENT AREAS

2.5.1. Lobster Management Area Boundary Clarification

2.5.1.1. Cape Cod Canal

The Cape Cod Canal shall be an area of overlap between Area 1 and Area 2.

2.5.1.2. Outer Cape Lobster Management Area's Northern Boundary

The northern boundary of the Outer Cape shall extend around the tip of Cape Cod, creating an area of overlap between Area 1 and the Outer Cape, defined as follows:

Northern Boundary: following the LORAN C 9960-Y-44120 line to the intersection with the 9960-W-13850 line, then following that line in a southeasterly direction to the intersection with the 9960-Y-44110 line, then following that line in an easterly direction to Race Point in the town of Provincetown, Massachusetts.

Overlap Zone Boundary: beginning at Race Point, Massachusetts following the LORAN C 9960-Y-44110 in a westerly direction to its intersection with 9960-W-13850 line, then following that line in a southeasterly direction to its intersection with the 9960-X-25330 line, then following that line in a northeasterly direction to where it meets the shoreline of Great Island in the town of Wellfleet, then following the shoreline in a northerly direction back to the beginning.

2.5.1.3. Boundary Change Between Area 2 And The Outer Cape

The boundary between Area 2 and the Outer Cape shall shift from 70 degrees West Longitude to 70 degrees 5 minutes West Longitude. See chart in Figure 1.

2.5.2. Area 1, Inshore Gulf of Maine

2.5.2.1. No Area Closure Between Area 1 And Area 3

There shall be no area closure between Area 1 and Area 3.

2.5.3. Area 2, Inshore Southern New England

2.5.3.1. Limits On The Number Of Traps

The following limits on the number of traps must be implemented according to the following schedule:

January 1, 1999:	1200 traps per vessel
January 1, 2000:	1000 traps per vessel
January 1, 2001:	800 traps per vessel

States must be in compliance with the dates and trap limits by January 1 of each year. States are allowed under conservation equivalency to use different trap limits, contingent upon approval by the Board and that the proposals are equivalent to or more restrictive than in Addendum I.

2.5.3.2. Establishment Of A Control Date

The Board recommends states and the NMFS establish a control date that may limit future participation in Area 2.

2.5.4. Area 3, Offshore Waters – Recommendations to the Secretary of Commerce

2.5.4.1. Limits On The Number Of Traps

Qualification Criteria: The trap limit in Area 3 shall be based on the historical level of traps fished by a vessel in Area 3. To qualify for Area 3 participation, vessels must meet all of the following criteria:

1. A vessel must be able to demonstrate a history of two consecutive calendar-months of active lobster trap fishing in Area 3 in any year between March 25, 1991 and November 1, 1997.
2. A vessel must hold a current federal lobster permit endorsed for traps.
3. Applicants for an Area 3 trap allocation are required to produce sales receipts or records showing the landing of at least 25,000 pounds of lobster from throughout the range of the resource during the year used as the qualifying year and between March 25, 1991 and November 1, 1997.
4. Documentation of vessel length and horsepower, as a baseline for the limit on vessel upgrade.

Basis For Initial Trap Limit Number: Initial trap allocations to qualifying vessels (federal limited access lobster permit holders that meet the performance criteria listed above) shall be based on the applicant's choice of year and trap level, in the water, in Area 3 during the period from January 1, 1994 through November 1, 1997. Vessels that did not lobster trap fish in Area 3 during the period from January 1, 1994 through November 1, 1997, but did qualify as a limited access federal lobster permit holder must pick the most recent year in which they actively fished lobster traps in Area 3, such year not to pre-date the March 25, 1991 control date.

Maximum Initial Trap Allocation Is 3250 Traps. No vessel shall be given an initial trap allocation of more than 3,250 traps, regardless of previous historical participation.

Vessels Applying For Both Area 3 And Additional Area Trap Allocations. Vessels applying for multiple area trap allocations must use the same period to determine their total trap numbers to avoid allocating more total traps to an individual than that individual ever had in the water at any one time.

