



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board

FROM: American Lobster Advisory Panel and Jonah Crab Advisory Panel

DATE: February 17, 2022

SUBJECT: Advisory Panel Reports on Lobster Draft Addendum XXIX and Jonah Crab Addendum IV

A joint meeting of the American Lobster Advisory Panel (AP) and Jonah Crab AP was held virtually on Tuesday, February 15, 2022. The purpose of the meeting was to review Draft Addendum XXIX to Amendment 3 to the American Lobster Fishery Management Plan/Addendum IV to the Jonah Crab Fishery Management Plan, and to gather input from the lobster and Jonah crab advisors on the proposed management options. The addenda consider implementing electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery.

Lobster AP Attendance

Grant Moore (Chair, MA)
Eben Wilson (ME)
Jeff Putnam (ME)
Arthur (Sooky) Sawyer (MA)
John Whittaker (CT)
Lanny Dellinger (RI)

Robert Nudd (NH)
Sonny Gwin (MD)

Jonah Crab AP Attendance

Sonny Gwin (Chair, MD)
Marc Palombo (MA)
Brian Thibeault (RI)

The following is a summary of the AP discussion. Comments provided by AP members do not represent consensus opinions but rather individual perspectives.

Marc Palombo asked if tracking data could be used to show or investigate gear conflict situations. He described having unmarked traps set over his traps and there being no recourse for this. He suggested that tracking data could be used to prove where gear was set, and wanted to know if lobster tracking data could be compared to VMS data. Staff explained that this may be possible but additional permissions would need to be granted in order to use VMS data because it is under the authority of NOAA's Office of Law Enforcement. Additionally, individual track data are confidential and would also require permissions for access.

Brian Thibeault asked how the track data can be used to improve the stock assessment, and indicated that this question has not been fully answered. Staff explained that with the current spatial data (one latitude/longitude per trip report, or ten minute squares) it is not always clear

in which stock the effort is taking place, especially near boundaries. Tracking data would be much more precise and allow for effort to be more accurately assigned to stocks.

Lanny Dellinger said he thinks this proposal is happening too late to benefit Area 2 in terms of wind development because all areas have already been leased out. Staff mentioned that the data could also be used for mitigation or compensation purposes. Lanny expressed doubt that any benefit will really come from tracking.

Several AP members emphasized that in order for a tracking program to be useful, there needs to be 100% harvester reporting from the federal fleet that has trackers so that additional information on fishing activity is associated with vessel locations.

Grant Moore asked about data access and whether individual or confidential data would be released if requested under the Freedom of Information Act (FOIA). Staff responded that they believe confidential data will not be released, but will follow up to get legal advice on this issue ahead of the Board meeting. Other AP members also spoke about concerns that their data would not be legally protected.

Grant Moore also spoke about his experience using one of the tested tracking devices. He has had it on his vessel for three years with no issues, and has looked extensively at the data. He believes the technology is dependable.

AP Comments on Addendum Options

AP members provided input on which of the proposed options they support and why. Five of the attending AP members support Option A (status quo) and three support Option B (tracking requirements). One member was undecided. Individual comments are summarized below.

Brian Thibeault (Jonah Crab AP, Area 2): Supports Option A, status quo.

- His justification is that after attending many meetings there are still many unanswered questions on how the devices and program will work. As for the equipment, he does not think it is possible for enough equipment to become available in such a short timeframe. There is no certain timeframe for when the vendors could manufacture devices. He also stated that equipment and data plans need to be paid for by some of the user groups who are going to benefit from the data; wit CLF, law enforcement, and wind, it should be possible to get funding to cover this. As for enforcement uses, he thinks the idea that the one minute ping rate could be used to determine the number of traps per trawl is concerning, and it makes him nervous that such information would be used for enforcement because it will not always be accurate. Before this tracking program happens, all of the Addendum 26 requirements should be implemented and all lobster permits should have mandatory reporting. Having mandatory reporting would already significantly increase the information on where lobster activity is occurring.

Lanny Dellinger (Lobster AP, Area 2): Supports Option A, status quo.

