

Atlantic States Marine Fisheries Commission

American Lobster Management Board

August 6, 2024
2:45 – 5:30 p.m.

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 (*P. Keliher*) 2:45 p.m.
2. Board Consent 2:45 p.m.
 - Approval of Agenda
 - Approval of Proceedings from April 2024
3. Public Comment 2:50 p.m.
4. Progress Update on Benchmark Stock Assessment for American Lobster (*J. Kipp*) 3:00 p.m.
5. Plan Development Team Report on Conservation Measures for Lobster Conservation Management Areas 2 and 3 (*C. Starks*) 3:10 p.m.
 - Report from Lobster Conservation Management Team 3
6. Report on Colby College Economic Impact Analysis of a Lobster Gauge Increase (*A. Lindsay*) 3:45 p.m.
7. Consider Addendum XXX on the Mitchell Provision for Final Approval 4:00 p.m.
Final Action
 - Review Options and Public Comment Summary (*C. Starks*)
 - Consider Final Approval of Addendum XXX
8. Review Discussions with Canada on Complementary Management Measures (*P. Keliher*) 5:00 p.m.
9. Vessel Tracking Workgroup Report on the 24/7 Tracking Requirement of Addendum XXIX (*C. Starks*) 5:15 p.m.
10. Other Business/Adjourn 5:30 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

August 6, 2024

2:45 – 5:30 p.m.

Chair: Pat Keliher (ME) Assumed Chairmanship: 02/24	Technical Committee Chair: Tracy Pugh (MA)	Law Enforcement Committee Rep: Rob Beal (ME)
Vice Chair: Renee Zobel (NH)	Lobster Advisory Panel Chair: Grant Moore (MA) Jonah Crab Advisory Panel Chair: Sonny Gwin	Previous Board Meeting: April 30, 2024
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NMFS, NEFMC (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from April 2024

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. Progress Update on Benchmark Stock Assessment for American Lobster (3:00-3:10 p.m.)

Background

- The benchmark stock assessment for American lobster is in progress with results expected in 2025.
- The Assessment Methods Workshop was held in July 2024. The Assessment Workshop is scheduled for Fall 2024.

Presentations

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

5. Plan Development Team Report on Conservation Measures for Lobster Conservation Management Areas 2 and 3 (3:10-3:45 p.m.)

Background

- In January the Board tasked the lobster Plan Development Team (PDT) to review the original goals and objectives of Addenda XXI and XXII and make recommendations for alternate measures to achieve those goals, considering recommendations from the LCMA 2 and 3 Lobster Conservation Management Teams (LCMTs).

- LCMTs 2 and 3 met to provide input to the Board on possible measures and impacts to the lobster fishery (**Briefing Materials**).
- The PDT compiled a report to characterize the changes in the lobster fishery and possible alternative management measures (**Briefing Materials**).

Presentations

- Plan Development Team Report by C. Starks

6. Report on Colby College Economic Impact Analysis of a Lobster Gauge Increase (3:45-4:00 p.m.)

Background

- In April the Board reviewed an Economic Impact Analysis on the minimum gauge size increase for LCMA 1 (**Briefing Materials**).
- A review of this study was carried out by Dr. Amanda Lindsay, Assistant Professor of Economics at Bates College. Dr. Lindsay specializes in bioeconomic modeling and management of marine fisheries (**Briefing Materials**).

Presentations

- Report on Colby College Economic Impact Analysis of a Lobster Gauge Increase by A. Lindsay

**7. Consider Addendum XXX on the Mitchell Provision for Final Approval (4:00-5:00 p.m.)
Final Action**

Background

- In January 2024, the Board initiated Draft Addendum XXX. The Addendum is being considered to clarify how the measures of Addendum XXVII, approved in May 2023, will apply to foreign imports of American lobster (**Briefing Materials**).
- Two virtual public hearings were held in April and May. The public comment period ended on June 3, 202 (**Briefing Materials**).

Board actions for consideration at this meeting

- Addendum XXX Final Approval and Public Comment Summary by C. Starks

Board actions for consideration at this meeting

- Consider Final Approval of Addendum XXX

8. Review Discussions with Canada on Complementary Management Measures (5:00-5:15 p.m.)

Background

- Maine, New Hampshire and Massachusetts fishery lobster managers and industry members met with Canadian lobster fishery managers and industry members to discuss complementary management between the US and Canada.

