

**MINISTRY OF INDUSTRY, COMMERCE, AGRICULTURE & FISHERIES**

**LOBSTER FISHERY REGIME  
FOR THE MANAGEMENT AND SUSTAINABLE USE OF THE CARIBBEAN SPINY  
LOBSTER (*PANULIRUS ARGUS*) IN JAMAICA**

**4 JANUARY 2017**

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## **MINISTERIAL FOREWORD**

I am very pleased to be establishing, with immediate effect, the Lobster Fishery Regime for the management and sustainable use of the Caribbean Spiny Lobster (*Panulirus Argus*) in Jamaica. It will be known as the Lobster Fishery Regime, 2017.

The Fisheries Division plays a key role in the sustainable development, management and monitoring of the fisheries sector, and thus makes an important contribution to the development of our nation. The fisheries sector has been a major means of livelihood for thousands of Jamaicans for many years, and contributes significantly to economic growth and also plays an important role in ensuring the availability of nutritious, affordable and accessible source of food. In 2014, based on data from the Statistical Institute data, the Fishing Industry in Jamaica contributed J\$2,212 million to the Gross Domestic Product (or 0.30% of GDP). Total exports amounted to 833.6 Metric Tonnes, valued at US\$ 12.6 million in 2014. The Spiny Lobster (*Panulirus argus*) Fishery, which is primarily export-oriented, is the second most commercially valuable fishery in Jamaica (after the Queen Conch).

This document sets out the Regime within which all lobster licences will be issued. It also sets out the arrangements that I am putting in place to facilitate the equitable, objective and transparent issuance of lobster licences, thereby affording all Jamaicans and Jamaican registered companies with the opportunity to harvest Caribbean Spiny Lobster at an industrial and sustainable level. It also encapsulates the remit of the Licensing Authority, who will be supported by an Advisory Committee which serves to strengthen our efforts to explore and harvest one of Jamaica's major, fishery resources.

I wish to acknowledge and thank the industry stakeholders who played a critical role in providing invaluable input in the preparation of this document via an extensive consultation process.

The Honourable Karl Samuda, CD, MP

Minister of Industry, Commerce, Agriculture and Fisheries

## **1 INTRODUCTION**

The Lobster Fishery Regime for the management and sustainable use of the Caribbean Spiny Lobster (*Panulirus Argus*) in Jamaica will be created under the provisions of the Fishing Industry Act, 1975 as part of the Ministry of Industry, Commerce, Agriculture and Fisheries' Modernization Programme. It will normally use the title "the Lobster Fishery Regime, 2017".

The Spiny Lobster Fisheries make an important contribution to food and nutrition security, employment, international trade, and the economic and social well-being of the people of Jamaica. The Ministry of Industry, Commerce, Agriculture and Fisheries is thus concerned that the long-term sustainable use and contribution of the Spiny Lobster Fisheries to Jamaica's social and economic development and food security is being threatened by illegal, unreported and unregulated (IUU) fishing. There is also the need to strengthen conservation and management of the resource and its habitats. Consequently, this Regime was established to enhance the mechanism with respect to the issuance of Lobster Fishery Licenses, as well as the conservation, protection, management and long-term sustainable use of the spiny lobster and its habitats for the benefit of present and future generations. The intent is for the entire licensing process to be conducted over a five (5) month duration commencing on the 1<sup>st</sup> day of February annually with the notification for applicants to apply for a Lobster Licence and terminating on the 1<sup>st</sup> day of July when the season reopens (See details in Appendix "A").

## **2 GENERAL PROVISIONS**

### **2.1 Use of Terms**

"2017/18 Spiny Lobster Fishing Season" means the period July 1, 2017 to March 31, 2018;

"2019/20 Spiny Lobster Fishing Season" means the period July 1, 2019 to March 31, 2020;

"activate/activation" in relation to a Spiny Lobster Industrial Motor Fishing Vessel Licence, it involves the payment by the Applicant of the required fees for a Spiny Lobster Industrial Motor Fishing Vessel Licence and any other necessary requirements in order to obtain such licence and the subsequent issuance of the same by the Licensing Authority;

"close season" means the period declared by order by the Minister as a close season in relation to a fishery or species of fish, during which period the fishery or species of fish to which it applies shall not be fished;

"conveyance" includes a vessel, motor vehicle or any other means of transport and any floating device used to store or transport fish or equipment;

"equipment" in relation to fishing, means any implement or other thing that can be used in the course of fishing, as the case may be, including any vessel or other conveyance, net, rope, line, float, trap, hook, tackle, winch, implement, item, device, machine, spear gun, underwater diving apparatus or gear carried on board a vessel, or other conveyance;

"operator" means any person who is in charge of or responsible for the operations of, or who directs or controls a conveyance used for fishing, fishing operations and any fishing related activity including the owner, charterer, chief mate and chief engineer of the conveyance;

"owner", in relation to a fishing vessel or conveyance, means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of ownership, whether on his own behalf or on behalf of another, and includes –

- (a) a charterer, master or operator of fishing vessel or;
- (b) a person who is the owner jointly with one or more other persons; and
- (c) in the case of a body corporate which is an owner or operator, the principals, manager, director, secretary or other similar officer of that body or any person purporting to act in such a capacity;

"Spiny Lobster" means the Caribbean spiny lobster, *Panulirus argus*.

