

Atlantic States Marine Fisheries Commission

American Lobster Management Board

January 23, 2024

12:30 – 2:30 p.m.

Hybrid Meeting

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*J. McNamee*) 12:30 p.m.
2. Board Consent 12:30 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2023
3. Public Comment 12:35 p.m.
4. American Lobster Technical Committee Report (*T. Pugh*) 12:45 p.m.
 - Information on Lobster Resource and Fishery Near the Northern Edge of Georges Bank
5. Jonah Crab Technical Committee Report (*C. Truesdale*) 1:00 p.m.
 - Jonah Crab Stock Indicators
 - Discuss Future Management Tools
6. Discuss Implications of 2025 Size Limit Changes on Imports (*C. Starks*) 1:25 p.m.
Possible Action
7. Consider Pursuing a Management Strategy Evaluation for American Lobster (*J. McNamee*) **Possible Action** 1:35 p.m.
8. Discuss Inconsistencies in Federal and Commission Rules for Lobster Conservation Management Areas 2 and 3 (*C. Starks, A. Murphy*) 1:45 p.m.
9. Progress Update on State Implementation of Addendum XXIX on Federal Vessel Trackers (*J. McNamee*) 2:10 p.m.
10. Progress Update on American Lobster Benchmark Stock Assessment (*J. Kipp*) 2:20 p.m.
11. Review and Populate Jonah Crab Advisory Panel Membership (*T. Berger*) **Action** 2:25 p.m.
12. Other Business/Adjourn 2:30 p.m.

The meeting will be held at The Westin Crystal City, 1800 Richmond Highway, Arlington, VA; 703.486.1111, and via webinar; click [here](#) for details.

MEETING OVERVIEW

American Lobster Management Board

January 23, 2024

12:30 – 2:30 p.m.

Hybrid Meeting

Chair: Dr. Jason McNamee (RI) Assumed Chairmanship: 02/22	Technical Committee Chair: Tracy Pugh (MA)	Law Enforcement Committee Representative: Rob Beal (ME)
Vice Chair: Pat Keliher (ME)	Lobster Advisory Panel Chair: Grant Moore (MA) Jonah Crab Advisory Panel Chair: Sonny Gwin	Previous Board Meeting: October 16, 2023
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2023

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. American Lobster Technical Committee Report (12:45-1:00 p.m.)

Background

- In October the Board tasked the lobster Technical Committee (TC) with compiling information on the lobster resource and fishery in and around the Northern Edge of Georges Bank in relation to a potential action at the New England Fishery Management Council (NEFMC) considering scallop fishery access on the Northern Edge.
- The TC developed a report responding to the Board Task (**Supplemental Materials**).

Presentations

- TC Report on Lobster Resource and Fishery around the Northern Edge by T. Pugh

5. Jonah Crab Technical Committee Report (1:00-1:25 p.m.)

Background

- The 2023 Jonah Crab Benchmark Stock Assessment indicated that the Jonah crab stock has not been depleted to historical lows. However, the Peer Review noted substantial uncertainty about stock status, and recommended monitoring the stock closely.

- In October the Board tasked the Jonah Crab TC with making recommendations regarding stock indicators and potential future management measures. The TC developed a report responding to the Board task (**Briefing Materials**).
- The TC also requested feedback from the Jonah Crab AP on potential market and economic factors driving trends in the fishery. The AP met on December 14, 2023 to review the benchmark stock assessment for Jonah crab and provide input to the TC (**Briefing Materials**).

Presentations

- Jonah Crab TC Report by C. Truesdale

6. Discuss Implications of 2025 Size Limit Changes on Imports (1:25-1:35 p.m.) Possible Action

Background

- The Mitchel provision of the Magnuson-Stevens Act exists to prevent imports of lobster below the US minimum size into US commerce.
- The 2025 size limit change required under Addendum XXVII could result in differing size limits for the US and Canada. Questions have been raised about enforcement and other issues due to this difference.

Presentations

- Overview of Size Limit Implications by C. Starks

Board Actions for Consideration at the Meeting

- Consider making recommendations to NOAA Fisheries regarding clarification of how the Mitchell Provision applies to lobster imports

7. Consider Pursuing a Management Strategy Evaluation for American Lobster (1:35-1:45 p.m.) Possible Action

Background

- In May 2021 the Board reviewed TC recommendations on a Management Strategy Evaluation (MSE) for the lobster fishery. The TC recommended the Board pursue a two-phase MSE focused on the GOM/GBK stock, with the goal of providing short-term management guidance at the stock-wide scale while concurrently building the framework to expand the MSE to provide long-term, spatially-explicit management advice. As next steps, the TC recommended a formal process to develop management goals and objectives for the future of the lobster fishery, and forming a steering committee for additional scoping and work plan development (**Briefing Materials**).
- The Board expressed interest in pursuing an MSE but postponed any action on development of an MSE in order to prioritize work on Draft Addendum XXVII. This issue was last discussed by the Board in August 2021.

Presentations

- Overview of Management Strategy Evaluation by J. McNamee

Board Actions for Consideration at the Meeting

- Consider initiating an MSE for American Lobster

8. Discuss Inconsistencies in Federal and Commission Rules for Lobster Conservation Management Areas 2 and 3 (1:45-2:10 p.m.)

Background

- NOAA fisheries has published an [interim rule](#) that responds to the Commission’s 2013 recommendations to NOAA to adopt the measures in Addenda XXI and XXII in federal waters. The Addenda aimed to scale the capacity of the Southern New England (SNE) fishery to the diminished size of the SNE resource. However, over a decade has passed since the date when the Commission intended for these federal measures to be implemented.
- Due to the delay between the Commission’s adoption of the Addenda and federal implementation, there have been significant changes in the fishery. Also, some aspects of the federal rulemaking differ from the measures included in Addenda XXI and XXII.