Applicants for Area 3 trap allocations, who are also applicants for trap allocations in other lobster management areas, must meet the same qualifying criteria as defined above.

Certification Of Initial Trap Allocation Applications. Within 60 days of the close of the trap application period, the Regional Administrator should publish a notice that specifies preliminary initial lobster trap allocations for each limited access lobster permit holder. The amounts will be based on lobster trap information submitted by the applicant in accordance with the evaluation process, and other information considered appropriate by the Regional Administrator. The notice will provide for a 30-day public comment period. Simultaneous with the publication, the same information contained in the notice (including the 30-day comment period) will appear in a *Notice to Permit Holders*.

Trap Reduction Program. Each Area 3 trap allocation of greater than 1,200 traps will be reduced on a sliding scale basis over 5 years. Trap reductions will not go below a baseline of 1,200 traps. Area 3 trap allocations of less than 1,200 traps will remain at their initial qualifying level and will not be permitted to increase up from that number. The reduction schedule is contained in Table 1.

2.5.4.2. No Area Closure Between Area 1 And Area 3

There shall be no area closure between Area 1 and Area 3.

2.5.4.3. Limit on Vessel Upgrades

It shall be unlawful for a vessel over 50 feet in length or upgrading over 50 feet in length, receiving an Area 3 trap allocation, to upgrade and/or replace their vessel by more than 10% increase in length overall nor 20% increase in shaft horsepower for two years, from January 1, 2000 to December 31, 2001.

2.5.4.4. Plan Review At The End Of The Stock Rebuilding Period

The LCMTs, constituted for this area under Section 3.4 of Amendment 3, shall review the area management program at the end of the stock rebuilding period to allow for additional effort and entry into the Area 3 fishery.

2.5.5. Area 4, Inshore Northern Mid-Atlantic

2.5.5.1. Limits On The Number Of Traps

Qualification Criteria: The trap limit in Area 4 shall be based on the historical level of traps fished by an individual. To qualify for Area 4 participation, individuals must prove participation in the lobster fishery in Area 4 between March 25, 1991 and September 15, 1998.

Basis For Initial Trap Limit Number: Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one calendar year during the period from January 1, 1994 through September 15, 1998. Individuals that did not lobster trap fish in Area 4 during the period from January 1, 1994 through September 15, 1998, but did fish between 1991 and 1993, inclusive, must pick the most recent year in which they actively fished lobster traps in Area 4, such year not to pre-date the March 25, 1991 control date. Individuals shall be allocated the total number of traps fished.

2.5.5.2. Area 4, Inshore Northern Mid-Atlantic, Area Closures

It shall be unlawful to harvest lobsters using trap gear in four closed areas: Fire Island, Moriches, Shinnecock, and Montauk. Fishermen may fish traps for finfish in these areas but may not possess lobsters while fishing in these designated areas. The closed area boundaries are specified in Table 2 and in Figure 2.

2.5.6. Area 5, Inshore Southern Mid-Atlantic

2.5.6.1. Limits On The Number Of Traps

Qualification Criteria: The trap limit in Area 5 shall be based on the historical level of traps fished by an individual. To qualify for Area 5 participation, individuals must prove participation in the lobster fishery in Area 5 between March 25, 1991 and September 15, 1998.

Basis For Initial Trap Limit Number: Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one calendar year during the period from January 1, 1994 through September 15, 1998. Individuals that did not lobster trap fish in Area 5 during the period from January 1, 1994 through September 15, 1998, but did fish between 1991 and 1993, inclusive, must pick the most recent year in which they actively fished lobster traps in Area 5, such year not to pre-date the March 25, 1991 control date. Individuals shall be allocated the total number of traps fished.

2.5.7. Area 6, New York and Connecticut State Waters

2.5.7.1. Limits On The Number Of Traps

Qualification Criteria: The trap limit in Area 6 shall be based on the historical level of traps fished by an individual. To qualify for Area 6 participation, individuals must prove participation in the lobster fishery in Area 6 between January 1, 1995 and June 8, 1998.

