

# Northeast Region Bulletin

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## **American Lobster Trap Area 2 and Outer Cape Area Permit Holders**

Change in Regulations for Electing Area 2 and the Outer Cape Area  
Small Entity Compliance Guide: Limited Access Program Information

*Effective Date: [insert date]*

We, NOAA's National Marine Fisheries Service, have approved a final rule on [insert date] to implement a Limited Access Program in Lobster Conservation Management Area 2 (LCMA) and the Outer Cape LCMA. In order to maintain your eligibility to fish with traps in Area 2 and/or the Outer Cape Area, you must apply and qualify for the program by [insert application deadline-210 days after Final Rule publishes].

<b>Frequently Asked Questions</b>	
<b>Where is Area 2?</b>	Area 2 is located in the nearshore waters of Southern New England, bordering Connecticut, Rhode Island, and Massachusetts.
<b>Where is the Outer Cape Area?</b>	The Outer Cape Cod Area is located in the nearshore waters east of Cape Cod, MA
<b>How do I apply?</b>	All current Federal lobster permit holders will receive an application letter in the mail within the next few weeks. If you are interested in applying, you must fill out the application, with your signature and send it back to the Northeast Regional Office by [insert date]. If we already have the required documentation on hand to show that your permit meets the qualification criteria, then you need only sign the application and send it back to us. If we do not have the documentation to demonstrate your eligibility, and you believe that you qualify and would like to apply, your letter will ask that you send in the required documentation along with your signed application. The application letter will have further instructions.
<b>How do I qualify for</b>	(A) <u>Qualification criteria</u> . To initially qualify into the EEZ

<p><b>the Outer Cape Cod Limited Access Program?</b></p>	<p>portion of the Outer Cape Area, the applicant must establish with documentary proof the following:</p> <p>(1) That the applicant possesses a current Federal lobster permit;</p> <p>(2) That the applicant landed lobster caught in traps from the Outer Cape Area in either 1999, 2000, or 2001. Whichever year used shall be considered the qualifying year for the purposes of establishing the applicant’s Outer Cape Area trap allocation;</p> <p>(B) <u>Trap allocation criteria</u>. To receive a trap allocation for the EEZ portion of the Outer Cape Area, the qualified applicant must also establish with documentary proof the following:</p> <p>(1) The number of lobster traps fished by the qualifying vessel in 2000, 2001, and 2002; and</p> <p>(2) The total pounds of lobster landed in 2000, 2001, and 2002.</p> <p>(C) <u>Trap allocation formula</u>. The Regional Administrator shall allocate traps for use in the Outer Cape Area based upon the applicant’s highest level of Effective Traps Fished during the qualifying year.</p>
<p><b>How do I qualify for Area 2 Limited Access Program?</b></p>	<p>(A) <u>Qualification criteria</u>. To initially qualify into the EEZ portion of Area 2, the applicant must establish with documentary proof the following:</p> <p>(1) That the applicant possesses a current Federal lobster permit;</p> <p>(2) That the applicant landed lobster caught in traps from the Area 2 in either 2001, 2002, or 2003. Whichever year used shall be considered the qualifying year for the purposes of establishing the applicant’s Area 2 trap allocation;</p> <p>(B) <u>Trap allocation criteria</u>. To receive a trap allocation for the EEZ portion of Area 2, the qualified applicant must also establish with documentary proof the following:</p> <p>(1) The number of lobster traps fished by the qualifying vessel in the qualifying year; and</p>

	<p>(2) The total pounds of lobster landed during that qualifying year.</p> <p>(C) <u>Trap allocation formula.</u> The Regional Administrator shall allocate traps for use in Area 2 based upon the applicant's highest level of Effective Traps Fished during the qualifying year.</p>
<p><b>What forms of documentation should I send in to demonstrate that I qualify for the Outer Cape Cod Limited Access Program?</b></p>	<p>(1) As proof of a valid Federal lobster permit, the applicant must provide a copy of the vessel's current Federal lobster permit. The potential qualifier may, in lieu of providing a copy, provide NMFS with such data that will allow NMFS to identify the Federal lobster permit in its data base, which will at a minimum include: The applicant's name and address, vessel name and permit number.</p> <p>(2) As proof of traps fished the Outer Cape Area and lobsters landed from the Outer Cape Area in either 2000, 2001, or 2002, the applicant must provide the documentation reported to the state of the traps fished and lobsters landed during any of those years as follows:</p> <p>(i) <u>State records.</u> An applicant must provide documentation of his or her state reported traps fished and lobster landings in 2000, 2001, or 2002.</p> <p>(ii) <u>State decision.</u> An applicant may provide their state's qualification and allocation decision to satisfy the documentary requirements of this section.</p> <p>(iii) <u>States lacking reporting.</u> An applicant may provide Federal vessel trip reports, dealer records or captain's logbook as documentation in lieu of state records if the applicant can establish by clear and convincing evidence that the involved state did not require the permit holder to report traps or landings during 2000, 2001, or 2002.</p>
<p><b>What forms of documentation should I send in to demonstrate that I qualify for Area 2 Limited Access Program?</b></p>	<p>(1) As proof of a valid Federal lobster permit, the applicant must provide a copy of the vessel's current Federal lobster permit. The potential qualifier may, in lieu of providing a copy, provide NMFS with such data that will allow NMFS to identify the Federal lobster permit in its data base, which will at a minimum include: The applicant's name and address, vessel name, and</p>

	<p>permit number.</p> <p>(2) As proof of traps fished in Area 2 and lobsters landed from Area 2 in either 2001, 2002, or 2003, the applicant must provide the documentation reported to the state of the traps fished and lobsters landed during any of those years as follows:</p> <p>(i) <u>State records</u>. An applicant must provide documentation of his or her state reported traps fished and lobster landings in 2001, 2002, or 2003. The landings must have occurred in a state adjacent to Area 2, which the Regional Administrator shall presume to be limited to Massachusetts, Rhode Island, Connecticut, and/or New York.</p> <p>(ii) <u>State decision</u>. An applicant may provide their state’s qualification and allocation decision to satisfy the documentary requirements of this section.</p> <p>(iii) <u>States lacking reporting</u>. An applicant may provide Federal Vessel Trip Reports, dealer records, or captain’s logbook as documentation in lieu of state records if the applicant can establish by clear and convincing evidence that the involved state did not require the permit holder to report traps or landings during 2001, 2002, or 2003.</p>
<p><b>What is the expected timeline to apply?</b></p>	<p>The application, along with instructions to fill out the application, will be mailed to all current Federal lobster permit holders within the next few weeks. The application deadline to submit an application will be [insert date]. All applications must be postmarked no later than [insert date].</p>
<p><b>When will the Limited Entry Program become effective?</b></p>	<p>We expect the Area 2 and Outer Cape Cod Limited Access Program to be effective on May 1, 2015. Any permit holder that elected to fish in Area 2 and/or the Outer Cape Cod Area can continue to fish in the area(s) throughout the remainder of the 2014 fishing year.</p>
<p><b>Where can I get a copy of the final rule?</b></p>	<p>The Final Rule and Final Environmental Impact Statement are available on our website at</p> <p><a href="http://www.nero.noaa.gov/sustainable/species/lobster/">http://www.nero.noaa.gov/sustainable/species/lobster/</a></p>