"trap" means a lobster trap, pot, or other stationary device that may be set on the seafloor and used for the taking or holding of Spiny Lobster;

"utilize" in relation to an activated spiny lobster industrial motor fishing vessel licence, means using the said licence to fish for spiny lobster and engaging in such operations spiny lobster fishing operations within the areas authorized by the Licensing Authority;

### **3 SCOPE**

This document constitutes the Lobster Fishery Regime (LFR) for the management and sustainable use of the Caribbean Spiny Lobster (*Panulirus Argus*) in Jamaica, which becomes effective as of the 2017/18 Spiny Lobster Fishing Season. The terms and conditions of this Regime shall be reviewed prior to the 2019/20 Spiny Lobster Fishing Season and any subsequent Season.

The terms and conditions herein shall be read and construed as one with the Licence to Fish Spiny Lobster, and include existing terms, conditions and/or other legal requirements under the Fishing Industry Act or existing Conditions of Licences imposed by the Licensing Authority in respect of Spiny Lobster Industrial Motor Fishing Vessels and do not replace or invalidate any existing terms, conditions and/or other legal requirements under the Fishing Industry Act or existing Conditions of Licences not forming part of this Regime. Nothing in this Regime voids any existing Conditions of Licences prior to 2017/18 Spiny

Lobster Fishing Season imposed by the Licensing Authority in respect of Spiny Lobster Industrial Motor Fishing Vessels or any existing terms, conditions and/or other legal requirements under the Fishing Industry Act, 1979 or any other laws of Jamaica.

#### **4 OBJECTIVE**

The objective of this Regime is to facilitate the equitable, objective and transparent issuance of lobster licences at an industrial and sustainable level, as well as outline the terms and conditions by which the owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel and all persons on board such vessel are subject to and shall operate as of the 2017/18 Spiny Lobster Fishing Season.

#### **5 MANAGEMENT MECHANISM**

##### **5.1 Maximum Number of Spiny Lobster Industrial Motor Fishing Vessels Licences**

The maximum number of Spiny Lobster Industrial Motor Fishing Vessel Licences available for issuance as of the 2017/18 Spiny Lobster Fishing Season will be communicated in writing accordingly, pursuant to recommendations and the necessary due diligence, and will be valid for two (2) years. The number of licences issued for the two (2) years will be fixed. The maximum number of licences set for the 2019/20 Spiny Lobster Fishing Season is subject to review prior to the conclusion of the 2017/18 Spiny Lobster Fishing Season and may be revised upward or downward based on scientific information.

##### **5.2 Categorization of Applications for a Spiny Lobster Industrial Motor Fishing Vessel Licence, Access and Allocation**

Commercial access to this resource is managed as a limited entry and competitive fishery. Access is provided through commercial licences identified as Category "A" Licence, Category "B" Licence, Category "C" Licence or Category "D". Category "A" Licence will be issued to successful applicants who fish lobster at an industrial level utilizing large decked Jamaican flagged vessels. Category "B" Licence will be issued to successful artisanal fishers who fish the product for commercial purposes utilizing open decked (canoes) registered fishing vessels and have a formalized and verified contract with a registered commercial entity (Registered by the Companies Office of Jamaica). The Licensing Authority may issue a Category "B<sub>1</sub>" Licence to a licensed fisher utilizing open decked (canoes), who does not have a formalized and verified contract with a commercial entity, authorizing the fisher to fish lobster within a limited capacity (not exceeding one hundred (100) tails as deemed appropriate by the Licensing Authority. Applicants desirous of gaining a Lobster Carrier Vessel Licence will be required to apply for a Category "C" Licence which will be issued to a vessel engaged solely in receiving, temporary storage and transportation of lobster. Unless otherwise instructed in writing, no more than a total of five hundred (500) Category "B", Category "B<sub>1</sub>" and Category "C" Licences will be issued for each season.

Table 1 below illustrates a summary of the different Categories of Lobster License:

	<b>Type of Fishing License</b>	<b>Vessel Type</b>	<b>Restriction(s)</b>
<b>1. Category “A”</b>	Industrial	50’ decked vessel only	2200 traps
<b>2. Category “B”</b>	Commercial Artisanal	Open decked vessel	Contract with a commercial entity
<b>3. Category “B<sub>1</sub>”</b>	Commercial Restricted	Open decked vessel	100 tails limit
<b>4. Category “C”</b>	Carrier	Open decked	Solely receiving, temporary storage, and transportation of lobster.
<b>5. Category “D”</b>	Research/Exploratory	50’ decked vessel only	Fishing location, assigned FD Officer

Researchers are provided commercial access through communal commercial licences equivalent to Category “A” Licence; however, Researchers and Exploratory Fishers’ licences though equivalent to Category “A” Licence, are classified as a Category “D” Licence. The Advisory Committee is required to meet and deliberate with respect to the issuance of all Category “A”, Category “C” and Category “D” Licences.

**5.3 Category “B”, Category “B<sub>1</sub>” and Category “D” Applicants are not entitled to Legitimate Expectation in Relation to Issuance of Licences for subsequent Lobster Fishing Seasons**

Every Spiny Lobster Fishing Vessel Licence granted and/or issued to Category “B”, Category “B<sub>1</sub>” and Category “C” Applicants for one season, for example the 2017/18 Spiny Lobster Fishing Season, are only granted and/or issued in respect of that season only - the 2017/18 Spiny Lobster Season. There shall not be any legitimate expectation of any such Applicant as it relates to the granting/issuance of same for the subsequent season, for example the 2019/20 Spiny Lobster Fishing Season, or any other subsequent Spiny Lobster Fishing Season.