Basis For Initial Trap Limit Number: Initial trap allocations to qualifying individual shall be based on the maximum number of traps fished during any one calendar year from January 1, 1995 through June 8, 1998.

2.5.8. Outer Cape Lobster Management Area

2.5.8.1. Limits On The Number Of Traps

The following limits on the number of traps must be implemented according to the following schedule:

January 1, 1998:	1200 traps per vessel
January 1, 1999:	1000 traps per vessel
January 1, 2000:	800 traps per vessel

States must be in compliance with the dates and trap limits by January 1 of each year. States are allowed under conservation equivalency to use different trap limits, contingent upon approval by the Board and that the proposals are equivalent to or more restrictive than in Addendum I.

2.6. GUIDELINES FOR A HISTORICAL PARTICIPATION EVALUATION SYSTEM

2.6.1. Allocation Authority

In state waters, the state marine fisheries agency shall be the allocation authority. Each state shall allocate traps to its own residents. In cases where license holders do not hold a license in their resident state, the state in which they fish shall allocate traps.

In federal waters, the state marine fisheries agency may request allocation authority under an agreement with the NMFS. In those areas where an agreement is not established, the NMFS shall be the allocation authority.

An independent, outside entity may be contracted by the state marine fisheries agency or NMFS to determine and recommend trap allocations, but the state agency and/or NMFS shall make final allocation decisions and have complete oversight and responsibility for timeliness and accuracy.

The state allocation/issuing authority shall be responsible for any appeals to trap allocation decision. It is recommended that the National Marine Fisheries Service should be responsible for any appeals to trap allocation decisions made by NMFS for federal waters.

2.6.2. Documentation For Qualification And Allocation Of Trap Limits

To qualify for a trap allocation, documentation will be required from all participants in Areas 3, 4, 5 and 6, as follows:

1. A full season's original logbook, if personally kept by the participant.
2. A signed affidavit attesting to the area(s) fished and the credibility of all information supplied to the allocation authority for the evaluation.
3. Other documentation to meet the qualification criteria and basis for trap allocation, as specified for each area in Sections 2.5.4, 2.5.5, 2.5.6, and 2.5.7.

If a participant qualifies for a trap allocation, the allocation authority shall then evaluate the extent of historical participation. In addition to the documentation required in the preceding paragraph, the participant shall then submit:

Scenario A. Federal Fishing Trip Report Form #OMB 0648-0212 (NOAA form #88-30)

If the participant does not have document as specified in Scenario A above, the following shall be submitted:

Scenario B. Any official state reporting documentation that can show the number of traps fished including, but not limited to, state report cards, license application forms, annual or monthly catch reports.

If the participant does not have either documents as specified in Scenarios A or B above, the following shall be submitted:

Scenario C. A Federal Fishing Vessel and Gear Damage Compensation Fund Report #OMB 0648-0094 (NOAA form #88-17b)

If the participant does not have documents as specified in Scenarios A, B, or C above, all of the following, if possessed by the participant, shall be submitted:

Scenario D. Receipts from the sale of lobsters
Receipts or cancelled checks from the purchase of bait for lobster traps
Receipts or cancelled checks from the purchase of lobster traps
Federal or state observer trip reports
Port agent interviews
Income Tax Forms (submission is voluntary)

The states, in consultation with the LCMTs, shall submit a proposal to the Board on the method of allocating traps based on information contained under Scenario D.

If any inconsistency is found between supplied documentation, the participant must submit further information, as requested by the allocation authority. Successful evaluation of Scenarios A, B, C, or D, with the logbook and affidavit, will result in allocation of traps accordingly.

A panel composed of industry representatives may be used to make recommendations on trap allocations and on the appeal of an allocation decision.

A subcommittee of industry, state, and federal representatives needs to convene to further refine the proposed guidelines and work towards implementation of the historical participation system and to make further recommendations to the Board.