Presentations

- Overview of Federal and Commission Rules for LCMAs 2 and 3 by C. Starks and A. Murphy

9. Progress Update on State Implementation of Addendum XXIX on Federal Vessel Trackers (2:10-2:20 p.m.)

Background

- Addendum XXIX was approved in 2022 and established electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fisheries.
- The Addendum is effective as of December 15, 2023, though there have been some delays in state regulations.

10. Progress Update on American Lobster Benchmark Stock Assessment (2:20-2:25 p.m.)

Background

- A benchmark stock assessment for American Lobster is scheduled for completion in 2025.

Presentations

- Progress on American Lobster Benchmark Stock Assessment by J. Kipp

11. Review and Populate Jonah Crab Advisory Panel Membership (2:25-2:30 p.m.) Action

Background

- Denny Colbert, a commercial offshore tarp fisherman from Massachusetts, has been nominated to serve on the Advisory Panel (**Briefing Materials**).

Board Actions for Consideration at the Meeting

- Approve Advisory Panel nomination

12. Other Business/ Adjourn



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: American Lobster Technical Committee
DATE: January 17, 2024
SUBJECT: Board Task on Lobster Information for the Northern Edge of Georges Bank

At the Board's October 2023 meeting, it tasked the Technical Committee (TC) with compiling information on the lobster resource and fishery in and around the Northern Edge of Georges Bank. This task is in response to a potential action at the New England Fishery Management Council (NEFMC) that is considering scallop fishery access on the Northern Edge of Georges Bank (see Figure 1). The Board requested information that could help characterize potential impacts on the lobster population and fishery in the area.

The TC met on December 8th, 2023 to discuss this task and identify available information relevant to the Board's request. Below are data sources that may be valuable in assessing the potential impacts of scallop fishery access in the Northern Edge area; they are organized by the topic areas included in the Board task. The TC did not have adequate time to perform analysis of these data, but where possible, preliminary conclusions are included. In addition, links to previous documents addressing concerns related to opening Closed Area II to mobile gear are included at the end of this memo, as the information contained within remains relevant.

1. Information on the presence and abundance of lobsters, including ovigerous lobsters, in and around the Northern Edge by month/season

- Data on lobster catch rates in scallop dredges by month in the area surrounding the potential scallop fishery access areas are available from the Coonammesset Farm Foundation's (CFF) seasonal bycatch scallop dredge survey. This work documented little seasonal variation in the catch of male lobsters, but a rapid increase in female lobsters in June that remained high until November; these lobsters were skewed to the larger sizes (C. Huntsberger, personal communication).
- The Commercial Fisheries Research Foundation (CFRF) has some fishery-dependent data for the areas north and south of the Northern Edge area (by statistical area) from their Lobster and Jonah Crab Research Fleet. Data include sex and size specific information, but can only be used to characterize the lobster catch, not to estimate relative abundance (the program is not designed to estimate CPUE or abundance). Data from inside the area of interest are not available. Data will need to be summarized to avoid confidentiality issues.
- New Hampshire Fish and Game (NHF&G) and Atlantic Offshore Lobstermen's Association (AOLA) can provide data from commercial logbooks collected in 2015, including spatial data on egg-bearing lobsters.
- Spatially explicit data are available from the Northeast Fisheries Science Center (NEFSC) federal trawl survey are sparse but can inform the distribution of lobsters (including large females) in May and October.

M24-12

- Tagging data are available from a recent collaborative study (AOLA, NHF& G and Maine Department of Marine Resources (MEDMR). The TC can assess the utility of these data for better understanding movement patterns on Georges Bank.
- Some federal observer data exists for the northern portion of the proposed area, which can be used to characterize lobster catch (catch rates, size, sex ratios, presence of egg-bearing females). Most of the data from this region were collected between 2013 and 2015 with 2015 being the most recent available data.
- It is possible that limited seasonal mobile gear access may be timed to avoid aggregations of reproductive female lobsters but further analysis on seasonal movement patterns is needed.

2. Lobster fishery effort in and around the Northern Edge by month/season

- Addendum XXIX requires federally-permitted lobster vessels to install tracking devices that capture the vessel's location once per minute. The only state that has implemented vessel trackers currently is Massachusetts. Using the limited data that have been received and processed by ACCSP (only since May 2023) from Massachusetts vessels only, a preliminary analysis was performed to assess fishing activity in the area. The analysis searched for trip records inside the eight 10-minute squares that encompass the Closed Area II Habitat Management Area. The results, summarized below, indicate that fishing activity has been occurring in or near the Closed Area II Habitat Management Area. It should be noted that numbers below represent an absolute minimum of fishing activity and only account for the few vessels that have installed tracking devices that had delivered the data successfully as of January 12, 2024.
 - 5 *identifiable* vessels were operating in the target area from May 2023 – January 12, 2024.
 - 34 trips, that could be matched by ACCSP, were taken in the target area from May 2023- January 12, 2024. More trips may have occurred over the time period.
 - Over 50,000 locations were sent to ACCSP where the vessel speed is calculated to be less than or equal to 5 knots. This is a proxy for when vessels are hauling or setting gear. This number does not equate to any number of traps or hauls.
- Data on the spatial distribution of fishing effort and catch rates in lobster traps are available through federal trip reports with vessels reporting one set of spatial coordinates per trip. Fishing effort is highly seasonal and a portion of the effort is reported inside the bounds of the proposed closure. Details of this data cannot be released at this time due to confidentiality but may be released with permission in the future.
- Seasonal effort location can be examined via Vessel Trip Report (VTR) data and more recent 10-minute square harvester reporting data. This will necessitate a data request to NMFS to include all available data (mostly NH & MA boats). Data display will likely be problematic due to confidentiality issues, but a general summary of patterns in the area should be possible.
 - New Hampshire has VTR data aggregated in over a 10-year period that can inform fishing effort in the Northern Edge area. Some of these data are likely to be confidential.
- Addendum XX to the Lobster FMP prohibits lobster gear in a portion of Closed Area II from November 1 to June 15 annually based on an agreement with the groundfish sector to prevent gear conflicts. This prohibited area is south of the Habitat Management Area where scallop

access is currently being considered. Opening access to mobile gear in the Habitat Management Area may cause additional trap gear displacement.