**6 ADVISORY COMMITTEE ARRANGEMENT**

**6.1 Membership**

An Advisory Committee consisting of the under-mentioned committee members is the primary consultation forum for all forms of lobster fishery licence.

1. Director of Fisheries - Chairman

2. Chief Technical Director, Ministry of Industry, Commerce, Agriculture and Fisheries - Member
3. Chief Veterinary Officer or nominee, Veterinary Services Division – Member
4. Senior Legal Officer, Ministry of Industry, Commerce, Agriculture and Fisheries – Member
5. Director of the Marine Branch, Fisheries Division - Member

## **6.2 Meeting Schedule**

1. The Committee shall meet as often as may be necessary or expedient for transaction of its business, as such meetings shall be held at such places and on such dates as the Chairman may determine.
2. The Chairman shall preside at all meetings of the Committee. In the absence of the Chairman, the Committee members in attendance shall select a Member present at the meeting to preside.
3. Minutes of the meeting of the Committee shall be kept in proper form.
4. Subject to the provisions of this Schedule, the Committee may regulate its own proceedings.
5. The quorum of the Advisory Committee shall be three (3) and must include the Senior Legal Officer.

## **7 THE LOBSTER FISHERY REGIME**

### **7.1 Conditions for the granting of licences to fish for lobster and allocation of an individual lobster licence**

Conditions for the granting of licences to fish for lobster and allocation of an individual lobster licence are as follows:

- (a) Every person or registered Jamaican company who requires a licence to fish for lobster shall apply to the Licensing Authority under the Fishing Industry Act for an Industrial Lobster Licence in the prescribed form and shall be accompanied by an application fee (details outlined in Appendix “B”).
- (b) Granting of a Lobster Licence pursuant to Section 5 (1) of the Fishing Industry Act by the Licensing Authority shall be subject to, among other things, hygiene conditions in compliance with the Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing ) Act, 2013.
- (c) Every application for a licence pursuant to item (a) above shall be submitted with :
  - (i) A valid licence to fish under the Fishing Industry Act.

- (ii) Authorization from the Veterinary Services Division verifying that the vessel meets hygiene conditions under the Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing) Act 2013
  - (iii) In the case of Category “A” and Category “C”, a certified copy of licence(s) under the Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing) Act 2013.
  - (iv) Official documentation (e.g. licences, certificates, permits, letters of authorization) verifying that all the vessels that the applicant proposes to use to fish for lobster, have satisfied all the necessary requirements under: (i) the Fishing Industry Act; (ii) Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing) Act; (iii) the Shipping Act; and (iv) any other relevant Act and/or Regulation.
  - (v) Documentary evidence of all fishers that the applicant proposes to use. All fishers must have valid licences to fish under the Fishing Industry Act and a valid food handlers’ certification under the Public Health Act.
  - (vi) Any other document(s) that may be required by the Licensing Authority to facilitate his deliberations and to assist in the exercise of his statutory powers and/or in the performance of his statutory duties under the Fishing Industry Act.
- (d) In the determination of the eligibility of an applicant for an Industrial Lobster Licence(s), the Licensing Authority shall give consideration to the following:-
- (i) That the applicant:
    - is a citizen of Jamaica or a registered Jamaican company.
    - is duly licensed to fish under the Fishing Industry Act.
    - is able to demonstrate a history of involvement in the lobster industry.
    - is able to demonstrate that he/she has an investment in the lobster industry.
    - conforms to the requirements of Section 6 of the Fishing Industry Act.
    - is duly licensed under the Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing) Act, or having provided documentary evidence of collaboration with a licensed processing establishment, where said applicant is not a licensed processing establishment owner/operator.

- is a licensed fisher utilizing open decked vessel (canoe) but does not have a formalized and verified contract with a distributor or hotel.

## **7.2 Summary of Selection Process for a Category “A” Lobster Licence**

1. Industrial Commercial Lobster Licences (Category “A”) shall be granted only to Jamaican nationals or Jamaican registered companies. The selection process for a Category “A” Lobster Licence will be a two (2) phase process, namely Matriculation Phase and a Selection Phase. The Matriculation Phase involves a short-listing process so as to ensure applicants who are selected have the capacity during the upcoming season to utilize their licences, if so awarded. All applicants who attain a score of eight (8) points or more during the Matriculation Phase will be short-listed and will proceed to the Selection Phase. The Selection Phase involves assigning licence(s) to the top applicants who attain the highest score based on the number of available licences for the upcoming season; for example, if twelve (12) licences are available and twenty (20) applicants matriculate (having scored above the minimum score during the Matriculation Phase) the Selection Phase will indicate the twelve (12) applicants (who attained the twelve (12) highest scores) to be issued a licence. Mindful of the aforementioned example, should there be a tie of the score of the twelfth (12<sup>th</sup>) and thirteenth (13<sup>th</sup>) applicants both will be issued a licence.

2. Upon the application for an Industrial Commercial Lobster Licences (Category “A”), where such an applicant applied for two (2) or more Category “A” Licences, wholly owns two (2) or more Motor Fishing Vessels (more than 50 feet in length, inboard engine, wash deck, and VSD & MAJ approved fishing vessel) and scores at least ninety (90) points during the Selection Phase, such applicants will be awarded at least two (2) Category “A” Licences pending the availability of licences. In addition, if twelve (12) licenses are available and seven (7) applicants matriculate, the weighing process will indicate the top five (5) applicants (applicants with the five (5) highest scores) who are to be assigned an additional licence, whilst the remaining two (2) applicants will automatically be assigned one (1) licence each.