2.7. REVIEW OF THE AREA MANAGEMENT PROGRAM

The LCMTs, established in Section 3.4 of Amendment 3, shall review the area management program and present to the Management Board alternative measures that would achieve the stock rebuilding targets contained in Section 2.5 of Amendment 3, following the release of a peer-reviewed American lobster stock assessment report and prior to January 1, 2002.

3. MONITORING AND REPORTING STANDARDS

The Board encourages all state fishery management agencies to pursue full implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP), which will meet the monitoring and reporting requirements of this FMP. The Board recommends a transition or phased-in approach be adopted to allow for full implementation of the ACCSP. Until such time as the ACCSP is implemented, the Board encourages state fishery management agencies to initiate implementation of specific ACCSP modules, and/or pursue pilot and evaluation studies to assist in development of reporting programs to meet the ACCSP standards (please refer to the ACCSP Program Design document for specific reporting requirements and standards). The ACCSP partners are the 15 Atlantic coastal states (Maine - Florida), the District of Columbia, the Potomac River Fisheries Commission, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the three East Coast Fishery Management Councils, and the Atlantic States Marine Fisheries Commission. Participation by program partners in the ACCSP does not relieve states from their responsibilities in collating and submitting harvest/monitoring reports to the Commission as may be required under Amendment 3.

The Board encourages all state fisheries management agencies to adopt the monitoring and reporting standards outlined in Sections 3.1.1 and 3.2.1 of this Addendum. The proposed monitoring and reporting standards are consistent with ACCSP standards.

Amendment 3 does specify that states must maintain at least their current reporting and data collection programs.

3.1. COMMERCIAL CATCH AND EFFORT DATA COLLECTION PROGRAMS

The ACCSP commercial data collection program will be a mandatory, trip-based system with all fishermen and dealers required to report a minimum set of standard data elements (refer to the ACCSP Program Design document for details). Submission of commercial fishermen and dealer reports will be

required by the 10th of each month.

Any marine fishery products landed in any state must be reported by a dealer or a marine resource harvester acting as a dealer in that state. Any marine resource harvester or aquaculturist who sells, consigns, transfers, or barter marine fishery products to anyone other than a dealer would themselves be acting as a dealer and would, therefore, be responsible for reporting as a dealer.

3.1.1. American Lobster Fishery Dependent Reporting

The Board recommends that the following data elements be recorded daily by each lobster fishermen and reported to the states on at least a monthly basis:

- Total number of traps hauled in each area
- Total number of pounds landed in each area
- Total number of days fished
- Trap soak time

3.2. BIOLOGICAL INFORMATION

The ACCSP will require the collection of baseline biological data on commercial, for-hire, and recreational fisheries. Biological data for commercial fisheries will be collected through port sampling programs and at-sea observers. Biological data for recreational fisheries will be collected in conjunction with the access-intercept survey. Biological data for for-hire fisheries will be collected through existing surveys and at-sea observer programs. A minimum set of standard data elements will be collected in all biological sampling programs (refer to the ACCSP Program Design document for details). Priorities and target sampling levels will be determined by the ACCSP Biological Review Panel, in coordination with the Discard/Release Prioritization Committee.

3.2.1. Data Collection Standards for Sea Sampling Programs

The Board recommends that the following data elements be collected from sea sampling programs:

- | | |
|---|--|
| ➤ Size distribution | ➤ Bait type |
| ➤ Sex composition | ➤ Trap type |
| ➤ Ovigerous condition | ➤ Traps per trawl |
| ➤ Cull status | ➤ Soak time |
| ➤ Shell condition | ➤ Vent size |
| ➤ Number of lobsters v-notched | ➤ Number of vents |
| ➤ Number of v-notched lobsters captured | ➤ Environmental conditions (depth, bottom water temperature, etc.) |
| ➤ Discards | |
| ➤ Geographic location of sampling | |

3.3. AT-SEA OBSERVER PROGRAM

The ACCSP at-sea observer program is a mandatory program. As a condition of state and/or federal permitting, vessels may be required to carry at-sea observers when requested. A minimum set of standard data elements will be collected through the ACCSP at-sea observer program (refer to the ACCSP Program Design document for details). Specific fisheries priorities will be determined by the Discard/Release Prioritization Committee.

