



LOBSTER TRANSFER TRAP ALLOCATION APPLICATION FOR THE 2021 FISHING YEAR

SEND TO: TRAP TRANSFER PROGRAM GREATER ATLANTIC REGION PERMIT OFFICE NATIONAL MARINE FISHERIES SERVICE 55 GREAT REPUBLIC DRIVE, GLOUCESTER, MA 01930 Fax: 978-281-9110 Email: nmfs.gar.permits@noaa.gov

Use this form to request a permanent transfer of American lobster trap allocation. We will accept completed transfer applications beginning August 1 through those postmarked no later than September 30, 2020. We will provide written approval or disapproval of this request by December 31, 2020. Transferred allocation will be effective at the beginning of the following fishing year on May 1, 2021. Please note that you must meet the regulatory requirements at 50 CFR 697.27 (listed on back) to buy or sell traps. Incomplete forms or forms found with errors will be returned to the applicant.

If you are a dual permit holder (state and Federal), the trap allocation on both state and Federal permits must be the same before you can transfer traps. If your state and Federal allocations are not the same, you can align them by permanently electing the lower allocation for both permits. By signing below, both the buyer and seller are declaring into the Trap Transfer Program, and, if necessary, agree that their state and Federal allocations will be aligned at the lower of the two values at the beginning and end of each trap transfer period. Refer to the Lobster Trap Transfer Program Guide under the "Trap Transfer Program" tab on our website at: https://www.fisheries.noaa.gov/species/american-lobster#trap-transfer-program for more information. Please contact our Analysis and Program Support Division at 978-282-8483 with any questions.

Seller's Permit Information Transaction # [ ] Name: Business Name: F/V: Permit Number: MRI: State/State Permit Number: Phone:

Buyer's Permit Information Transaction # [ ] Name: Business Name: F/V: Permit Number: MRI: State/State Permit Number: Phone:

\_\_\_\_\_ -> (Less 10% Conservation Tax) = \_\_\_\_\_ Number of traps debited from Seller (ends in "0"\*) Number of traps received by Buyer

\*Traps must be sold in multiples of 10.

Signed: \_\_\_\_\_ (Seller)

Signed: \_\_\_\_\_ (Buyer)

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Transfers are not final until approved by NMFS. Buyers and sellers are cautioned not to finalize payments until NMFS approves a transfer. Potential changes to the lobster regulations could impact future trap allocations, so permit holders are advised to transfer traps at their own risk. Please contact the Permit Office at 978-282-8483 with any questions.

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 Michael Pentony, Regional Administrator, Greater Atlantic 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.

**50 CFR 697.27 Trap transferability as of July 29, 2019.**

(a) Federal lobster permit holders may elect to participate in a program that allows them to transfer trap allocation to other participating Federal lobster permit holders, subject to the following conditions:

(1) *Participation requirements.* To be eligible to participate in the Federal Trap Transfer Program:

(i) An individual must possess a valid Federal lobster permit; and

(ii) If the individual is dually permitted with both Federal and state lobster licenses, the individual must agree to synchronize his or her state and Federal allocations in each area for which there is an allocation. This synchronization shall be set at the lower of the state or Federal allocation in each area. This provision does not apply to Areas 1 and 6 as neither area have a Federal trap allocation.

(iii) Individuals participating in the Lobster Management Area 1 trap fishery may participate in the Trap Transfer Program, but doing so may result in forfeiture of future participation in the Area 1 trap fishery as follows:

(A) Area 1 fishers may accept, receive, or purchase trap allocations up to their Area 1 trap limit identified in §697.19 and fish with that allocation both in Area 1 and the other area or areas subject to the restrictive provisions of §697.3 and §697.4(a)(7)(v).

(B) Area 1 fishers with trap allocations in Areas 2, 3, and/or the Outer Cape Area may transfer away or sell any portion of that allocation, but, in so doing, the Area 1 fisher shall forfeit any right to fish in Area 1 with traps in the future.

(2) *Trap allocation transfers.* Trap allocation transfers will be allowed subject to the following conditions:

(i) *State/Federal alignment.* Participants with dual state and Federal permits may participate in the Trap Transfer Program each year, but their state and Federal trap allocations must be aligned as required in paragraph (a)(1)(ii) of this section at the start and close of each trap transfer period.