- CFRF Research Fleet data may provide some insight; however, the data cannot fully characterize effort, only indicate that there is some activity when/where Fleet sampling sessions occur.
- CFF data indicate higher levels of lobster bycatch (mostly female) in the scallop surveys immediately south and west of the area of interest occurred in late summer and early fall (the surveys were excluded from the actual area of interest). Anecdotal reports from former CFF staff (C. Huntsberger, personal communication) observed higher density of lobster gear in the area of interest in late summer.

3. Potential impacts of mobile gear on the lobster population in this area

- Data generated by the CFF scallop surveys in a nearby portion of Closed Area II indicate that lobsters retained in commercial scallop dredges are vulnerable to significant damage, with 34% of 783 observed lobsters experiencing lethal damage (Garcia et al. 2017). An additional 27% experienced moderate (likely sub-lethal) damage. The probability of lobsters experiencing moderate or lethal damage is partially linked to shell hardness, and thus the seasonality of the molt cycling. Therefore, lobster mortality may be partially mediated by seasonal restrictions in dredging activities.
- Addendum XX included a report from the TC on “Assessment of Trawl-Induced Damage to American Lobster” (Appendix A in Addendum XX). A study referenced in the TC report suggested that damage from scallop dredges was minimal, but the TC report highlighted that the lobster sampled in the study cited were on average much smaller than lobster in the population around Georges Bank. The TC noted that lobster size can affect damage rates as well as retention rates in the gear so these results may not apply to the area being considered.
- Analysis of environmental impacts of spatial management alternatives on the lobster population was included in the NEFMC Omnibus Essential Fish Habitat Amendment 2 approved in 2018.

4. Information on the habitat type and depth preference of lobsters which could inform our understanding of lobsters on the Northern Edge if there are limitations in the data

- Several studies have shown that adult lobsters tend to exhibit seasonal movement patterns, migrating to deeper water in the colder months and to shoal waters in the warmer months (Cooper and Uzmann 1971; Krouse 1973; Campbell and Stasko 1986; Campbell 1986). These directed movements may increase the rate of egg development, by increasing the degree-days they accumulate, and certain areas appear to be more attractive to reproductive females than others. Aggregations of egg-bearing lobsters have been documented on GBK (Campbell and Pezzack 1986; Henninger and Carloni 2016) as well as other offshore shoals in close proximity to deeper basins (Campbell 1990; Carloni and Watson 2018).
- The TC can examine existing Federal observer, CFRF Research Fleet, and NEFSC trawl survey data to evaluate whether the datasets could be used to characterize habitat associated with lobster catch (e.g., depth) in nearby areas accessible to these programs.
- The TC can request data from CFF and CFRF to further examine depth related patterns in size frequency, sex ratio, and reproductive status of the lobster catch.

5. Whether current reporting by Area 3 vessels is representative, or an underestimate, of lobster effort in the Northern Edge area and how future requirements will impact the data availability

- VTR data can be analyzed to gain some understanding of the seasonality of the lobster fishery effort in the Northern Edge area. The spatial resolution of the VTR data is limited because vessels report only a single latitude/longitude location instead of the coordinates for each trawl. However, virtually all vessels fishing this region since 2013 have been submitting federal VTRs, so estimates of total effort should be representative.
- Federal eVTRs will become required for all Federal American lobster permit holders beginning on April 1, 2024 which will improve the coverage of effort reporting for the Area 3 fleet and may improve data quality.
- Full implementation of vessel trackers on federally-permitted lobster vessels will greatly enhance our ability to address several of the questions raised. Note that because the area of interest is a small area, it is likely that effort data will be confidential at certain scales.

The TC will continue to evaluate data relative to this task as it becomes available, and can provide the Board with a more detailed report at the May meeting. In the meantime, the TC encourages the Board and NEFMC to revisit past documents relevant to mobile gear access to portions of Closed Area II which are linked below, and continue to exchange information with partners to avoid negative impacts to the lobster resource relative to the development of the NEFMC action. If NEFMC moves forward with allowing seasonal access to mobile gear in the Northern Edge area, the TC recommends it also implement observer requirements to document and characterize lobster bycatch. This will allow improved identification and evaluation of any potential lobster-related bycatch concerns within the currently closed area.

Links to Relevant Documents

Lobster Addendum XX (2013):

https://www.asmf.org/uploads/file/amLobsterAddendumXX_May2013.pdf

Technical Committee Memo (2015):

https://www.asmf.org/uploads/file/659d587dTC_ReportOnClosedAreaII_Reopening_Jan2015.pdf

NEFMC Omnibus Essential Fish Habitat Amendment 2 (Updated 2016):

https://d23h0vhs26o6d.cloudfront.net/OA2-FEIS_Vol_5_FINAL_161208.pdf

References

Campbell, A. 1986. Migratory Movements of Ovigerous lobsters, *Homarus americanus*, tagged off Grand Manan, Eastern Canada. *Marine Biology*, 92 (3): 393-404.

Campbell, Alan and D. S. Pezzack. 1986. Relative Egg Production and Abundance of Berried Lobsters, *Homarus americanus*, in the Bay of Fundy and off Southwestern Nova Scotia. *Canadian Journal of Fisheries and Aquatic Sciences* 43: 2190-2196.

Campbell A. and A.B. Stasko. 1986. Movements of lobster (*Homarus americanus*) tagged in the Bay of Fundy, Canada. *Marine Biology*, 92 (3): 393-404.

Carloni J.T., Watson W.H. III (2018) Distribution of ovigerous American lobsters near the Isles of Shoals, New Hampshire. Bull Mar Sci 94: 555–570.

Cooper, R.A. and J.R. Uzman. 1971. Migrations and growth of deep-sea lobster, *Homarus americanus*. Science, 171: 288-290.