3. Applicants who have successfully qualified for a licence over two (2) consecutive application periods but have not activated their licences over these said two (2) periods, will not be considered for a licence on the immediate third application process; for example, if an applicant applied, qualified and was assigned a licence during the 2017/2018 and 2019/2020 lobster licence selection process but failed to activate it, he/she will automatically not matriculate during the 2021/2022 lobster licence selection process. Notwithstanding the foregoing, his/her application will however be considered during the 2023/24 lobster licence selection process.

### **7.3 The Matriculation Phase**

The four (4) criteria for each component(s), and the assessment and evaluation of specific component(s) for allocation of Individual Lobster Licence shall be:

#### **1. Motor Fishing Vessel**

All applicants must on the date of application show ownership or charter agreement of a local motor fishing vessel that has been in Jamaica, registered as a Jamaican company owner or the number of years that he/she has been owner/operator/charterer of a local vessel. The following documentation is also required:

- (a) A valid Certificate of Registry and a Small Vessel Safety Inspection Certificate issued by the Maritime Authority of Jamaica (MAJ) in respect of each motor vessel that the applicant proposes to use for the fishing of lobster.
- (b) Documentary evidence verifying that each vessel has satisfied all the relevant requirements under:
  - i. the Fishing Industry Act;
  - ii. Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing) Act;
  - iii. the Shipping Act; and
  - iv. any other relevant Act and/or Regulation.
- (c) Provide documentary evidence of reliable access to a decked vessel including a charter agreement with a Jamaican registered vessel.

#### **2. Number of Years in Lobster Fishery**

Industrial Commercial Lobster Licences (Category "A") shall be granted only to Jamaican nationals or Jamaican registered companies. Where an applicant was licensed as an individual and subsequently forms a company, in which he is the majority shareholder, then his history as an individual licensee shall be carried over to the new company's history as an individual licensee.

The start year for this Regime shall be 1995, the same start year as the Conch Regime.

- (a) Number of years in lobster industry

- (i) Documentary evidence verifying the total number of years that the applicant has been involved in the lobster industry.
- (b) Historical Landings
  - (i) Documentary evidence verifying the quantity of lobster exported or sold by the applicant from 1995 to present.
  - (ii) Documentary evidence of historical landings (i.e., total quantity of lobster landed by the applicant from 1995 to present).
- (c) Historical Performance (Individual utilization of Lobster Licence)

Documentary evidence (e.g. bill of lading/airway bill) verifying the total quantity of lobster meat exported or sold locally from 1995 to present. For every shipment, a copy of the airway bill or bill of lading and a commercial invoice with the official stamp of the Customs Department affixed to it must be submitted as proof of exportation.
- (d) Support with respect to the research of the lobster fishery towards the benefit of the growth and development of the industry.

### **3. Traps and associated gear**

- (a) Use of only traps to harvest spiny lobster for the long-term sustainable use and contribution of Spiny Lobster fishery to Jamaica's social and economic development and food security.
- (b) Present for inspection and verification to the Licensing Authority a maximum of 2000 clearly marked and sequenced traps to harvest spiny lobsters for the upcoming 2017/18 Spiny Lobster Fishing Season. Notwithstanding, Industrial Lobster Fishers may have up to 10% additional traps to facilitate necessary repairs or replacement throughout the season.

### **4. Investment: Verified, specific and relevant lobster industry investment - boat, plant, live lobster tank, and refrigerated truck. (Points have already been allocated for traps; hence, the cost for traps is not to be included in Investment calculations)**

A verified valuation must be presented for all relevant investments involved in the harvesting of lobster. Valuations of assets will be applicable for twenty four (24) months from the date of issue.

- (a) Only valuations or a letter of indication of value from valuers/appraisers approved by the Licensing Authority will be accepted.

- (b) Ownership of relevant investments including plant, live lobster tank and motor fishing vessels, must be verified by the submission of an authentic certificate of title/ ownership (for example, duplicate certificate of title or lease for real estate or Maritime Authority Certificate of Registry).
- (c) Where two (2) or more applicants, who submit separate and individual application for a Lobster Licence, have joint ownership of a relevant property which is characterized as a lobster industry investment; for example motor fishing vessel, plant, live lobster tank, and refrigerated truck, the value of such property will be apportioned to each applicant based on the percentage of shares each holds within the individual property. It is the responsibility of the applicants to provide the necessary legal documentary evidence to facilitate the apportionment process upon submission of their initial application for the licence.

<b>Criteria</b>	<b>Score Matrix</b>	<b>Points Assigned</b>
1. Motor Fishing Vessel ( 40%) (more than 50 feet in length, inboard engine, wash deck, and VSD & MAJ approved fishing vessel)	0. No vessel arrangement 1. Charter arrangement 2. 25% owned 3. 50% owned 4. >75% owned	0 1 2 3 4
2. Number of Years in Lobster Fishery (15%) (Years with no activation of licence or productivity (Fisheries/VSD landings) will not be considered)	0. < 1 year 1. 1 - 5 years 2. 6 - 15 years 3. 16 - 25 years 4. > 26 years	0 1 2 3 4
3. Traps and associated gear (20%)	0. No trap 1. < 1000 traps 2. 1000 - 1500 traps 3. 1501 - 2000 traps 4. > 2200 traps	0 1 2 3 4
4. Investment (Use of local Artisanal Fishers) Verified investment, boat, plant, operational live lobster tank (25%)	0. < \$50 Million 1. >\$50 Million 2. >\$75 Million 3. >\$100 Million 4. >\$150 Million	0 1 2 3 4
Total Maximum Score: 16 Minimum Score Required: 8		

