

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



TECHNICAL ADDENDUM #1
to
Addendum III to Amendment 3 to the Interstate Fishery Management Plan
for
American Lobster

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INTRODUCTION

Addendum III, which was approved in February 2002, requires states to implement a variety of management measures applicable to commercial fishing (i.e. increases in minimum gauge size, increases in escape vent sizes, mandatory v-notching, vessel upgrade limits, etc.) in defined lobster management areas (Areas). These management measures are intended to meet egg production goals by achieving $F_{10\%}$ by calendar year 2008.

During the May 2002 Lobster Management Board meeting, a request was made to remove one of the management measures required under Addendum III for state implementation. Specifically, the vessel upgrade provision for Area 5 was requested for elimination. The Lobster Management Board approved the removal of this provision and directed Commission staff to develop a technical addendum to address this request.

Technical Addendum #1 eradicates the vessel upgrade provision for Area 5 as required under Addendum III to Amendment 3 to the Interstate Fishery Management Plan for American Lobster.

Eradication of this management measure will be effective upon approval by the American Lobster Management Board and will therefore not be required for adoption by the states, to comply with the Commission's management plan. The Commission also will recommend that the Secretary of Commerce avoid implementation of this management measure as previously recommended in Addendum III for federal waters.

STATEMENT OF THE PROBLEM

The vessel upgrade provision for Area 5 was originally intended to extend a similar vessel upgrade limit established under Addendum I for Area 3 (federal waters) into the adjacent management area 5 (state/federal waters). The spatial extension of this provision would have standardized vessel upgrade limits for both federal and state registered fishermen designating either Area 3 or 5 on their fishing permits/licenses.

According to Addendum I Section 2.5.4.3, "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." Given that Addendum I contains a sunset provision of December 31, 2001 and given that this date has not been amended to extend beyond that date, the provision on vessel upgrades in Area 3 has expired. This brings into question the necessity to extend the vessel upgrade provision into Area 5, where the majority of registered fishers are federally licensed/permitted to fish.

APPROVED CHANGES TO ADDENDUM III TO AMENDMENT 3

[Section numbering refers to Addendum III]

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 1st 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"
OR
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 1st is the deadline for implementing regulations in the calendar year indicated below.

<i>Area 5</i>
2004* – 5 1/2"

*NOTE – Area 5 will implement the maximum size of 5 1/2" 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.