(ii) *Eligible traps.* Buyers and sellers may only transfer trap allocations from Lobster Management Areas 2, 3, and the Outer Cape Area.

(iii) *Debiting remaining allocation.* The permit holder transferring trap allocations shall have his or her remaining Federal trap allocation in all Lobster Conservation Management Areas debited by the total amount of allocation transferred. This provision does not apply to Areas 1 and 6, as neither area have a Federal trap allocation. A seller may not transfer a trap allocation if, after the transfer is debited, the allocation in any remaining Lobster Conservation Management Area would be below zero.

(iv) *Crediting allocations for partial trap transfers.* In a partial trap transfer, where the transfer is occurring independent of a Federal lobster permit transfer, the permit holder receiving the transferred allocation shall have his or her allocation credited as follows:

(A) *Trap retirement.* All permit holders receiving trap allocation transfers shall retire 10 percent of that transferred allocation from the fishery for conservation. This provision does not pertain to full business transfers where the transfer includes the transfer of a Federal lobster permit and all traps associated with that permit.

(B) *Multi-area trap allocation history.* To the extent that transferred trap allocations have been granted access into multiple management areas, the recipient may elect any and all management areas for which the traps have demonstrated history.

(C) All trap allocation transfers are subject to whatever trap allocation cap exists in the involved lobster management area. No participant may receive a transfer that, when combined with existing allocation, would put that permit holder's trap allocation above the involved trap caps in §697.19.

(v) In all allocation transfers, the buyer's and seller's initial allocations shall be calculated as being the allocation that the buyer and seller would otherwise have on the last day of the fishing year.

(vi) Trap allocations may only be transferred in 10-trap increments.

(vii) Trap allocation transfers must be approved by the Regional Administrator before becoming effective. The Regional Administrator shall approve a transfer upon a showing by the involved permit holders of the following:

(A) The proposed transfer is documented in a legible written agreement signed and dated by the involved permit holders. The agreement must identify the amount of allocation being transferred as well as the Federal lobster permit number from which the allocation is being taken and the Federal lobster permit number that is receiving the allocation. If the transfer involves parties who also possess a state lobster license, the parties must identify the state lobster license number and state of issuance.

(B) That the transferring permit holder has sufficient allocation to transfer and that the permit holder's post-transfer allocation is clear and agreed to. In determining whether seller has sufficient allocation to transfer, the Regional Administrator will calculate the seller's pre-transfer and post-transfer allocations. The pre-transfer allocation shall be the amount of the seller's allocation as it would exist on the last day of the fishing year. The post-transfer allocation shall be the pre-transfer allocation minus the total amount of traps being transferred prior to application of the 10-percent trap retirement set forth in paragraph (a)(2)(iv)(A) of this section.

(C) That the permit holder receiving the transfer has sufficient room under any applicable trap cap identified in §697.19 to receive the transferred allocation and that the recipient's post-transfer allocation is clear and agreed to. In determining whether the buyer has sufficient room to receive allocation, the Regional Administrator will calculate the buyer's pre-transfer and post-transfer allocations. The pre-transfer allocation shall be the amount of the buyer's allocation as it would exist on the last day of the fishing year. The post-transfer allocation shall be the pre-transfer allocation plus the total amount of traps being transferred minus 10 percent of the transferred allocation that shall be retired pursuant to the provisions of (a)(2)(iv)(A) of this section.

(3) *Trap transfer period.* The timing of the Trap Transfer Program is as follows:

(i) Federal lobster permit holders must declare their election into the program in writing to the NMFS Permit Office. Electing into the Trap Transfer Program is a one-time declaration, and the permit holder may participate in the program in later years without needing to re-elect into the program year after year. Federal permit holders may elect into the program at any time in any year, but their ability to actively transfer traps will be limited by the timing restrictions identified in paragraphs (a)(3)(ii) and (iii) of this section.

(ii) All trap transfer requests must be made in writing before September 30 each year, and if approved, will become effective at the start of the next fishing year. The Regional Administrator shall attempt to review, reconcile and notify the transferring parties of the disposition of the requested transfer before December 31 each year. Transfers are not valid until approved by the Regional Administrator.