

# **Addendum III to Amendment 3 to the Interstate Fishery Management Plan for American Lobster**



**Approved February 20, 2002**

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## 1. INTRODUCTION

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 (LCMTs). The LCMTs were encouraged to develop a management program, which suits 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 related to effort control and 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 involved two addenda to Amendment 3. Addendum I incorporated measures from the LCMT proposals directed at effort control. The Board decided to address management measures affecting egg production in Addendum II, following the release of an updated, peer-reviewed stock assessment. The stock assessment was completed in March 2000 and reviewed by an independent panel of scientists through the Commission's Peer Review Process in May 2000. After consideration of the stock assessment and peer review results, the Board initiated the development of Addendum II in August 2000 to continue implementation of the 1998 LCMT proposals.

Addendum II, approved on February 1, 2001, clarifies several components of Amendment 3, such as updating the egg production rebuilding schedule and reconvening LCMTs to develop recommendations for area management based on the recent stock assessment. According to Addendum II, each LCMT is required to review the revised egg rebuilding schedule, the previous LCMT recommendation, and the area management program, if any, and present to the Management Board alternative measures that will achieve the stock rebuilding targets.

In August 2001, the Board directed staff to begin development of Addendum III incorporating the alternative management measures presented to the Board for the purposes of meeting  $F_{10\%}$  by calendar year 2008. Addendum III is intended for implementation by January 1, 2002.

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 III 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, Addendum I, Addendum II and this addendum, readers should refer to *Fisheries Management Reports No. 29, 29a, and 29b of the Atlantic States Marine Fisheries Commission, which contain the text of Amendment 3 to the Interstate Fishery Management Plan for American Lobster, Addendum I to Amendment 3, and*

Addendum II to Amendment 3. Copies can be obtained via the Commission’s website at [www.asmf.org](http://www.asmf.org).

The provisions in this section may be changed in order to meet the goal and objectives specified in Section 2 of Amendment 3. Any changes made to Addendum III will be done via addendum under Section 3.6 of Amendment 3.

## **2.1 MEASURES APPLICABLE TO COMMERCIAL FISHING IN LOBSTER MANAGEMENT AREAS**

### **2.1.1 Area 1, Inshore Gulf of Maine**

#### ***2.1.1.1 Vent Size***

If following the next stock assessment for American lobster or following a technical review by using another model it is determined that Area 1 is not on target to reach its egg production goals by 2008, then Area 1 will increase the rectangular escape vent size on Traps to 2” in 2007 with a complementary increase in circular vent size.

All lobster traps in Area 1, whether fished commercially or recreationally, must contain at least one rectangular escape vent per trap or at least two circular escape vents according to the following schedule:

July 1<sup>st</sup> is the deadline for implementing regulations in the calendar year indicated below.

	One Rectangular Vent	Two Circular Vents
2007*	2 inches by 5-3/4 inches	2 ½ inches

\*NOTE Area 1 will implement a 2” escape vent size increase in 2007, if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives

#### ***2.1.1.2 Zero Tolerance Definition of V-notching***

V-notched female lobster mean any female lobster bearing a v-shaped notch of any size in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster. V-notched female lobster also means any female, which is mutilated in a manner, which could hide, obscure or obliterate such a mark. The flipper right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

#### ***2.1.1.3 Mandatory V-notching Requirements<sup>1</sup>***

All Area 1 lobster fishers are required to v-notch all egg bearing female lobsters caught in the process of lobstering.

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<sup>1</sup> The Commonwealth of Massachusetts will monitor the percentage of v-notched egg-bearing female lobster in commercial catches during 2002. If the observed percentage does not reach 50% by the end of 2002, the Commonwealth will consider additional management measures in 2003 to help achieve the goals of the FMP. At a minimum, all regulations promulgated to implement Addendum III in management Areas 2, 3, and the Outer Cape Cod will be expanded to include the Massachusetts portion of Lobster Management Area 1. Other entities of Area 1 may also consider additional management measures in 2003 to achieve the goals of Addendum III.