Garcia, L, L Siemann, C. Huntsberger, S. Inglis, D. Rudders, R. Smolowitz. 2017. Optimizing the Georges Bank Scallop Fishery by Maximizing Meat Yield and Minimizing Bycatch. Final report for the 2015 Sea Scallop Research Set aside. (NA15NMF4540059)

Henninger H.P., Carloni J.T. 2016. Improving American lobster biological & catch/effort data for Georges bank, and characterizing American lobster seasonal eggger aggregation in closed area II (Statistical areas 561 & 562). Final report.

Krouse, J. 1973. Maturity, sex ratio, and size composition of the natural population of American lobster *Homarus americanus*, along the Maine coast. Fisheries Bulletin, 71: 165-173.

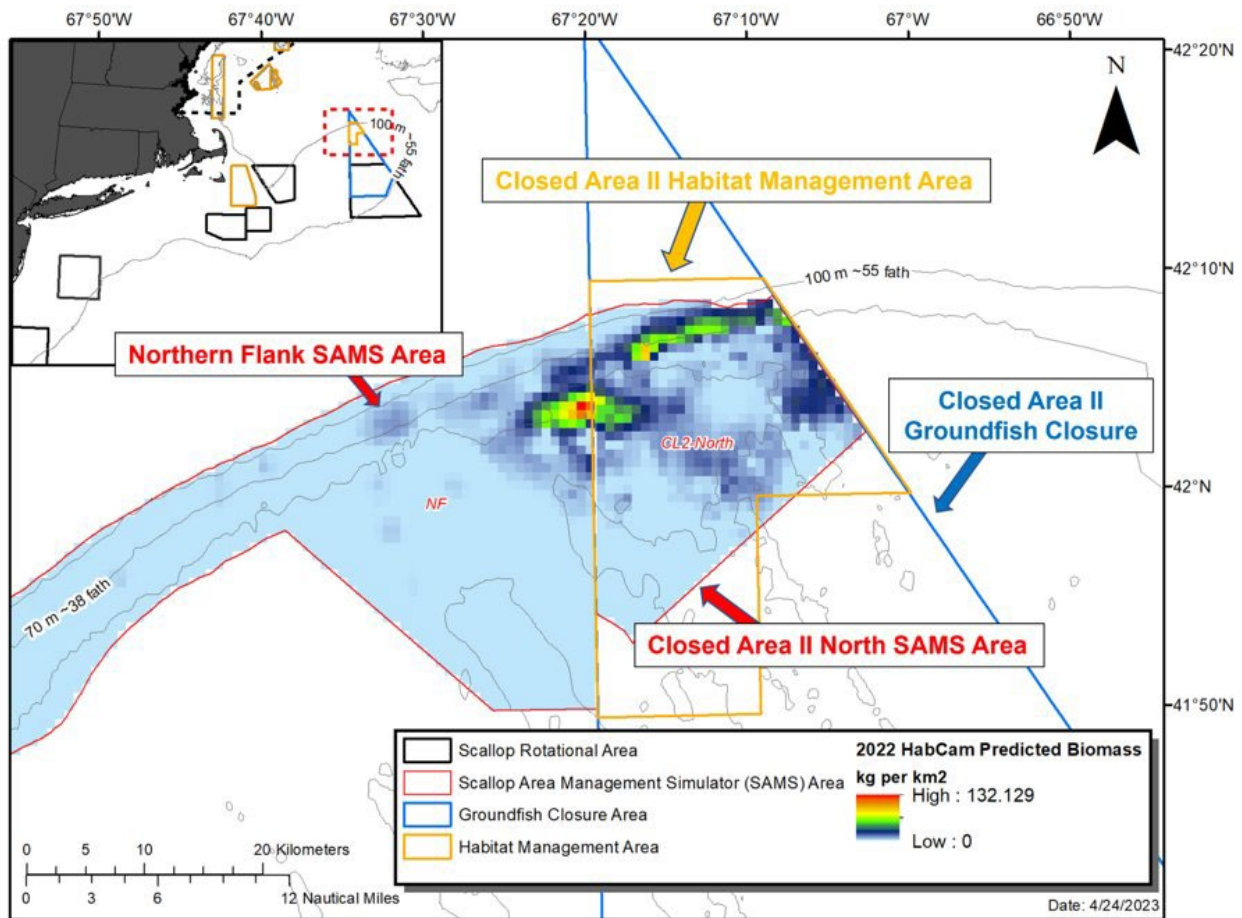


Figure 1. Closed Area II Habitat Management Area and surroundings. The Northern Edge is roughly defined as the area encompassed within the Closed Area II Habitat Management Area (HMA) and the adjacent portion of the Northern Flank of Georges Bank. Image source: New England Fishery Management Council (<https://www.nefmc.org/library/northern-edge>)



Atlantic States Marine Fisheries Commission

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American Lobster Public Input Meeting for LCMA 2 and LCMA 3 Meeting Summary

Webinar
January 10, 2024

Attendance: Dennis Abbott, Kerry Allard, Kurt Blanchard, Charles Borden, David Borden, Colleen Bouffard, Chris Campanale, Domenic Campanale, Beth Casoni (MIA), Joe Clancy, Joe Colbert, Patrick Duckworth, Dustin Delano, Lanny Dellinger, Robert Duseau, G F, Timothy Field, Tegan Gale, Marty Gary, Robert Glenn, Jay Hermsen, Jeff Kaelin, Toni Kerns, John Lake, Julia Livermore, Chip Lynch, Chris Mayhew, Daniel Mckiernan, Conor Mcmanus, Jason Mcnamee, Peter Mendonca, Jeff Mercer, John Moore, Grant Moore, Scott Olszewski, Otto Osmer, Stephen Ouellette, Marc Palombo, Justin Pellegrino, Tracy Pugh, Story Reed, Christopher Scott, Hank Soule, Renee St. Amand, Caitlin Starks, Brian Thibeault, Scott Travers, Corinne Truesdale, Peter Brodeur, Dennis Colbert, Allison Murphy, Derek Pascale, Devon Campanale, Jarrett Drake, John Maniscalco, Cheri Patterson, Jack Russo, Jon Williams

