



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 23 2010

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

Dear Federal American Lobster Permit Holder:

The National Marine Fisheries Service (NMFS) announces the availability of a Draft Environmental Impact Statement (DEIS), which analyzes proposed alternatives for management of the American lobster fishery in the Exclusive Economic Zone (EEZ). The proposed alternatives are based on recommendations by the Atlantic States Marine Fisheries Commission (Commission) in several addenda to Amendment 3 of the interstate fishery management plan (ISFMP) for American lobster. The Commission recommendations propose establishment of limited access programs (LAPs) to limit future access in two lobster management areas (Areas), and implementation of individual transferable trap programs (ITT) in 3 Areas. The proposed alternatives are described in greater detail later in this document. NMFS would issue implementing regulations according to its authority under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA).

ALTERNATIVES IDENTIFIED IN THE DEIS 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 DEIS.

HOW TO OBTAIN A COPY OF THIS DEIS: Copies of this lobster DEIS may be obtained: **BY WRITING** the Sustainable Fisheries Division, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930-2298 – mark the outside of the envelope Lobster DEIS, or; **BY EMAIL** to RequestDEIS@noaa.gov or; **BY TELEPHONE** to 978-675-2162. The DEIS is also available at the Northeast Regional Office's website at: <http://www.nero.noaa.gov/nero/> and select menu item "Hot News".

NMFS announces PUBLIC HEARINGS, as described in detail later in this document, to receive comments on proposed Federal lobster management alternatives in this DEIS. Testimony may be presented at the public hearings and through written comments. The submission period for written comments is: April 30 – June 29, 2010.

WRITTEN COMMENTS must be received no later than 5:00 p.m. on June 29, 2010 EST. Written comments on this DEIS may be sent to: Sustainable Fisheries Division, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930-2298 – mark the outside of the envelope Lobster DEIS Comments. Written comments may also be sent via fax to (978) 281-9117. Written comments by email may be sent to LobsterComment@noaa.gov.



LIMITED ACCESS PROGRAM – the OUTER CAPE AREA and AREA 2

The preferred limited access alternatives would establish a LAP using historical participation to control fishing effort in the lobster trap fishery in the nearshore EEZ waters from Cape Cod, Massachusetts to New York, comprising Area 2, and the Outer Cape Area.

NOTE: Under the Outer Cape and Area 2 limited access program preferred alternatives described in the DEIS, if you cannot meet the eligibility criteria identified in the DEIS, your vessel would be prohibited from fishing with trap gear in the Federal waters of Area 2 and/or the Outer Cape Area.

1. OUTER CAPE AREA HISTORY-BASED LIMITED ACCESS PROGRAM

OUTER CAPE AREA – PARTICIPATION BASED ON FISHING HISTORY:

- Under Preferred Alternative 2-Commission Alternative, Federal lobster permit holders would be qualified to fish with traps under a limited access program in the Outer Cape Area based on a demonstration of prior trap fishing history (1999-2001) within the Outer Cape Area.

OUTER CAPE AREA HISTORY-BASED TRAP ALLOCATION:

- Once qualified, individual history-based trap allocations for Outer Cape Area Federal American lobster permit holders would be based on “effective traps fished” during the 2000-2002 period.

Table 1 – Criteria Used For Outer Cape Area Limited Access Alternatives

	Alternative 1 – No Action	Alternative 2 – Commission (Preferred Option)	Alternative 3 – Qualify Only
QUALIFICATION Criteria for Future access into the Area	None - Status Quo: Existing regulations apply – open access to all with a Federal lobster permit	Yes - Qualification Required – Future participation based on 1999 – 2001 fishing history	Yes - Qualification Required – Future participation based on 1999 – 2001 fishing history
ALLOCATION Criteria for Future Trap allocation	None - Status Quo: Up to 800 traps - subject to more restrictive state trap limits	Yes - Qualification Required - Based on highest effective traps fished during the 2000 – 2002 fishing history	None - Status Quo: Up to 800 traps - subject to more restrictive state trap limits

2. AREA 2 HISTORY-BASED LIMITED ACCESS PROGRAM

AREA 2 –PARTICIPATION BASED ON FISHING HISTORY:

- Preferred Alternative 2-Commission Alternative, Federal lobster permit holders would be qualified to fish with traps under a limited access program in Area 2 based on a demonstration of prior trap fishing history (2001-2003) in Area 2.

AREA 2 HISTORY-BASED TRAP ALLOCATION

- Once qualified, individual history-based trap allocations for Area 2 Federal American lobster permit holders would be based on “effective traps fished” during the 2001-2003 period.

Table 2 – Criteria Used For Area 2 Limited Access Alternatives

	Alternative 1 – No Action	Alternative 2 – Commission (Preferred Option)	Alternative 3 – Qualify Only
QUALIFICATION Criteria for Future access into the Area	None - Status Quo: Existing regulations apply – Open access to all with a Federal lobster permit	Yes - Qualification Required – Future participation based on 2001 – 2003 fishing history	Yes - Qualification Required – Future participation based on 2001 – 2003 fishing history
ALLOCATION Criteria for Future Trap allocation	None - Status Quo: Up to 800 traps - Subject to more restrictive state trap limits	Yes - Qualification Required - Based on 2001 – 2003 fishing history	None - Status Quo: Up to 800 traps - Subject to more restrictive state trap limits

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.

