



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 24, 2015

**To: American Lobster Management Board**  
**From: Law Enforcement Committee**  
**RE: Draft Jonah Crab Fishery Management Plan Comments**

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission held a teleconference call on Thursday, July 23<sup>rd</sup> to review and consider input on draft management options for the draft Jonah Crab Fishery Management Plan. The following members participated in the call:

Jon Cornish (ME)  
Honnie Gordon (USFWS)  
Wayne Hettenbach (USDOJ)  
Katie Moore (USCG)  
Pat Moran (MA)  
Eric Provencher (NOAA)  
Rama Shuster (FL)  
Jason Snellbaker (NJ)  
Carter Whitten (NC)

Additionally, prior to the conference call, a subcommittee of the LEC participated in a field visit to the dockside and processing operations for Jonah crab in New Bedford, MA. The subcommittee was made up of:

Kurt Blanchard (RI)  
Jon Cornish (ME)  
Pat Moran (MA)  
Eric Provencher (NOAA)

The following comments and recommendations are made on behalf of the LEC.

### **Commercial Fisheries Management Measures**

#### ***Issue 1: Permits***

**The LEC recommends Option 5 (Participation only for those persons or vessels that already hold a lobster permit).**

Enforcement is well established for the current American lobster fishery and we feel that, rather than implementing an entirely new permit, trap, and participant system for Jonah crab, enforcement would best be served by continuing to manage this fishery under the existing lobster fishery. It would potentially eliminate the proliferation of traps and lines for a different fishery and the management of a new set of permit-holders, with the inherent complications that would be likely to ensue. It has been our observation that the current lobster fishery successfully uses

lobster traps to harvest Jonah crabs in large quantities and enforcement would be easily incorporated into existing, established enforcement protocols and platforms for the lobster fishery.

The LEC discussed the possible need and advantage of being able to assess the extent of the Jonah crab fishery, and to the extent an endorsement attached to lobster or other gear permits would aid that assessment, we do not see a problem with implementing such an endorsement.

***Issue 2: Minimum Size***

**The LEC recommends Option 5 (4.75” minimum size).**

Based on our observations and information from industry and biological experts, this size limit seems optimal, particularly in that it would obviate the need for a minimum size tolerance, or a tolerance for the number of female crabs.

***Issue 3: Commercial minimum size tolerance***

**The LEC recommends Option 1 (No tolerance for undersize crabs).**

In general, size or numeric tolerances introduce a serious enforcement complication that appears unnecessary for this fishery if an optimal minimum size limit is selected. In large part we recommend the 4.75-inch minimum size because we understand it would accommodate the bulk of the currently harvested crabs, and would match up well with marketable sizes. Tolerances are notoriously difficult to enforce in the field. For example, a large off-load may require a team of officers to check. Courts have also ruled that limited sampling of a catch may be inadequate for purposes of prosecution. In this particular fishery, once crabs are off-loaded at processing sites, or are being transported in commerce, the otherwise reasonable amount of sorting, separating, and re-batching of crabs would make any effective enforcement of a size tolerance impossible. In short, a size tolerance would reduce the amount of effective enforcement that may be brought to bear.

The LEC also discussed the value of clearly marking containers coming off of vessels to facilitate identification of catch once it enters a processing site or dealer facility. Because of the potential for immediate separation or sorting of a vessel’s catch, such identification would provide a level of protection for both the fisherman and the dealer in the event of enforcement inspections.

***Issue 4: Crab Part Retention***

**The LEC recommends Option 2 (only whole crabs may be retained and sold).**

Introducing an option to retain parts or remove claws will complicate effective enforcement of a minimum-size standard, and introduces an opportunity to move undersized crabs through the system. Adding an additional measurement standard for claws, such as a count per pound or something similar, will greatly complicate enforcement requirements to monitor and inspect fishing.

***Issue 5: Prohibition on Retention of Egg-Bearing Females***

**The LEC recommends Option 2 (Egg-bearing females may not be retained).**

We do not support a tolerance for the reasons spelled out under Issue 3. Additionally, it will be possible to enforce a prohibition on egg-bearing females because female crabs and egg-bearing females are relatively easy to identify in the field.

***Issue 6: Incidental Bycatch limit for non-trap gear***

**The LEC recommends Option 2 (200 pounds per day up to a max of 500 pounds per trip)**

We believe a strict bycatch limit is consistent with our recommendation to establish the Jonah crab fishery within the structure and permit system of the American lobster fishery.

**Recreational Fisheries Management Measures**

***Issue 1: Possession limits***

**The LEC recommends a third option requiring a minimum size limit**

Apart from a 50-whole-crab limit, the LEC recommends that the same whole-crab minimum size limit apply to recreational harvest as is established for commercial harvest. We do not recommend allowing possession of parts or claws if that is not allowed for the commercial fishery. We believe this recommendation is consistent with efforts to establish a minimum size limit that fully protects egg-bearing females. It eliminates confusion and ambiguity about whether undersized crabs were caught commercially or recreationally. In both Maine and Massachusetts, the same size limit is applied to both commercially and recreationally harvested lobsters and has served well for that fishery. We believe it would be equally effective for the Jonah crab fishery.

***Issue 2: Prohibition on Retention of Egg-Bearing Females***

**The LEC recommends Option 2: Egg-bearing females may not be retained.**

We make this recommendation consistent with our previous comments regarding the commercial management measures addressing egg-bearing females.

The LEC greatly appreciates the opportunity to provide enforcement input and advice regarding the development of a fishery management plan for Jonah crab.