Summary

The Atlantic States Marine Fisheries Commission (Commission) held a meeting on January 10, 2024 to gather input from industry stakeholders in the American lobster fishery, specifically Lobster Conservation Management Areas (LCMA) 2 and 3. The requested input was in relation to NOAA Fisheries' rulemaking on LCMA 2 and LCMA 3 ownership caps and trap cap reductions, which responds to the Commission's Addenda XXI and XXII (2013). Addendum XXI established an ownership cap of 800 traps per person, but included a banking provision allowing permit holders to retain up to 1600 traps for the period of time while trap reductions were ongoing (2015-2020). Addendum XXII established reductions to the LCMA 3 maximum trap cap per permit; the maximum trap cap would start at 2000, and decrease by 5% per year for five years. However, the recommended federal rules in the Commission addenda were not published by NOAA until December 2023, a decade after the Commission's approval of the addenda, and there are several differences in the current rulemaking compared to what was recommended in 2013. The differences include the exclusion of the trap banking provision for LCMA 2, and a maximum trap reduction schedule for LCMA 3 of three years instead of five.

LCMA 2 Stakeholder Input

Fishermen with LCMA 2 permits commented on how the current rulemaking by NOAA would affect their business. A representative of the Massachusetts Lobstermen's Association commented that in conversations with Area 2 fishermen they have agreed that the sunset date included in the rule (May 1, 2022), after which permit holders cannot acquire more traps, needs to be moved forward. The fishermen cannot respond to a retroactive sunset date. If there is no change to this date then fishermen who purchased traps after the sunset date will lose those traps and should be compensated for them; they should not have been allowed to purchase tags in excess of the cap if the rulemaking was already in process. Five others also stated that the May 1, 2022 date should be changed to a future date, so that it

is a prospective change that the industry can plan for. A range of timeframes for a new control date was suggested from this year to 2030.

The LCMA 2 fishermen that commented on this action did not support the maximum ownership cap of 800 traps. They argued that in order to maintain a business, they need two permits each with a maximum allocation of 800 traps. They commented that the landscape of the fishery has changed drastically in the last ten years, and the context in which these rules were expected to be implemented is not the same as it is today. Changes mentioned include increases in the cost of bait and fuel, the loss of fishing ground to wind energy development, marine mammal protections, and the expansion of the Jonah crab fishery. They also commented that ten years ago these measures addressed concerns that the fishery could be consolidated or monopolized, which would negatively impact owner/operator businesses. Now, they do not think current conditions would allow for such a monopoly to occur. With the potential of facing more reductions in the future for whales or other circumstances, they feel they need to keep the flexibility offered by the two permit and 800 traps per permit maximum. Other reasons they advocated for maintaining the maximum of two permits with 800 traps each were (1) it would allow families to pass permits and allocations down to their heirs, (2) some businesses have two permitted vessels that alternate between different target fisheries (e.g., one fishing gillnets while the other fishes lobster gear), and (3) the 10% conservation transfer tax is still in place and will keep effort from increasing.

Six of the fishermen commented that the definition of “entity” in the federal rule is unclear and needs to be better explained. It is not clear whether it refers to an individual person, permit, vessel, or corporation.

LCMA 3 Stakeholder Input

For those with LCMA 3 permits, input was provided on the ownership caps and maximum trap cap reductions. Five stakeholders, including two representatives from the Atlantic Offshore Lobstermen’s Association (AOLA), commented that they do not support the trap cap reductions for LCMA 3. They explained that at the time this reduction plan was proposed, most of the offshore fleet supported it. But back then the offshore fishery was made up of majority owner/operators and the goal was to prevent a monopoly. The largest entity back then had 10-12% of the traps, and today the largest entity has 26% of the traps. With the shift toward larger fleets, like Shafmaster, limiting consolidation would be harmful to the offshore fishermen. The larger fleets employ well-paid fishermen and have some benefits. The reductions would make it more difficult to keep their crew, and make them less efficient. It would also limit the ability of owner/operators to sell their allocations and gain value.

Besides the consolidation that has already occurred, other changes like the development of the Jonah crab fishery, marine mammal protection rules, the resource condition, and wind farms should also be taken into account. Two fishermen mentioned that these measures would hurt the fishermen that are now targeting Jonah crab instead of lobster; as the lobster declined, Jonah crab has picked up the slack.

Another concern raised was that the purpose of these measures was to benefit the conservation of the Southern New England (SNE) stock. However, there is not an understanding of where the traps that are cut would come from; it is not certain they would come out of the SNE fishery. One person mentioned that the environmental impact assessment included with the rulemaking indicates that the proposed reductions would not really benefit the stock, and may cause latent effort to come back into the fishery.

The Atlantic Offshore Lobstermen's Association (AOLA) is not in favor of the trap reduction schedule laid out in the final rule because combined with increased business costs related to marine mammal protection, the proposed 20% trap reductions would result in a significant reduction in revenue, without producing any real biological benefit. Additionally, they oppose the ownership caps, which do not have anything to do with benefitting the stock.

A few people commented that the measures are not really going to reduce the number of traps in the water. Instead, they think it will simply spread them out across more permits. One person said the number of traps in the water should just be capped at what it is now, and no latent effort should be allowed to come back into the fishery.

One former Area 3 fisherman disagreed with the other comments provided. He argued that lowering the trap cap would make the fleet more efficient. It would lead to lower bait and fuel costs, and would also provide the lobster some reduction in fishing pressure. He mentioned that the closed areas that cannot be fished will result in about 5,000 traps being moved somewhere else. The bottom area is decreasing but the number of traps is not decreasing, and this is a problem in SNE. Reducing number of traps is needed. He also noted that the expected trap reductions were included as credit toward risk reductions for whales, but if they do not decrease the traps then that credit would be lost and reductions would have to come from somewhere else. He thinks the proposed trap reductions can help protect the fishery. Eventually, Closed Area I will open to the scallop fishery and displace lobster traps, which will be a disaster.