## **2.1.2 Area 2, Inshore Southern New England**

### ***2.1.2.1 Minimum Gauge Size***

The minimum size for American lobster in management Area 2 shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in all other years (i.e. 2002 – 2004).

<i>Area 2</i>
2001 – 3 9/32”
2002 – 3 5/16”
2003 – 3 11/32”
2004 – 3 3/8”

## **2.1.3 Area 3, Offshore Waters**

### ***2.1.3.1 Minimum Gauge Size***

The minimum size for American lobster in management Area 3 shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in all other years (i.e. 2002 – 2008).

<i>Area 3</i>
2001 – 3 9/32”
2002 – 3 5/16”
2003 – 3 11/32”
2004 – 3 3/8”
2005* - 3 13/32”
2006* - 3 7/16”
2007* - 3 15/32”
2008* - 3 1/2”

\*NOTE – Area 3 will implement minimum size increases beyond 3 3/8” at the rate of 1/32” per year until a final minimum size of 3 1/2” is reached, if necessary, to meet lobster management plan goals and objectives.

### ***2.1.3.2 Mandatory V-notching Requirements***

All Area 3 lobster fishers fishing within the Gulf of Maine above the 42° 30’ latitude line are required to v-notch all egg bearing female lobsters caught in the process of lobstering.

### ***2.1.3.3 Overlap Boundary Between Areas 3 and 5***

A five-mile overlap area shall exist in Area 3 and extend the full length of Area 5. The overlap area is defined as follows:

Overlap Zone Boundary:

Point	Current Coordinates Latitude (°N)/Longitude (°W)	Overlap Coordinates Latitude (°N)/Longitude (°W)
V	39° 50'/73° 01'	39° 48'/72° 55'
X	38° 39.5'/73° 40'	38° 38.2'/73° 33.8'
Y	38° 12'/73° 55'	38° 10.4'/73° 49'
Z	37° 12'/74° 44'	37° 10.6'/74° 38'
ZA	35° 34'/74° 51'	35° 31.9'/74° 45.5'
ZB	35° 14.5'/75° 31'	35° 10.3'/75° 27.7'

From point V, current coordinates extending out to new overlap coordinates, back to point ZB

**2.1.3.4 Choose and Use Provision**

Once qualified for historic participation in Area 3, a federal permit holder requesting an Area 3 designation is required to permanently designate Area 3 on his/her federal permit. Federal permit holders have a one-time opportunity to drop the Area 3 designation. In addition, when an Area 3 permit is sold or transferred, permanent designation can be reconsidered, which allows the new owner the decision of whether they wish to designate Area 3 or not on his/her federal permit.

**2.1.4 Area 4, Inshore Northern Mid-Atlantic**

**2.1.4.1 Minimum Gauge Size**

The minimum size for American lobster in management area 4 shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in all other years (i.e. 2002 – 2004) indicated.

<i>Area 4</i>
2001- 3-9/32"
2002- 3-5/16"
2003- 3-11/32"
2004- 3-3/8"
<b>OR</b>
2001 – No Action
2002 – 3 5/16"
2003 – 3 11/32"
2004 – 3 3/8"

**2.1.4.2 Maximum Gauge Size**

The maximum size for American lobster (female lobsters only) in management area 4 shall be no greater than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

July 1<sup>st</sup> is the deadline for implementing regulations in the calendar year indicated below.

<i>Area 4</i>
2002* – 5 ¼”

\*NOTE – Area 4 may consider a maximum gauge size of 5” if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives. If maximum gauge sizes are not in place in adjacent management areas then Area 4 fishermen may V-notch female lobsters above the maximum size.

## **2.1.5 Area 5, Inshore Southern Mid-Atlantic**

### ***2.1.5.1 Minimum Gauge Size***

The minimum size for American lobster in management area 5 shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in all other years (i.e. 2002 – 2004) indicated.