4. *DE MINIMIS* FISHERY GUIDELINES

4.1. CRITERIA FOR *DE MINIMIS* CONSIDERATION

To be eligible for *de minimis* consideration, a state must prove that its commercial landings in the most recent two years for which data are available did not exceed an average of 40,000 pounds.

4.2. PROCEDURES TO APPLY FOR *DE MINIMIS* STATUS

States must specifically request *de minimis* status each year. Requests for *de minimis* status will be reviewed by the American Lobster Plan Review Team (PRT) as part of the annual FMP review process. Requests for *de minimis* must be submitted to the ASMFC American Lobster FMP Coordinator as a part of the state's yearly compliance report. The request must contain the following information: all available commercial landings data for the current year, all available commercial landings data for at least two years preceding, commercial regulations for the current year, and the proposed management measures the state plans to implement for the year *de minimis* status is requested. The FMP Coordinator will then forward the information to the PRT and, if necessary, the American Lobster Technical Committee and Stock Assessment Subcommittee.

In determining whether or not a state meets the *de minimis* criteria, the PRT will consider the information provided with the request, the most recent available coastwide landings data, any information provided by the Technical Committee and Stock Assessment Subcommittee, and projections of future landings. The PRT will make a recommendation to the Board to either accept or deny the *de minimis* request. The Board will then review the PRT recommendation and either grant or deny the *de minimis* classification.

The Board must make a specific motion to grant a state *de minimis* status. By deeming a given state *de minimis*, the Board is recognizing that: the state has a minimal commercial lobster fishery; there is little risk to the health of the lobster stock if the state does not implement the full suite of management measures; and the overall burden of implementing the complete management and monitoring requirements of the FMP outweigh the conservation benefits of implementing those measures in the particular state.

If commercial landings in a *de minimis* state exceed the *de minimis* threshold, the state will lose its *de minimis* classification, will be ineligible for *de minimis* in the following year, and will be required to implement all the commercial fishery requirements of the FMP. If the Board denies a state's *de minimis* request, the state will be required to implement all the commercial fishery requirements of the FMP. When a state rescinds or loses its *de minimis* status the Board will set a compliance date by which the state must implement the required regulations.

4.3. PLAN REQUIREMENTS IF *DE MINIMIS* STATUS IS GRANTED

If *de minimis* status is granted, the *de minimis* state is required to implement, at a minimum, the coastwide requirements contained in Section 3.1 of Amendment 3. Any additional components of the FMP, which the Board determines necessary for a *de minimis* state to implement, can be defined at the time *de minimis* status is granted. For all other required components of the plan, the Board will specify by motion which measures a *de minimis* state must adopt.

5. RECOMMENDATIONS FOR ACTIONS IN FEDERAL WATERS

The Atlantic States Marine Fisheries Commission believes that the measures contained in Amendment #3 and Addendum I are necessary to limit the expansion of effort into the lobster fishery and to rebuild egg production to recommended levels. ASMFC recommends that the federal government promulgate all necessary regulations to implement the measures contained in Sections 2 and 3.

Specifically, the ASMFC recommends that the Secretary of Commerce take the following actions:

1. Implement the provisions of Sections 2.2, 2.3, 2.4, and 2.6 in all waters of the Exclusive Economic Zone throughout the range of the resource.
2. Implement the provisions of section 2.5 applicable to the respective areas in all waters of the Exclusive Economic Zone contained in each respective area.

6. COMPLIANCE

6.1. MANDATORY ELEMENTS OF A STATE PROGRAM

To be considered in compliance with Addendum I, all state programs must include a regime of restrictions on American lobster fisheries consistent with the requirements of Sections 2 and 3; except that a state may propose an alternative management program under Section 3.5 of Amendment 3, which, if approved by the Board, may be implemented as an alternative regulatory requirement for compliance.