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Also Admitted in Maine

January 10, 2024
Via Electronic Submission

Robert F. Beal, Executive Director
Atlantic States Marine Fisheries Commission
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930

Attn. Toni Kerns, Fisheries Policy Director

Re: Comments on Interim Final Rules Modifying American Lobster Regulations for Lobster
Managements Areas 2&3 for Lobster Management Board
NOAA-NMFS-2022-0032
Docket No. 230929-0224
88 FR 67667

Dear Ms. Kearns and Mr. Beal,

I am submitting the following comments on the ASFMC's review of the proposed changes to regulations governing the Area 3 American lobster fishery on behalf of the Atlantic Offshore Lobstermen's Association and its members, including Little Bay Lobster¹ of Newington, NH and JB Clancy Fisheries², as follows:

We have reviewed the Environmental Assessment, Regulatory Impact Review, Regulatory Flexibility Analysis ("EA") and remain perplexed as to how the Agency can justify the reduction in traps in Lobster Management Area 3 ("LMA3"). Most fishing effort in LMA3 occurs offshore in the Gulf of Maine, Georges Banks ("GOM/GB") areas, where lobster stocks are at near record highs, EA page 3, and effort, while a high percentage of authorized traps are active, remains relatively low. In these areas, as far as 200 miles offshore, the present gear results in suitable returns for owners, operators and crew, and the EA notes that the proposed trap

¹ Little Bay Lobster operates and manages a fleet of 14 offshore lobster boats and employs approximately 84 captains and crew and about the same number of shoreside employees.

² JB Clancy Fisheries operates and manages a fleet of 3 offshore lobster vessels and employs approximately 30 captains and crews fishing out of Gloucester, MA.

STEPHEN M. OUELLETTE, ESQUIRE

Robert F. Beal, Executive Director
Toni Kerns, Fisheries Policy Director
January 10, 2024

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reductions will have no impact on the resource, EA at page 148, in these areas, but will reduce landings by 18%. Further, there is no basis for imposing an ownership cap within the LMA3 component of the lobster fishery, particularly given its unique nature. We strongly urge the Agency to abandon the Area 3 trap reduction and ownership cap, as set forth above and as examined below:

THERE IS NO NEED OR JUSTIFICATION FOR TRAP REDUCTIONS IN THE LMA3 FISHERY

In its introductory paragraphs, the EA notes that the GOM/GB lobster stocks are at record high and the proposed trap reduction in LMA3 will have no effect on the Southern New England lobster stocks of concern. Yet the Agency nonetheless imposes a trap reduction in LMA3. The LMA3 fishery is primarily prosecuted on Georges Banks and the Eastern Gulf of Maine, to the Hague Line, up to 200 miles offshore. According to the EA, there are only about 62 vessels actively fishing, EA at P 73, with approximately 104,000 traps authorized, although presumably fewer actually being fished. Trawls are composed of up to 45-50 traps³, each trap up to 52 inches long and set in trawls with lengths of about 1.7 NM, with minimum separation between trawls of .5 NM. Practically speaking, trap density does not exceed 50 traps per square mile in the LMA3 fishery.⁴

According to the 2023 NOAA permit database, there are some 78 vessels issued LMA3 permits, of which 39 have allocations above the proposed maximum of 1548 traps. Of these, 22 are known to belong to AOLA members and fish exclusively in the offshore areas of Georges Banks and the Gulf of Maine, "...areas experiencing near record high abundance of lobster," EA at sec. 7.3.1, page 148. None of these vessels fish for lobster in Southern New England or West of the 070 line in the GOM. These vessels are in the 70 foot plus range, carry crews of 4-7 men and fish for 7-14 days per trip. Their profitability and ability to travel offshore and fish for extended trips is based on the quantity of gear they fish. Anecdotal evidence indicates vessels are seeing exceptional brood stocks with traps being loaded with up to 90% egger lobster, which are returned to the sea alive. Landings have remained stable, if not increasing per unit of effort.

The EA acknowledges that the proposed trap reductions will have no effect on stocks in the GOM/GB areas, as there is no need for conservation. The effect of trap reductions will be largely to turn profitable offshore operations into less profitable, or unprofitable ones, possibly forcing them to fish closer to shore. The forced re-allocation of traps to permits with smaller

³ LMA3 lobstermen have had to "trawl-up", increasing the number of traps per trawl to reduce vertical buoy lines to protect right whales, thereby favoring larger fishing platforms.

⁴ LMA3 consists of approximately 120,000 square miles, so less than one trap is allocated per square mile.

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allocations will only encourage smaller boats, unable to fish offshore, to either upgrade to larger vessels and change their fishery from day boats to trip boats fishing offshore, which is unlikely, or to increase their effort inshore, including Southern New England and the inshore Gulf of Maine, which is more likely. The proposed rule may only undermine conservation efforts in Southern New England and reduce landings from offshore at a time when the fleet can least afford it. As AOLA has noted recently to the Regional Administrator, the costs of weak rope are expected to put significant financial strain on the offshore fishery, and further restrictions for the protection of right whales are expected to have significant financial impact on all lobster fisheries, including the offshore fleet. Now is not the time to impose unnecessary restrictions on the offshore lobster fishery and the Agency's actions can only be characterized as arbitrary and capricious.

**LMA3 TRAP REDUCTIONS ARE NON-COMPLIANT WITH THE
NATIONAL STANDARDS**

AOLA and its members contend that the proposed rule directly contradicts National Standards which provide in pertinent part that:

- (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
- (2) Conservation and management measures shall be based upon the best scientific information available.
- (5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose....
- (6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
- (7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication....”

16 USC Sec. 1851

Since landings are stable and stock is at a near record high in LMA3, trap reductions will reduce yield and prevent the fleet from achieving optimum yield on a continuing basis. The science, as set forth in the EA does not support the need for LMA3 trap reductions, it supports the status quo for the offshore fleet.