All applicants who attain a score of eight (8) points or more during the Matriculation Phase will be short-listed and will proceed to the Selection Phase. Notwithstanding, the applicant(s) described below in sub- paragraphs a., b. and c. will automatically not matriculate and thus will not be permitted to proceed to the Selection Phase for that particular lobster season:

- a. All applicants who attain a score of seven (7) points or less during the Matriculation Phase.
- b. An applicant who has successfully qualified for a licence over two (2) consecutive lobster application periods but failed to activate his/her licence over these said two (2) lobster application periods.
- c. An applicant who does not own wholly or at least 25% verified portion of or has a charter agreement with respect to a Jamaican registered wash deck fishing vessel which is more than fifty (50) feet in length with an inboard engine that is Veterinary Services Division (VSD) and Maritime Authority of Jamaica (MAJ) approved.

#### **7.4 The Selection Phase**

The Selection Phase involves assigning licence(s) to the top applicants who have matriculated based on the number of available licences for the upcoming season. Below is the weighing assigned to each criterion.

##### **1. Motor Fishing**

**Total 40 Points: More than 50 feet in length, inboard engine, wash deck and VSD & MAJ approved**

- Part or ownership by applicant - 100% of Weight
- Charter/Lease of Jamaican flagged vessel - 50% of Weight
- No arrangement or owned vessel - 0% of Weight

##### **2. Historical Involvement & Performance of Fishing, Trading & / Export of Lobster**

**Total 15 Points: Start year for historical involvement is 1995**

- Over 26 Years - 100% of Weight
- 16 – 25 Years - 80% of Weight
- 6 – 15 Years - 60% of Weight
- 3 – 5 Years - 40% of Weight
- 1 – 2 Years - 20% of Weight
- Less than 1 Year - 0% of Weight

### **3. Equipment – traps, pots, trap haulers**

**Total 20 Points: Appropriately marked and sequenced, inspected and verified**

- 2,200 traps / pots, trap haulers - 100% of Weight
- More than 2,000 traps/pots, haulers - 75% of Weight
- More than 1,500 traps / pots, haulers - 50% of Weight
- Lease of traps and pot haulers with vessel /  
Less than 1,500 traps / pots, haulers - 25% of Weight
- Less than 1,000 traps - 0% of Weight

### **4. Investment value of vessels and / or Processing Plant**

**Total 25 Points: Capped at \$150 Million and affirmed by an independent Valuator (Points have already been allocated for traps; hence, the cost for traps is not to be included in Investment calculations)**

- More than \$150 Million - 100% of Weight
- \$101 - \$150 Million - 80% of Weight
- \$76 - \$100 Million - 60% of Weight
- \$50 - \$75 Million - 40% of Weight
- More than \$25 Million - 20% of Weight
- Less than \$25 Million - 0% of Weight

## **8 REQUIREMENTS ON BEING ASSIGNED A LOBSTER LICENCE**

### **8.1 Payment of Licencing Fee**

The Licensing Authority may, on the payment of the licencing fee (details outlined in Appendix “B”) and subject to such terms and conditions as he may determine, issue a lobster fishing vessel licence in the prescribed form to successful lobster licence applicants pursuant to the Selection Phase, authorizing the use of their fishing vessel for the purpose of fishing for lobster in the fishery waters accordingly.

### **8.2 Time Period to Activate Spiny Lobster Industrial Motor Fishing Vessel Licence**

1. Every successful applicant for a Spiny Lobster Industrial Motor Fishing Vessel licence (Category “A”) as of the 2017/18 Spiny Lobster Fishing Season and subsequent lobster seasons shall activate the licence(s) within two (2) months of the commencement of the opening of the Spiny Lobster Fishing Season.

2. Failure to activate the licence(s) for a Spiny Lobster Industrial Motor Fishing Vessel within two (2) months of the commencement of the Spiny Lobster Fishing Season shall result in the immediate revocation of the licence(s) for a Spiny Lobster Industrial Motor Fishing Vessel for that particular Spiny Lobster Fishing Season by the Licensing Authority.
3. Every applicant that is granted a Spiny Lobster Industrial Motor Fishing Vessel licence subsequent to the commencement date of the season for example the 2017/18 spiny lobster fishing season shall activate the licence within two (2) months of the date of the notification of the granting of the licence.
4. Failure to activate the licence for a Spiny Lobster Industrial Motor Fishing Vessel within two (2) months of the date of the notification of the granting of the licence, subsequent to the commencement date of the season, shall result in the immediate revocation of the licence for a Spiny Lobster Industrial Motor Fishing Vessel for the season by the Licensing Authority, for example the 2017/18 Spiny Lobster Fishing Season.