Note: For purposes of the Area 2 and the Outer Cape Area analyses, NMFS chose to use state data. NMFS believes that state data provide the most helpful depiction of potential impacts to the proposed alternatives. Additionally, the states have already reviewed their data and have reached preliminary decisions on the qualifications of all potential applicants residing in their states – including those with Federal permits – based upon the criteria set forth in the Commission’s ISFMP.

3. INDIVIDUAL TRANSFERABLE TRAP (ITT) ALTERNATIVES

Lobstermen fishing with traps in Area 2, the Outer Cape Area, and Area 3, the EEZ offshore Area from the U.S./Canada border to Cape Hatteras, North Carolina, once qualified and in receipt of an individual history-based trap allocation, would be allowed to transfer (buy and/or sell) blocks of lobster traps to other lobstermen. By allowing fishers to buy and sell lobster traps, the ITT program is meant to provide permit holders with opportunities to enhance efficiency or respond to inadequate trap allocations by obtaining additional allocation from other fishers who may want to scale down their own business or leave the fishery. With each transfer of traps, a percentage of the total traps transferred, ranging from 10% to 20%, would be permanently eliminated as a resource conservation “tax”. In the long run, however, the primary purpose of a transferable trap program is to improve the overall economic efficiency of the lobster industry.

NMFS has not selected a preferred alternative to implement an ITT program in this DEIS, and provides four proposed alternatives for public comment.

ITT ALTERNATIVE 1 - NO ACTION ITT ALTERNATIVE

- No Federal trap transfer program would be implemented. State-level trap transfer programs, currently in Area 2, and the Outer Cape Area, would continue.

ITT ALTERNATIVE 2 – COMMISSION ITT ALTERNATIVE

- Qualifiers in Area 2, Area 3, and the Outer Cape Area would be allowed to buy and sell traps subject to Area-specific conservation taxes, and trap caps provisions.

ITT ALTERNATIVE 3 – ITT FOR AREA 3 ONLY

- Trap transfers would be limited to Area 3 Federal permit holders only and would be administered by NMFS. All transfers would be in increments of 50 or more traps and subject to a conservation tax.

ITT ALTERNATIVE 4 – OPTIONAL ITT PROGRAM

- Qualifiers would not be obligated to take part in the transferability program, but could choose to do so, subject to a number of additional parameters designed to make the application of an ITT program more uniform across Area jurisdictions.

Table 3 – Conditions Applied to Individual Transferable Trap (ITT) Program Alternatives

	Alternative 1 – No Action	Alternative 2 – Commission	Alternative 3 – Area 3 Only	Alternative 4 – Optional Trap Transferability
TRANSFER CONDITIONS	None - Status Quo: No transfers allowed - Existing regulations apply.	Yes – Transfers allowed - AOC and Area 2, up to a 800 trap cap; Area 3 – up to a 2000 trap cap.	Yes – Transfers allowed, but only in Area 3 with up to a 2000 trap cap.	Federal permit holders must agree to more restrictive of Federal or state trap allocation.
CONSERVATION “TAX”	None - Status Quo: No conservation tax applied to transfers.	Yes – AOC and Area 2 have 10% tax; Area 3 has 20% tax on partial, and 10% tax on full transfers.	Yes – Area 3 has 20% tax on partial, and 10% tax on full transfers.	Yes – AOC and Area 2 have 10% tax; Area 3 has 20% tax on partial, and 10% tax on full transfers.

COMMON to all of the ITT ALTERNATIVES are provisions that would:

- Allow trap transfers within an Area between individuals who have qualified for that Area;
- Reduce the seller’s trap allocation in all Area’s by the amount of the traps transferred;
- Establish a conservation “tax” that would require the permanent removal of a percentage of traps with each transfer for conservation purposes.
- Establish a database to track the transfer of traps. This tracking system would be centrally developed and maintained. All jurisdictions would have access to this data in accommodation with states’ confidentiality requirements. This database would allow managers to track transfers across jurisdictions (e.g., state-to-state, or any transfer involving a dual permit holder);
- Prohibit the leasing of traps, and;
- Prohibit the development of excessive shares by limiting the number of traps that can be transferred to a concentrated group of individuals.

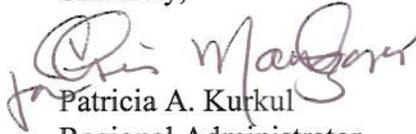
AMERICAN LOBSTER DEIS PUBLIC HEARINGS SCHEDULED

Oral comments may be made at any of the scheduled public hearings. The dates, times, and locations of the meetings are scheduled as follows:

1. **Monday, May 24, 2010, 3 p.m.** – Gulf of Maine Research Institute, 350 Commercial Street, **Portland, ME.**
2. **Tuesday, May 25, 2010, 3 p.m.** - Urban Forestry Center, 45 Elwyn Road, **Portsmouth, NH.**
3. **Tuesday, June 1, 2010, 3 p.m.** - Chatham Community Center, 702 Main Street, **Chatham, MA.**
4. **Wednesday, June 2, 2010, 3 p.m.** - Narragansett Town Hall Assembly Room, 25 Fifth Street, **Narragansett, RI.**
5. **Monday, June 7, 2010, 3 p.m.** - Riverhead Town Board Room at Town Hall, 200 Howell Avenue, **Riverhead, NY.**
6. **Tuesday, June 8, 2010, 3 p.m.** – Rutgers Cooperative Extension, Cape May Court House, 355 Court House/South Dennis Road (Route 657), **Cape May Court House, NJ.**

We encourage you to phone us with your questions and comments at **978-675-2162.**

Sincerely,


Patricia A. Kurkul
Regional Administrator