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AOLA believes that the trap limit rules were proposed ten or more years ago in an attempt to re-allocate the financial gains from the fishery by forcing larger operations to transfer trap allocations to smaller operations. With no conservation benefit, forcing larger entities to split up their trap allocations into smaller ones, or to transfer to other operators, is purely an economic reallocation prohibited by the National Standards.

The proposed trap limits do not take into account the needs of the offshore fishery to use sufficient gear to justify transits of up to 200 miles and multiple days trips. Reduced trap limits will reduce landings, without a proportionate reduction in costs or time spent fishing, much of which is traveling 100-200 miles to and from the gear. The continued success of the LMA3 fishery has been in the relatively low gear densities, due to low overall trap allocations which are spread over a very large area.

LMA3 trap reductions increase costs and require more vessels to fish the gear currently in place, actually increasing costs and requiring duplication of effort as more vessels will be required to fish the existing traps and land the current quantities of fish, all at a lower profit to owners and crew.

The EA is silent on the anticipated, yet significant impact on crews, communities, shoreside employees and owners, all considerations under the National Standards. Buried in the EA is the economic analysis of the reduction of traps in LMA3, EA at page 128. Our data indicates offshore vessels' gross landings are in the \$1.5M to \$2.0M range. Assuming a mid-range of \$1.75M, the proposed trap reduction will result in an 18% reduction in landings. The Agency assumes a 5% loss in profitability based on trap reductions for vessels of over 55 feet based on its models. The LMA3 trap reduction is 18%. This results in a loss of 18% of each vessel's gross earnings, with no reduction in fixed expenses. For trip boats travelling 200 miles offshore, there will be few reductions in trip expenses, unless boats fish closer to shore. A quick calculation shows that the earnings of hundreds of crew members will be reduced by at least 22% or more, and owners' profits will, by the Agency's figures, pretty much be wiped out. Shoreside employees will suffer similar losses as owners are unable to keep vessels operating without significant cost-cutting. Local economies will suffer accordingly. For reasons unclear to AOLA, NMFS did not take these factors into consideration in following through with this rulemaking, as this further established violations of the National Standards and the National Environmental Policy Act.⁵

THERE IS NO DEMONSTRATED NEED FOR OWNERSHIP LIMITS IN THE LMA3 SECTOR

⁵ The terms crew wages, crew earnings, and crew share do not appear anywhere in the analysis, and consideration of owner's profits is only briefly discussed at the end of the document.

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AOLA contends that there is no need for ownership limits or caps in LMA3. The EA does not actually set forth a justification for limiting owner percentage share in the fishery. The LMA3 fishery is one component of a much larger lobster fishery and constitutes 2-4% of the overall American lobster fishery. Its peculiar offshore nature has supported, for at least a few fleet owners, a model that favors economies of scale in terms of fleet management, at no loss to fishing captains or crews. While vessels are still constrained by their trap limits, the employment of crews and captains remains the same as in smaller scale fishing operations. The present per-vessel trap limits require manageable sized vessels and ensure that 4-7 crew are supported by each permit. There is no ability to consolidate effort onto larger platforms and reduce the workforce. The offshore fleet model works because it releases the crew from the need to perform shoreside maintenance and of the operators to deal with the financial strains of ownership, such as cost and impact of breakdowns, juggling mortgage and insurance payments, etc., all of which have been the demise of many smaller operations. Larger operations can maintain replacement components, standardized across the fleet and minimize vessel downtime. Crews can fish 250 days a year, with no obligations between trips, and earn a lay share. The captains' shares exceed what most owner operators net, especially after factoring in the additional burdens of ownership placed on owner when not fishing, as many owner operators spend 50-60 days on maintenance ashore.

It is unlikely that the level of fishing necessary to harvest optimum yield offshore could be maintained by owner operators or a larger fleet of smaller vessels that the LMA3 trap reductions would seem to encourage. As with any business, the ability to remain profitable is based on many factors. The Blue Harvest bankruptcy is proof that even large, consolidated operations can fail. On the other hand, AOLA members Little Bay Lobster, JB Clancy and others have managed to run fleets and keep fishermen employed, well paid and content.⁶ We are not aware of any serious concerns raised by fishermen that the current level of consolidation is negatively impacting fishermen's earnings or the communities in which they, and the companies' shoreside workers, live and work. To the contrary, an operation like Little Bay Lobster employs 84 well paid crewmembers and captains and an equal complement of shoreside workers and is a substantial part of New Hampshire's coastal economy and a major presence in the Port of Newington. We strongly urge NMFS to eliminate the ownership limits in the LMA3 fishery.

INDUSTRY SUPPORT HAS WANED FOR TRAP REDUCTIONS AND OWNERSHIP CAPS

⁶ Larger fleet owners also are more likely to provide worker benefits like health insurance, retirement packages and tax withholding, perform preventative drug screenings and maintain vessels as safe working platforms through employment of shore captains who are independent of fishing operations.

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As comments at the recently held ASFMC public comment session and written comments have revealed, industry support for these measures have changed. The LMA3 fishery has shifted away from single boat owner/operator, and financial pressures, including inflationary issues, marine mammal protection and development of offshore wind, have all changed the nature of the fishery. Reallocating traps to smaller permits and ownership caps might have seemed favorable 12 years ago to a large segment of the LMA3 fishery, it is not supported by the industry as it exists today.

CONCLUSION

For the foregoing reasons, AOLA and its members, including Little Bay Lobster and JB Clancy Fisheries, strongly urge the Commission to recommend that NMFS to eliminate the trap reductions in LMA3 and the ownership cap and leave the fishery functioning as it is to achieve optimum yield for the Nation and allow permit holders to continue to employ high-paid captains, crew and shoreside workers and to support their families and their communities. Thank you for the opportunity to comment on the Commission's review of the interim final rule.