6.1.1. Regulatory Requirements

Each state must submit its required American lobster regulatory program to the Commission through ASMFC staff for approval by the Board. During submission, until the Board makes a decision on a state's program, a state may not adopt a less protective management program than contained in this Addendum.

6.2. ADJUSTMENTS TO THE COMPLIANCE SCHEDULE

State management programs must have regulations to implement the following Sections of Addendum I by the dates indicated in order to be in compliance with Amendment 3 to the Lobster FMP.

By September 1, 1999: 2.4 Circular escape vent

By January 1, 2000: 2.2 black seabass pot fishery, 2.3 trap tag system, and 2.5 measures applicable to commercial fishing in lobster management areas.

Table 1. Area 3 trap reduction schedule.

Initial allocation	1201 - 1299	1301 - 1399	1400 - 1499	1500 - 1599	1600 - 1699	1700 - 1799	1800 - 1899	1900 - 1999	2000 - 2099	2100 - 2199
first year	1200	1248	1344	1437	1530	1620	1709	1797	1884	1969
second year	1200	1200	1290	1388	1467	1548	1628	1705	1782	1856
third year	1200	1200	1251	1337	1573	1498	1573	1644	1715	1782
fourth year	1200	1200	1213	1297	1380	1452	1523	1589	1654	1715
fifth year	1200	1200	1200	1276	1352	1417	1482	1549	1616	1674

Initial allocation	2200 - 2299	2300 - 2399	2400 - 2499	2500 - 2599	2600 - 2699	2700 - 2799	2800 - 2899	2900 - 2999	3000 - 3099	3100 - 3199	3200 - 3250
first year	2054	2140	2225	2309	2392	2475	2557	2640	2722	2821	2920
second year	1930	2003	2076	2197	2218	2288	2357	2425	2493	2575	2656
third year	1849	1905	1981	2034	2107	2169	2230	2291	2351	2422	2493
fourth year	1776	1836	1896	1952	2008	2063	2117	2171	2225	2288	2351
fifth year	1732	1789	1845	1897	1949	2000	2050	2100	2150	2209	2267

Table 2. Area 4 closed area coordinates.

These areas were designated using LORAN coordinates. The following GPS coordinates are rough conversions of the LORAN line coordinates. A map is included in Appendix 2.

Fire Island:

POINT	LATITUDE (°N)	LONGITUDE (°W)	LORAN
A (NW)	40 31.344	073 25.823	26730 / 43710
B (NE)	40 33.233	073 09.249	26600 / 43710
C (SE)	40 23.377	073 11.708	26600 / 43620
D (SW)	40 23.464	073 10.976	26730 / 43620

Moriches:

POINT	LATITUDE (°N)	LONGITUDE (°W)	LORAN
A (NW)	40 24.276	072 46.617	26400 / 43605
B (NE)	40 25.688	072 34.048	26300 / 43605
C (SE)	40 18.380	072 35.063	To the Area 3 boundary line along the 26300 line
D (SW)	40 12.831	072 48.559	26400 / 43500

Shinnecock:

POINT	LATITUDE (°N)	LONGITUDE (°W)	LORAN
A (NW)	40 34.389	072 27.420	14960 / 43670
B (NE)	40 35.904	072 16.223	14890 / 43670
C (SE)	40 27.997	072 13.117	To the Area 3 boundary line along the 14890 line
D (SW)	40 23.105	072 23.782	To the Area 3 boundary line along the 14960 line

Montauk:

POINT	LATITUDE (°N)	LONGITUDE (°W)	LORAN
A (NW)	40 43.678	072 12.521	14850 / 43730
B (NE)	40 46.053	071 56.974	17850 / 43730
C (SE)	40 37.120	071 53.188	To the Area 3 boundary line along the 26300 line
D (SW)	40 30.741	072 07.616	To the Area 3 boundary line along the 26300 line

Figure 1. Map of proposed boundary changes in Massachusetts state waters.

