

Vessel Name  
Permit Number  
MRI Number

**Date**

Permit Holder Name  
Address  
City, State, Zip Code

**American Lobster Trap Fishery Area 2 and Outer Cape Effort Control Program Application Form**

Dear Federal lobster Permit Holder:

National Marine Fisheries Service (NMFS) published a final rule on **[insert date]** to implement a Limited Access Program in the Lobster Conservation Management Area 2 and the Outer Cape Area for the American lobster trap fishery. This final rule also establishes an Individual Trap Allocation Program for Area 2 and the Outer Cape Area. That rule prohibits Federal lobster permit holders from fishing with traps in Area 2 and the Outer Cape Area as of **[insert date]**, unless the permit holder has qualified for and been accepted into the Limited Access Program. As of [insert date], that rule also prohibits permit holders from fishing with traps in excess of their individual trap allocation in Area 2 and the Outer Cape Area. Therefore, you must submit an application, consistent with the instructions provided, to the Area 2 and Outer Cape Limited Access Program and Individual Trap Allocation Program. The deadline to submit an application is **[insert date]**.

We have completed a database review and determined that **we do not have sufficient information** on hand to demonstrate your area qualifications and individual trap allocation qualifications for Area 2 and the Outer Cape Area; these preliminary results are summarized in **Table 1**. If you would like to apply, please submit the documentation to demonstrate your eligibility for all criteria listed below and follow the application instructions.

The qualification criteria are as follows:

**Outer Cape Area Qualification**

1. Proof of an Outer Cape Area designation on the Federal lobster trap permit during the fishing year 2003;
2. Proof of landings data in the Outer Cape Area in the fishing years 1999, 2000, or 2001; and
3. Proof of reported trap fishing in at least one of the Outer Cape statistical areas in 1999, 2000, or 2001

### **Outer Cape Individual Trap Allocation Qualification**

1. Trap allocations for use in the Outer Cape Area shall be assigned based on the highest annual level of Effective Traps Fished during fishing years 2000, 2001 and 2002.
2. Effective Traps Fished shall be the lower value of the maximum number of traps reported fished for a given year compared to the predicted number of traps that is required to catch the reported poundage of lobsters for a given year during 2000, 2001 and 2002.
3. The value for predicted number of traps shall be based on a Massachusetts Department of Marine Fisheries (MA DMF) published analysis of traps fished and pounds landed for the Outer Cape Area.

### **Area 2 Qualification**

1. Proof of an Area 2 designation on the Federal lobster trap permit during the fishing year 2007;
2. Proof of landings data in Area 2 in the fishing years 2001-2003; and
3. If an Area 2 Federal lobster permit holder had been incapable of fishing during the 2001-2003 fishing years, that individual could apply for a hardship that would allow them to use landings from 1999 and 2000 as the basis for qualification.

### **Area 2 Individual Trap Allocation Qualification**

1. Trap allocations for use in Area 2 shall be assigned based on the highest annual level of Effective Traps Fished during 2001, 2002 and 2003.
2. Effective Traps Fished shall be the lower value of the maximum number of traps reported fished for a given year compared to the predicted number of traps that is required to catch the reported poundage of lobsters for a given year during 2001, 2002 and 2003. "Predicted Traps Fished" are calculated for 2001-2003 from an individual's total landings in each of those years using a regression relationship for LCMA 2.
3. Predicted Traps Fished and a state's most accurate Calculated or Reported Traps Fished is compared for each year and the lower value would be the "Effective Traps Fished" values.
4. Trap allocation in the highest value of the three annual "Effective Traps Fished" values.

**Table 1**

We have reviewed our database and determined your area eligibility and trap allocation to Area 2 and the Outer Cape Area. If you would like to apply, please review the table and indicate below whether you agree with the results. If you do not agree with the results, you may provide documentation to demonstrate your area eligibility and trap allocation eligibility.	<b>Outer Cape Area</b>	<b>Area 2</b>
<b>Area Qualification:</b> Was the Outer Cape Area designated on your permit in 2003? Was Area 2 designated on your permit in 2007?		
<b>Area Trap Allocation:</b> Did you report landings for the Outer Cape Area in fishing years 2000-2002? Did you report landings for Area 2 in fishing years 2001-2003?	0	0

If you do not agree with one or all of the results in Table 1 and would like to apply, you must sign and date the application form and include any and all supporting documentation to contest the preliminary qualification determination of your Area 2 and Outer Cape Area qualification and individual trap allocation.

Mail your completed application packet to:

Area 2 and Outer Cape Area Effort Control Plan  
Permit Office  
NMFS  
55 Great Republic Drive  
Gloucester, MA 01930

You may also submit your completed application by faxing it to **[provide permits fax number]**; or by emailing the application to **[provide email address]**.

Applications must be **postmarked no later than [insert date]**

If you have any questions regarding the Area 2 and Outer Cape Area Effort Control Program, please contact the Sustainable Fisheries Office at **[insert phone number]**.

U.S. Department of Commerce  
NOAA/National Marine Fisheries Service  
Northeast Region Permit Office  
55 Great Republic Drive  
Gloucester, MA 01930  
Tel: (978) 282-8438

**Application for Federal  
American Lobster Trap Fishery:  
Area 2 and Outer Cape Effort  
Control Program  
1/27/2021**

<b>JAMES A BRINDLEY</b>	<b>F/V SCOTT NATHAN</b>
<b>PO BOX 306</b>	<b>Federal Permit Number: 149998</b>
<b>BARNEGAT LIGHT, NJ 8006</b>	<b>State Registration/USCG DOC Number: NJ6442GW</b>

Based on the information provided in Table 1, **I do not agree** with my Area 2 and/or Outer Cape Area qualifications and trap allocations. Therefore, I am enclosing the following documentation:

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Proof of Outer Cape Area Qualification

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Proof of Outer Cape Area Trap Allocation Qualification

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Proof of Area 2 Qualification

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Proof of Area 2 Trap Allocation Qualification

**Applicant's Name and Signature:**

I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named above. I affirm, subject to the penalties provided in USC 1001, that all information that I have given in obtaining this permit is true and correct. By signing this application, I am applying for an Area 2 and Outer Cape Area Effort Control Program.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to John K. Bullard, Regional Administrator, Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930-2298.

All data will be kept confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics; however, final eligibility determinations and trap allocations may be made available to the public, consistent with current practices relative to NMFS permit data. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.