Very truly yours,

/s/Stephen M. Ouellette
Stephen M. Ouellette, Esq.

From: [denny](#)
To: [Comments](#)
Subject: [External] area 2/3 rules
Date: Sunday, January 14, 2024 1:15:57 PM

Trying to keep comments short

I do not agree with the proposed rule to reduce trap cap on a individual boat,also i oppose an ownership cap.....
(i think most of us would not like to see in fifty years one company own area 3,but i don't know the answeryet)

Jimmy Violet said it best in his comments.....The facts are that the majority of guys that pushed the plan in
2012,are no longer in the fishery
an sold their business to the very companies they opposed to owning more boats an traps.....i don't blame them
.....just saying....

At one time we fished 2500 traps ish.....we are down to 1550that is quite a reductionthere is no more
room for error....
i believe industry went 170k to 90k ish.....

Our boats (virginia Marie.....Miss Julie)have changed the way we fish.....
We don't hunt for lobsters as much as we use to.....because at 1550 every trap countsblank traps add
nothing to the trip.....i personally would like
to get back to 1800...(which i was in favor of 20 yrs ago)

Thats where jonah crabs come into the picture....i agree with Jon Williams comments....."the impacts of the rule
could (will)affect the fishery dramatically"....

As far as the stock assessment.....i think that needs more work.....

thank you for the time

Denny Colbert

From: [Robert Duseau](#)
To: [Comments](#)
Subject: [External] Area 3 conservation proposal
Date: Sunday, January 14, 2024 1:25:18 PM

My name is Robert Duseau I own the fishing vessel McKinley federal permit number 410594
And we fish in area 3.

I am vehemently opposed to the proposed Trap reduction schedule in area 3 !

The stock assessments being used in this proposal are outdated, and the fishery is changed greatly since this trap reduction schedule was considered almost 11 years ago.
To the best of my knowledge, there has never been a stock assessment of the Jonah crab fishery, which is a major part of area 3 fishing. We need a new stock assessment that includes Jonah crab !!

*** Dragging for the survey of Lobster and crab is not optimal.***

All permits and traps in area 3 have already been qualified. The number of traps fishing in area 3 have already been dramatically reduced.

When it comes to the ownership cap, more needs to be thought about and discussed regarding the pros and cons. We should stay at status quo until there have been more deliberations.

Best regards
Robert Duseau

From: [CHRIS CAMPANALE](#)
To: [Comments](#)
Subject: [External] Lobster Conservation and Management Areas 2 and 3 Proposed Rule
Date: Sunday, January 14, 2024 3:54:46 PM

Hello Board members,

My name is Chris Campanale. I have been a lifelong participant in the Area 3 lobster fishery as deckhand, captain and now vessel owner along with my father and brother. I am writing this to express my strong opposition to the proposed trap reductions in the Area 3 Offshore Lobster Management Area. As a member of the fishing community with a family-owned and operated business, I believe that these reductions will have severe and detrimental consequences for our industry.

The proposed trap reductions pose a significant threat to the livelihoods of fisherman in Area 3, particularly those, like myself, who operate larger vessels with higher operational expenses. The potential economic impact of these reductions on our businesses cannot be understated.

I would like to highlight since 2013 the significant increases in cost of essential resources for our operations, such as bait, fuel and traps. Despite facing rising expenses, the market has not reflected these increased costs. Along with the trap reductions, there is the possibility of the Hudson Canyon sanctuary area closures which will force us to vacate some of the most productive waters we fish. This financial strain compounds the challenges faced by fishermen and further underscores the necessity to reconsider the trap reduction proposals.

Furthermore, the division of Area 3 into separate regulatory trap limit areas raises serious concerns. This approach may force Area 3 fishermen to make difficult decisions about where to fish each year, leading to unnecessary crowding of traps and potential conflicts amongst industry participants. Such a scenario not only jeopardizes the economic stability of fishing operations but also poses challenges to the overall harmony within the Area 3 fishing community. I'm also concerned about the environmental implications of concentrating traps in specific areas. This could inadvertently increase the risk of whale entanglement, a critical issue that requires careful consideration.

I urge the Board to reconsider the current trap reduction proposals and work towards solutions that prioritize the sustainability of the lobster fishery while minimizing adverse effects on fisherman.

Very truly yours,
Chris Campanale

From: scampanale5@gmail.com
To: [Comments](#)
Subject: [External] Lobster Conservation and Management Areas 2 and 3 proposed rule
Date: Sunday, January 14, 2024 1:41:15 PM

To whom it may concern,

My family and I own and operate 3 offshore lobster vessels, that fish only in area 3. We have been fishing in area 3 for 41 years. At this time all 3 vessels fish only in the Southern New England portion of area 3.

- 1. We Do Not support the reduction of traps again. Over the last decade the number of participants and the fishery itself has changed.**

We used to own 4 area 3 vessels. But after the last round of trap reductions we transferred hundreds of traps from our vessel the Mark Darren onto 2 of our other vessels, so they could fish back up to the 1945 max trap cap. A trap cap, which is a number far below the traditional 3250 traps each vessel fished before the original trap reductions began. These transfers were necessary in order to keep the vessels profitable.

We paid the 10% trap transfer fee. Then we sold the Mark Darren without any trap allocation or permit.

If we have to reduce again, down to 1448 traps what happens to our nearly 500 traps allocation per vessel that we are allowed to fish now?

- 2. We Do Not support the idea of reducing the trap cap only in the Southern New England portion of area 3.**

At some point it will force us to move our vessels to the other portions of area 3 that have a higher trap allocation. Something we do not want to do! Nor is it something the vessels fishing in those other portions want to see! It would mean more gear fishing in a smaller area. It would also cause gear conflicts among lobstermen and over fishing in those areas.

Thank you for this opportunity to comment.

**Roy Campanale Pres.
Campanale & Sons Inc.
6 Jennifer Court
Narragansett, RI 02882
Tel. 401-742-1793**

Sent from [Mail](#) for Windows