### **8.3 Time Period to Utilize Activated Spiny Lobster Industrial Motor Fishing Vessel Licence**

1. Every activated Spiny Lobster Industrial Motor Fishing Vessel Licence for each Spiny Lobster Fishing Season shall be utilized within one (1) month of the activation.
2. Failure to utilize the activated licence(s) for a Spiny Lobster Industrial Motor Fishing Vessel within one (1) month of the date of activation may result in the cancellation of the licence(s) to fish for Spiny Lobsters provided that the licence holder, upon being served with a written notice issued by the Licensing Authority of the intention to cancel the licence, provide proof to the contrary, to include, but not limited to the following:
  - (a) Departure and arrival of the licensed vessel (including notices of departure and arrival to the Fisheries Division and the Veterinary Services Division (VSD));
  - (b) GPS track of the licensed vessel(s) for each voyage to fish for spiny lobster; and
  - (c) Data regarding spiny lobsters caught on each trip to fish for spiny lobster (including Transport Certificate of each fishing trip for spiny lobster issued by the VSD).
3. Every licence holder of a Spiny Lobster Industrial Motor Fishing Vessel is required to engage in consistent and frequent spiny lobster fishing operations within the period of validity of the licence.
4. In the case of a vessel that was previously activated and utilized and subsequently becomes non-operational, the said licence may be cancelled by the Licensing Authority if the period of non-operation exceeds four (4) months.

#### **8.4 Inspection of vessel and verification of traps**

1. Each Spiny Lobster Industrial Motor Fishing Vessel (MFV) shall –
  - a. be inspected by an officer(s) from the Fisheries Division to determine the vessel's suitability to engage in Spiny Lobster Industrial Fishing activities;
  - b. use only traps to harvest spiny lobsters;
  - c. use a maximum of 2,200 traps to harvest spiny lobster for the Spiny Lobster Fishing Season;
  - d. present for inspection all marked and sequenced traps to be used for that particular lobster season for verification to the Licensing Authority.
2. Every trap shall, at all times when such traps are being used for fishing, be identifiable by having attached or painted on it the registration number of the Industrial Spiny Lobster Motor Fishing Vessel by which it is being used or upon which it is being carried.

#### **8.5 Products shall be landed in Jamaica, transshipment, harvesting of other species prohibited**

- a. Every owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel and any persons on board such vessel or conveyance operating in support of such vessel are subject to the conditions below which shall be read as one with all other Conditions of Licences and/or legal requirements under the Fishing Industry Act;
- b. Every owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel (MFV) and any persons on board such vessel or conveyance operating in support of such vessel shall –
  - i. harvest only spiny lobster (*Panulirus argus*) and no other species of fish without authorization from the Licensing Authority;
  - ii. land all spiny lobster, whether whole or part thereof in Jamaica;
  - iii. be prohibited to trans-ship spiny lobster, whether whole or part thereof or any other species of fish to any vessel or other conveyance without authorization in writing from the Licensing Authority.

#### **8.6 Procurement of fuel and other supplies in Jamaica**

- a. Every owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel and all persons on board such vessel or conveyance operating in support of such vessel are subject to the conditions below which shall be read as one with all other Conditions of Licenses and/or legal requirements under the Fishing Industry Act.

- b. Every owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel and any persons on board such vessel or conveyance operating in support of such vessel shall-
  - i. present certified copies of original documentation or certified Declaration to the Licensing Authority to verify the fuel capacity and average fuel usage rate of the vessel;
  - ii. subject to Section 8.3, procure all fuel and all other supplies (food, etc.) in Jamaica;
  - iii. present certified copies of original documentation to the Licensing Authority to verify that all fuel and other supplies for the operation during the Spiny Lobster Fishing Season were procured in Jamaica;
  - iv. Where a motor fishing vessel is not moored in Jamaica, the motor fishing vessel may procure enough fuel and other supplies (food, etc.) outside of Jamaica in order to transit to Jamaica. Every owner or operator of a motor fishing vessel that procures fuel and other supplies (food, etc.) outside of Jamaica in order to transit to Jamaica shall upon arrival in Jamaica provide to the Licensing Authority a certified Declaration with the following information –
    - i. The quantity of fuel and other supplies remaining;
    - ii. An estimate of the additional quantity of fuel and other supplies required to operate for the Spiny Lobster Fishing Season;
    - iii. Any other relevant information as determined by the Licensing Authority.

## **8.7 Provision of Data and Information**

The maximum number of licences for industrial lobster fishing vessel shall be determined by scientific data, as well as data collected from industrial license holders.

- a. All Jamaican industrial vessels shall install GPS tracking devices, to which Authorized Officers of the Government of Jamaica are granted access to monitor and conduct tracking in order to ensure traceability. All industrial licence holders are to present traps as prescribed earlier, prior to receiving a licence to fish.
- b. The owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel and any persons on board such vessel or conveyance operating in support of such vessel shall –
  - i. Ensure strict compliance with data collection efforts of the Fisheries Division by accurately preparing vessel log reports;
  - ii. Utilize vessel position monitoring (or GPS) systems and providing said GPS data to the Fisheries Division;
  - iii. Facilitate data collectors and complying with fishery inspectors at the inspection and verification of landings;

- iv. Cooperate with the Fisheries Division to conduct a survey of the Spiny Lobster population(s) on the Pedro Bank and Island-shelf beginning in 2017;
- v. Provide all other data and information deemed necessary by the Licensing Authority.

### **8.8 Reporting Conflict and Resolution**

Every owner or operator of an licensed Industrial Spiny Lobster Motor Fishing Vessel (MFV) or any person on board such vessel or conveyance operating in support of such vessel shall –

- a. Report in writing all incidences involving but not limited to the destruction, damage, displacement, disturbance, removal of fishing equipment (including trap, net, lines, vessels) to the Licensing Authority within five (5) days of the incident;
- b. Make all reasonable attempts to identify and compensate the owner of the fishing equipment referred to at (a) above; and
- c. Report in writing to the Licensing Authority the outcome of negotiations and/or compensation to the owner of the equipment referred to at (a) above.