<i>Area 5</i>
2001- 3-9/32”
2002- 3-5/16”
2003- 3-11/32”
2004- 3-3/8”
<b>OR</b>
2001 – No Action
2002 – 3 5/16”
2003 – 3 11/32”
2004 – 3 3/8”

### ***2.1.5.2 Maximum Gauge Size***

The maximum size for American lobster (female lobsters only) in management area 5 shall be no greater than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

July 1<sup>st</sup> is the deadline for implementing regulations in the calendar year indicated below.

<i>Area 5</i>
2004* – 5 ½”

\*NOTE – Area 5 will implement the maximum size of 5 ½” if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives. If maximum gauge sizes are not in place in adjacent management areas then Area 5 fishermen may V-notch female lobsters above the maximum size.

### ***2.1.5.3 Vessel Upgrade Limit***

All vessels authorized to fish for lobster with traps in Area 5 shall be limited to a 10% increase in length and a 20% increase in horsepower through upgrading or replacement.

**2.1.6 Area 6, New York and Connecticut State Waters**

***2.1.6.1 Minimum Gauge Size***

The minimum size for American lobster in management area 6 shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

July 1<sup>st</sup> is the deadline for implementing regulations in the calendar years indicated below.

<b>Area 6</b>
2004* - 3 9/32"
2005* - 3 5/16"

\* NOTE – Area 6 will implement minimum size increases beyond 3 1/4" at the rate of 1/32" per year, beginning in 2004, until a final minimum size of 3 5/16" is reached, if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives.

***2.1.6.2 Management Program after Calendar Year 2005***

The LCMT for Area 6 will choose among two possible paths for lobster management beyond 2005.

July 1<sup>st</sup> is the deadline for implementing regulations in the calendar year indicated below.

<b>PATH 1</b>	
<b>YEAR</b>	<b>ACTION</b>
2006	Evaluate gauge increase and effort reduction from trap tag buy back program
2007*	Implement 1/32" gauge size increase, and/or 2" escape vent increase, and/or V-notch some percentage of female lobsters, and/or establish a maximum gauge size
2008*	Implement 1/32" gauge size increase, and/or 2" escape vent increase, and/or V-notch some percentage of female lobsters, and/or establish a maximum gauge size

\* NOTE – Area 6 will implement the above management measures, if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives.

**-OR-**

<b>PATH 2</b>	
<b>YEAR</b>	<b>ACTION</b>
2006	Implement a 2" escape vent size if a gauge increase was implemented in 2005
2007	Evaluate with new information, confirm that the overfishing threshold has been met or exceeded
2008	Evaluate with new information, confirm that the overfishing threshold has been met or exceeded

If Path 2 is selected for implementation, then all lobster traps in Area 6, whether fished commercially or recreationally, must contain at least one rectangular escape vent per trap or at least two circular escape vents according to the following schedule:

July 1<sup>st</sup> is the deadline for implementing regulations in the calendar years indicated below.

	One Rectangular Vent	Two Circular Vents
2006*	2 inches by 5-3/4 inches	2 ½ inches

\*NOTE Area 6 will implement a 2” escape vent size increase if a gauge size increase is implemented in 2005, as outlined in Section 2.1.5.1 of this Addendum.

## **2.1.7 Outer Cape Lobster Management Area**

### ***2.1.7.1 Minimum Gauge Size***

The minimum size for American lobster in management area Outer Cape shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in all other years (i.e. 2002 – 2004) indicated.

<i>Outer Cape Cod</i>
2001- 3-9/32”
2002- 3-5/16”
2003- 3-11/32”
2004- 3-3/8”
2005*- 3-13/32”
2006*- 3-7/16”
2007*- 3-15/32”
2008*- 3-1/2”

\* NOTE – Outer Cape Lobster Management Area will implement minimum size increases beyond 3 3/8” at the rate of 1/32” per year until a final minimum size of 3 ½” is reached, if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives.