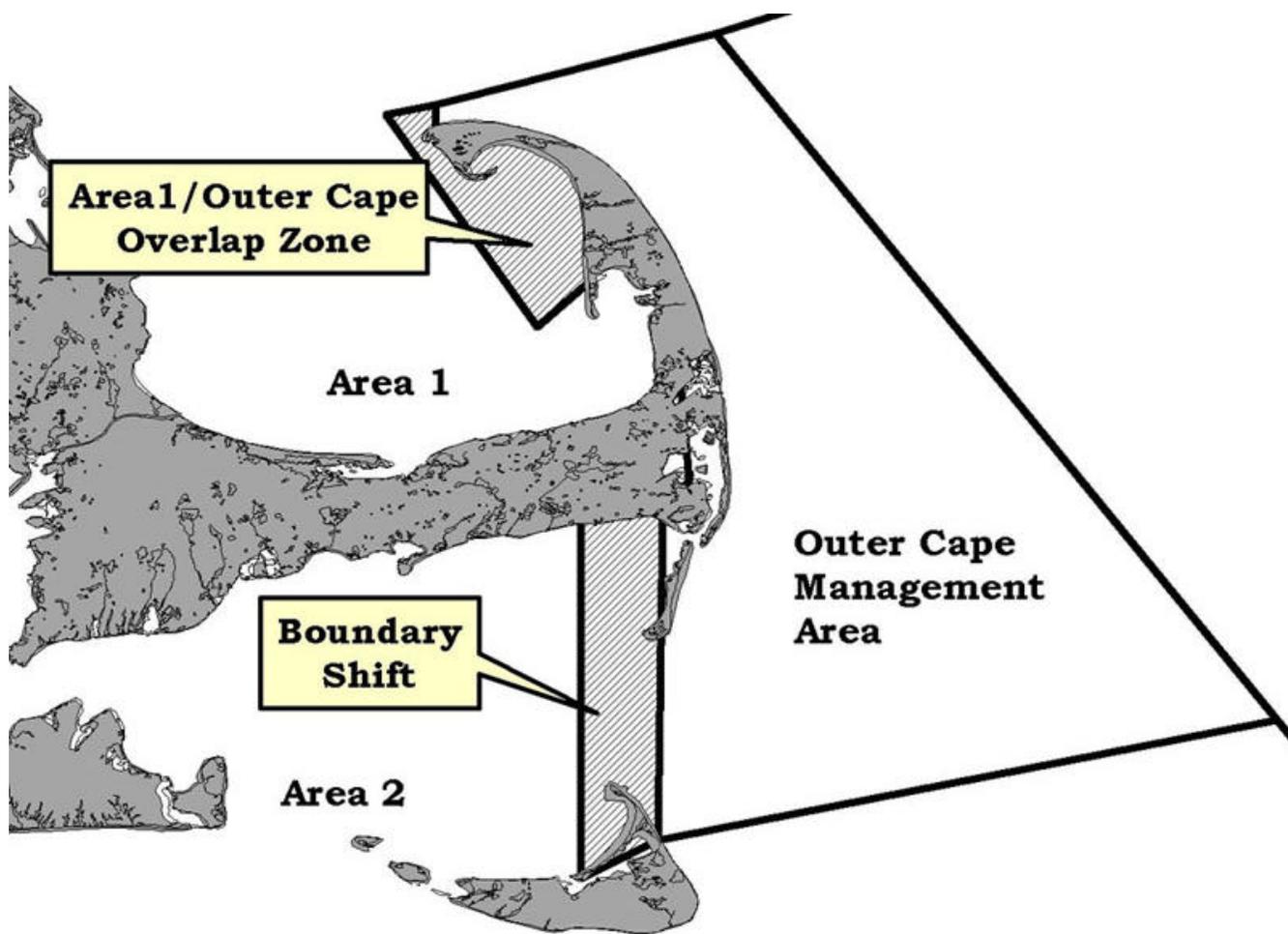


Figure 2. Map of Proposed Area 4 Closures.