### **8.9 Affirming Investment Criteria**

An independent Valuator will be appointed through the Ministry of Industry, Commerce, Agriculture and Fisheries to affirm the investment value for each applicant. Applicants who traditionally applied for an Industrial Conch Licence, as well as an Industrial Lobster Licence will be required to present to the Valuator the applicable machinery for both fishery species so as to facilitate the Valuator to assign two (2) separate investment values (one for conch and another for lobster) so as not to have the Valuator having to return to that specific entity to conduct another investment affirmation during the Lobster Application process.

### **8.10 Transfer of Licence from Assigned Vessel**

An Industrial Lobster Licence is issued to a particular individual or a registered Jamaican Company. Such license is linked directly to the vessel which the applicant or company stated on their application and is to be utilized to fish for lobster. At no time can the same fishing vessel be utilized by two (2) different applicants on an application or licensee simultaneously to fish for lobster. If a vessel to which a lobster licence is issued becomes unserviceable or unavailable for a duration exceeding three (3) months, the applicant may advise the Licensing Authority in writing so as to facilitate the Authority to reassign the licence to another wash deck, inboard engine, Jamaican flagged fishing vessel (greater than fifty (50) feet in length) if the applicant so desires, provided that the particular vessel was not already assigned a licence for that particular season.

### **8.11 Refusal to Grant Licence**

The Licensing Authority may refuse to license a vessel as a Spiny Lobster Industrial Motor Fishing Vessel if the owner of the vessel or the vessel fails to satisfy any requirement or condition under the Fishing Industry Act, any other applicable law or the requirements of this Regime. A Lobster licence shall not be granted or be transferable to the relatives of licensee or applicant, director, shareholder, employee, parent, subsidiary related or associated company of any entity or company to which a lobster licence has been granted.

### **8.12 Suspension or Cancellation of Licence**

The Licensing Authority may suspend or cancel a licence for a Spiny Lobster Industrial Motor Fishing Vessel if the owner or operator of a licensed Spiny Lobster Industrial Motor Fishing Vessel or any person on board such vessel or conveyance operating in support of such vessel fails to comply with any of the terms and conditions of this Agreement or any other Conditions of Licences and/or legal requirements under the Fishing Industry Act.

### **8.13 Close Season**

The Spiny Lobster Industrial Fishing Licences will be valid for two (2) years; however, no fishing of lobster is allowed during the close season commencing the 1<sup>st</sup> day of April annually and terminating on the 30<sup>th</sup> day of June when the season reopens.

## **9 REVIEW OF THE LOBSTER FISHERY REGIME**

This Lobster Fishery Regime will be reviewed within the Ministry of Industry, Commerce, Agriculture and Fisheries, no later than two (2) years after its initial effective date and at least every three (3) years thereafter.

The long-term objectives for the Lobster Fishery Regime is centred on maintaining the viability of the fishery, promoting local ownership of the fishing vessel fleet, promoting shared stewardship, optimizing benefits for participants and local communities as well as minimizing illegal, unreported and unregulated (IUU) fishing of lobster within Jamaica's maritime jurisdiction. Evaluation criteria of the Lobster Fishery Regime include:

- Collection of Catch and Effort information through monitoring documents.
- Dockside checks by Fisheries Division staff.
- Essential data to assess the health of the lobster stock collected.
- Communication to industry.
- Feedback from industry.
- Overall adherence to the Lobster Fishery Regime.
- Sustainability of the fishery.
- Transparent and objective assignment of lobster licences.

- Abundance survey of the fishery.

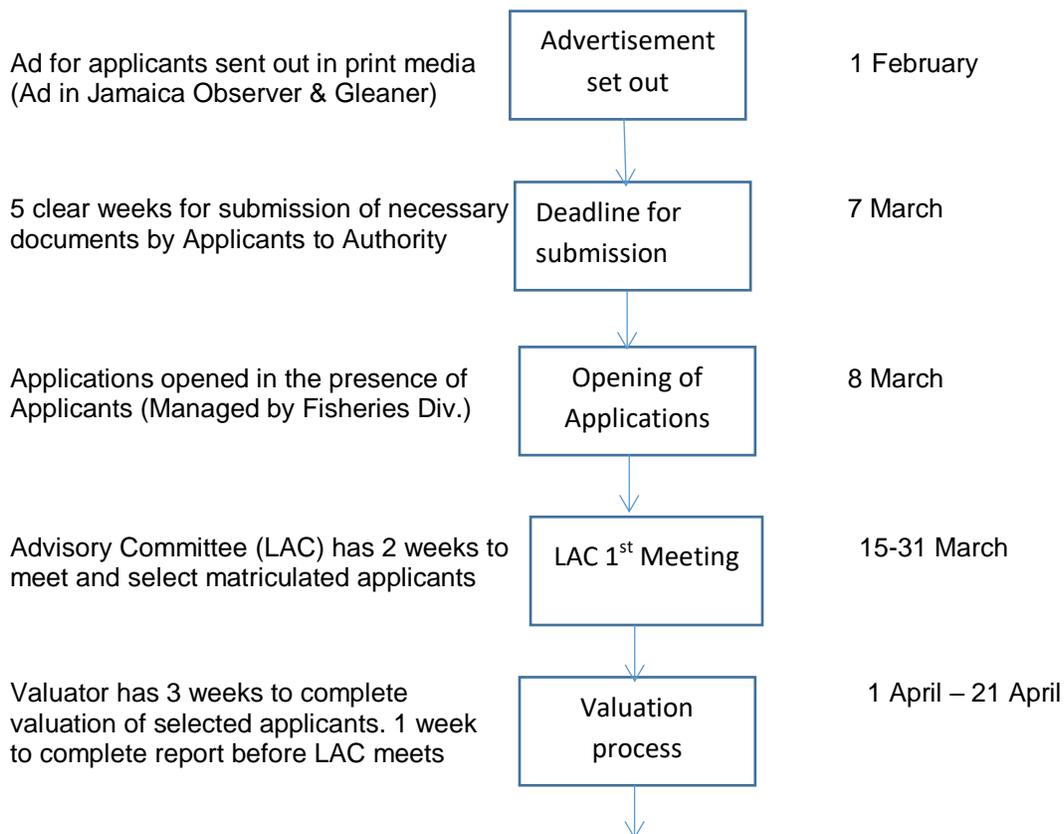
The development of a precautionary approach with identification of effective measures will be a major performance indicator. The goal of the Lobster Fishery Regime in this regard is expected to advance the efforts to achieve both conservation and socio-economic goals.