### ***2.1.7.2 Trap Reduction Schedule for Lobster Management Area Outer Cape (OCLMA)***

Beginning in 2002 and extending through 2008, a 20% reduction in the total number of traps allowed to be fished will occur in the Outer Cape lobster management area. An additional 5% reduction in the total number of traps allowed to be fished per year may be employed in 2006 and 2007, if necessary, to meet lobster egg production goals and objectives.

In order to control the expansion of fishing effort, an overall total number of traps allowed to be fished in OC Lobster Management Area (OCLMA) has been established from the sum of individual maximum traps reported by each OCLMA lobster fisher on Massachusetts (MA) catch reports in the year 1998. A reduction of this total number of traps by 20% will be implemented and resulting individual trap allotments will be defined accordingly during the stock rebuilding period. The starting trap allotments for each lobster fisher in the year 2002 will be based on MA 2000 catch report statistics. Allotments will be debited thereafter as needed by MA Division of Marine Fisheries (DMF). Participants in the 2001 OC lobster trap fishery, who received a license through the MA DMF or waiting list provisions during 2001, and as a result, have no prior lobster fishing history (i.e. filed catch reports) in the OCLMA, will receive a trap allotment based on proof of documentation of the number of traps they fished during 2001. These allotments will be apportioned from a percentage of the overall trap cap, not to exceed 2% of the total. Those



who received a transferred license with an OCLMA fishing history will receive a starting trap allotment based on that history.

### ***2.1.7.3 Annual Trap Transfer Period and Passive Reductions***

The annual trap transfer period will be January 1 – March 31. Trap tags may be transferred among OC lobster fishers to allow an individual business to build up or down within the maximum allowable 800 trap limit, however, a passive reduction in traps will occur with each trap transfer event at the rate of 10%. For example, if 100 trap tags are transferred to a fisher, the net transaction received by that lobster fisher will be 90 and the overall OC trap cap will be reduced accordingly. The trap cap may be adjusted downward over time through active and/or passive reduction measures until such time that the fishing mortality rate is reduced to a level below  $F_{10\%}$ .

Each time a lobster license is transferred to another lobster fisher within the OC the trap tag allowance associated with that license will be reduced by 10%. No new participants will be permitted to partake in the OC lobster fishery without receiving trap tags through a transfer from those fishing within the established total trap cap.

A trap haul-out period will occur from January 1 through March 31 each year to assist in the enforcement of the trap cap. There will be no lobster traps in the waters of the OC during this time period.

## **3. RECOMMENDATIONS FOR ACTIONS IN FEDERAL WATERS**

The Atlantic States Marine Fisheries Commission believes that the measures contained in Amendment #3 and Addenda I, II, and III 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 Section 2.

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

1. Implement the provisions of Section 2.1 applicable to the respective areas in all waters of the Exclusive Economic Zone contained in each respective area.

## **4. COMPLIANCE**

### **4.1 MANDATORY ELEMENTS OF A STATE PROGRAM**

To be considered in compliance with Addendum III, all state programs must include a regime of restrictions on American lobster fisheries consistent with the requirements of Section 2; 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 requirements for compliance.

## **4.2 REGULATORY REQUIREMENTS**

Each state must submit its required American lobster regulatory program to the Commission through ASMFC staff for approval by the Board. A state may not adopt a less restrictive management program than contained in this Addendum, unless otherwise approved by the Board.

## **4.3 ADJUSTMENTS TO THE COMPLIANCE SCHEDULE**

State management programs must have regulations to implement the following Sections of Addendum III by the dates indicated in order to be in compliance with Amendment 3 to the American Lobster Fishery Management Plan.

**By July 1, 2002:** Section 2.1 Measures Applicable to Commercial Fishing in Lobster Management Areas