



# Massachusetts Division of Marine Fisheries

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## Policies, Procedures, and Guidelines

**Issue: Revised Policy Regarding Treatment of Commercial Lobster SCUBA Divers with Respect to Lobster Trap Allocations in LCMAs under Management of an Effort Control Plan**  
**PPG: 04**

### **Introduction and Purpose:**

The intent of this document is to establish, by policy and regulation, **the issuance of lobster trap allocations based on SCUBA diving harvest history in those LCMAs under management of an effort control plan.**

### Background & Justification:

This action revises a policy submitted to the MFC on September 29, 2006 by the Division of Marine Fisheries (*Marine Fisheries*) that had denied individual lobster trap allocations based on SCUBA history. When the question of trap allocations to SCUBA divers was first raised during adoption and implementation of the Outer Cape effort control plan in 2004, *Marine Fisheries* deliberated over several concerns about allowing this type of allocation, leading to the original policy to not allocate trap allocations based on SCUBA-diving harvest history:

1. potential undermining of the objective of trap effort control plans, to cap and then lower the total number of traps fished; and
2. precedence for allocating traps to a non-trap harvesting sector.

Since establishing last year's policy, further analysis of SCUBA-based lobster activity and proposed licensing/regulatory amendments change the potential impacts of allocating traps based on SCUBA harvest history. SCUBA-harvest is directed on lobsters, unlike other non-trap harvesting sectors. Therefore, allocating traps to SCUBA divers with history does not create precedence for allocating traps to other non-trap and non-directed sectors.

SCUBA-based commercial harvest of lobsters, while lawful in any of the LCMAs, only occurs in the Outer Cape Cod LCMA because of the unique bathymetric features of the area resulting in harvestable quantities of large lobster available to divers. Specifically there are four permit holders who would receive a total of 982 traps – a slight increase to the total traps allocated. Actual traps fished in 2005 (2006 data is not yet available) represent a 17% decrease from the 1998 baseline.

To prevent a “doubling” of effort that might occur if a SCUBA diver transfers his trap allocation but continues to dive for lobsters, permit holders who receive trap allocations based upon SCUBA history will be limited to transferring their entire trap allocation as a block with their permit (i.e., they cannot transfer just increments of their trap allocation).

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