- Rationale is that fishing is dynamic, and there is no baseline for the last 20 years. As a result the current data will not protect all of the important areas. Fishermen could provide some historical data in fishing areas. Additionally, he does not think the tracking data will help to protect Area 2 against wind development because all of the available areas have already been leased. Fisheries managers will have no say in identifying which areas will be built or not. Cox's ledge is an example; it is essential fish habitat for many commercial species and they still put a wind farm there. He also stated that the number of traps per trawl being counted is nonsense, because hauling time is not consistent; it takes longer to haul trawls on a windy day than a calm day. He has talked to many Area 2 fishermen about this and hasn't talked to anyone who supports this. No matter what damage is done to the stocks by wind development it will be the fishermen who wind up responsible for it.

Jeff Putnam (Lobster AP, ME): Supports Option A, status quo.

- After spending time reading public comments, he agrees with all of the reasons given for supporting option A. He says it is not as much about the data that is available, but rather the data that might be missed. There are not many people lobstering in the deep basins in Area 1 now, but in 10-20 years there might be lots of lobster there, and tracking can't show that. If there is ever a shrimp season again, there are a lot of places lobster boats cannot fish when mobile gear are there. The tracking data will not be able to show the whole story of why the boats move to different areas.

Sooky Sawyer (Lobster AP, MA): Supports Option A, status quo.

- There needs to be more harvester reporting first. Without reporting data and catch rates, tracking will not help.

Bobby Nudd (Lobster AP, NH): Supports Option B.

- Following the meeting, Bobby emailed staff to change his preferred option to Option B with the following rationale: After much thought and because I'm sitting on the fence and my concerns about VTRs being required from all permits have been addressed I will go on record as being in favor of option B. I still have reservations about the data usage however I have concluded that the need out weights the risk.
- For transparency, his previous comments on Option A are included below:
- Bobby stated that he has been doing this a long time, and the AP is usually pretty conservative and rational about needs of the fishery. He has always campaigned for more accurate data, but this addendum needs to be further thought out. It seems that the initial need for this tracking program came from the protected species people, and other purposes were added onto it after that. He is concerned that spatial information from this is going to lead to significant area closures and experiments with buoy-less fishing. He is always in favor of better data but is concerned about the motivation and fast tracking of this action. He shares concerns of others about the wind energy aspect and thinks the results will be the same with or without tracking. He said that if this were more thought out, in the future he could possibly be in favor of it.

Marc Palombo (Jonah Crab AP, MA): Supports Option B.

- There is a lot of distrust of people feeling this will hurt them, but I think on the more positive side: we need people to see where we fish and have proof to back it up. I have filed VTRs for years and hope this tracker data will add more up to date information. I see a huge gap in law enforcement offshore. I get set over every year with untagged traps and nothing is done. Maybe if tracking were in effect, problems like this could be resolved. Also, we are losing too much bottom area and I am not sure how much time is left in the offshore business. Lobsters are getting fewer and there are more people. Losing more fishing areas will make this a moot point, because we will not have more area to fish if we can't document where we are fishing.

John Whittaker (Lobster AP, CT, SNE): Supports Option A, status quo.

- Small businesses have been squeezed too much already and do not need the extra cost of tracking, especially inshore. We have already lost sites to wind, and the old fishing areas are beat up. Does support everyone being required to report on VTRs.

Sonny Gwin (Lobster and Jonah Crab APs, MD): Undecided support

- Thinks the timing of this addendum is happening too quickly, and it needs to be more thought out. A lot of people are opting for Option A, with good reason, but Option B is important too because of the information we can get from it. We are asking to put trackers on a lot of boats. We do not know the future between all of the marine spatial planning and what the industry is going to look like in five years. It would be nice to have a study to see how the industry changes, and would like to have more time before adding this requirement. Being in this industry for a long time, status quo is just part of the process, but it is never going to work. I know we are going to end up doing this, but we just need more time to do it right and have all the information. Cannot say right now which option I support.

Grant Moore (Lobster AP, MA): Supports Option B

- I echo Sonny's sentiments on status quo. We are finding that more often than not that status quo is just going to kick us. I have lots of questions about the program, but I know that the only way to get good spatial data is this tracking addendum with mandatory VTRs. With that we will have a very accurate footprint of the fishery in a few years. Think if Area 2 had data before all of the wind development it could have been better. For the whale issues, the closures are much bigger than they need to be because we do not have fine scale data on the fishery. It is the same with the marine national monument and the deep sea coral amendment. On the enforcement topic, as I understand tracking, it is not going to tell them how many traps per trawl, but it might show patterns of where boats are fishing or hauling gear. I think it will also help with improving the stock assessments to ensure we manage these resources correctly. I understand Sonny's concerns, but I think we will be in more trouble if we do nothing and stay status quo.