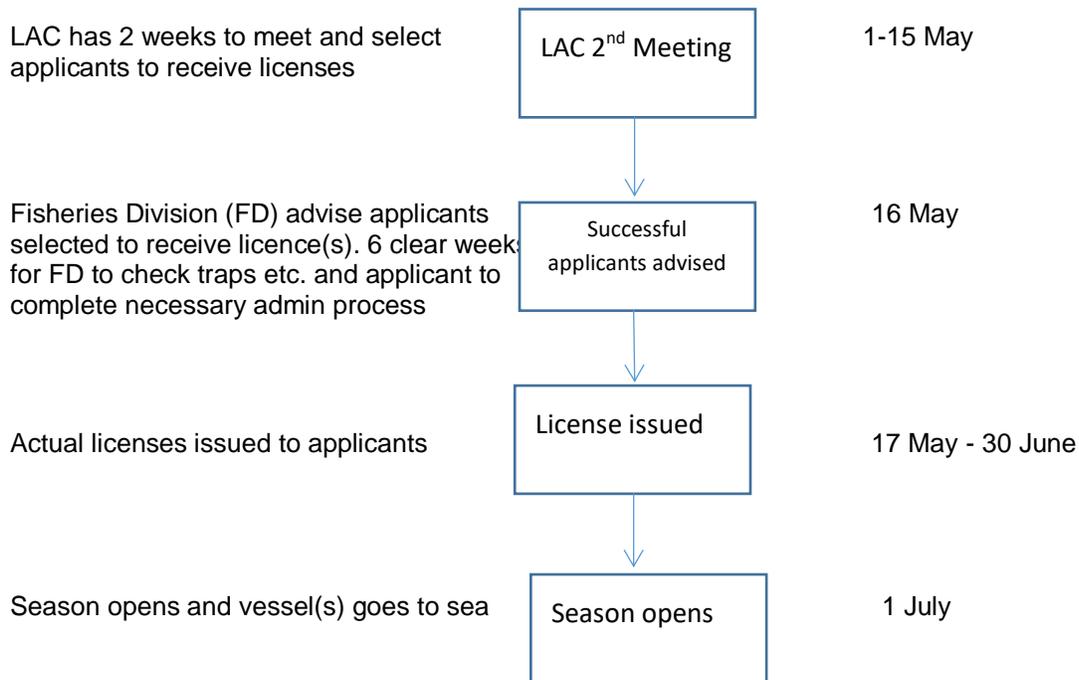
Dated this 4<sup>th</sup> (day) of January (month), 2017 (year)

The Honourable Karl Samuda, CD, MP  
**Minister of Industry, Commerce, Agriculture and Fisheries**

### Appendix “A”

#### Flow Chart for the Application Process for Category “A”, “B”, & “C” Issuance of Lobster Licence





**Appendix “B”**

Applicable Fees – Lobster Fishery

Application Fee for Vessel and Fisher (each) (Fee for two (2) year duration)

- Industrial (Category “A”) - \$7,500.00
- Commercial Artisanal (Category “B”) - \$6,250.00
- Commercial Restricted (Category “B<sub>1</sub>”) - \$6,250.00
- Carrier (Category “C”) - \$6,500.00
- Exploration/Research (Category “D”) - \$7,500.00

Application Fee for Lobster Licence (Fee for two (2) year duration)

- Industrial (Category “A”) - \$125,000.00
- Commercial Artisanal (Category “B”) - \$50,000.00
- Commercial Restricted (Category “B<sub>1</sub>”) - \$30,000.00
- Carrier (Category “C”) - \$75,000.00
- Exploration/Research (Category “D”) - \$125,000.00

Respective Licencing Fee on successful selection (Fee for two (2) year duration)

Industrial (Category "A") - \$87, 500. 00

Commercial Artisanal (Category "B") - \$17, 500

Commercial Restricted (Category "B<sub>1</sub>") - \$10,000.00

Carrier (Category "C") - \$25,000.00

Exploration/Research (Category "D") - \$87, 500. 00

Inspection Fee for each Vessel (per vessel annually)

Industrial Vessel (inboard engine, wash deck) - \$1,000.00

Open Decked Vessel (canoe) - \$800.00

Carrier Vessel (Category "C" vessel) - \$900.00