Presentations

- Review Discussions with Canada on Complementary Management Measures by P. Keliher

9. Vessel Tracking Workgroup Report on the 24/7 Tracking Requirement of Addendum XXIX (5:15-5:30 p.m.)

Background

- Responding to industry concerns over privacy related to the tracking requirements of Addendum XXIX, the Board tasked the Vessel Tracking Workgroup, with input from the law

enforcement committee, to investigate modifications to the 24/7 vessel tracking requirement which still ensure monitoring of fishing activity while acknowledging that fishermen also use boats for personal/nonfishing reasons, and reviewing existing processes for when Vessel Monitoring Systems (VMS) devices can be turned off.

- The Vessel Tracking Workgroup compiled a report on possible solutions, impacts to data collection, law enforcement considerations, and VMS regulations (**Briefing Materials**).

Presentations

- Vessel Tracking Workgroup Report by C. Starks

10. Other Business/Adjourn (5:30 p.m.)

American Lobster and Jonah Crab TC Task List

Activity level: High

Committee Overlap Score: Medium

Committee Task List

Lobster TC

- August 1, 2024: Annual Compliance Reports Due
- Fall 2024: Annual data update of lobster abundance indices
- Summer 2024-Spring 2025: Development of lobster stock assessment

Jonah Crab TC

- August 1, 2024: Annual Compliance Reports Due
- Fall 2024: Annual data update of Jonah crab abundance indices

TC Members

American Lobster: Kathleen Reardon (ME), Joshua Carloni (NH), Jeff Kipp (ASMFC), Justin Pellegrino (NY), Corinne Truesdale (RI), Chad Power (NJ), Tracy Pugh (MA, Chair), Burton Shank (NOAA), Craig Weedon (MD), Somers Smott (VA), Renee St. Amand (CT)

Jonah Crab: Corinne Truesdale (RI, Chair), Derek Perry (MA), Joshua Carloni (NH), Chad Power (NJ), Jeff Kipp (ASMFC), Conor McManus (RI), Allison Murphy (NOAA), Kathleen Reardon (ME), Chris Scott (NY), Burton Shank (NOAA), Somers Smott (VA), Craig Weedon (MD)

Lobster Stock Assessment Subcommittee (SAS) Members

Jonah Crab: Tracy Pugh (MA, TC Chair), Conor McManus (RI), Joshua Carloni (NH), Kathleen Reardon (ME), Burton Shank (NOAA), Jeff Kipp (ASMFC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
AMERICAN LOBSTER MANAGEMENT BOARD**

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

April 30, 2024

These minutes are draft and subject to approval by the American Lobster Management Board.
The Board will review the minutes during its next meeting.

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of January 23, 2024 and March 14, 2024** by consent (Page 1).
3. **Move to elect Renee Zobel as Vice Chair** (Page 23). Motion by Dan McKiernan; second by Eric Reid. Motion passes by consent (Page 23).
4. **Move to task the Addendum XXIX vessel tracking implementation workgroup, with input from the LEC, to investigate modifications to the 24/7 vessel tracking requirement which still ensure monitoring of fishing activity while acknowledging that fishermen also use boats for personal/non-fishing reasons. This should include a review of existing processes for when VMS devices can be turned off** (Page 23). Motion by Steve Train; second by David Borden. Motion passes by consent (Page 24).
5. **Motion to draft a formal letter to Canada DFO and relevant Canadian industry associations as identified by the board chair and the executive director. This letter would request Canada increase the minimum size for lobster in the Gulf of Maine on the same schedule as ASMFC or as soon as possible as captured in Addendum XXVII** (Page 28). Motion by Dan McKiernan; second by David Borden. Motion passes by consent (Page 29).
6. **Move to adjourn by consent** (Page 29).

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Colleen Bouffard, CT, proxy for J. Davis (AA)
Steve Train, ME (GA)	Marty Gary, NY (AA)
Rep. Allison Hepler, ME (LA)	Emerson Hasbrouck, NY (GA)
Cheri Patterson, NH (AA)	Amy Karlnosky, NY, proxy for Assy. Thiele (LA)
Doug Grout, NH (GA)	Joe Cimino, NJ (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Jeff Kaelin, NJ (GA)
Dan McKiernan, MA (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Raymond Kane, MA (GA)	John Clark, DE (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Mike Luisi, MD, proxy for L. Fegley (AA, Acting)
David Borden, RI (GA)	Shanna Madsen, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Allison Murphy, NOAA

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Corinne Truesdale, Technical Committee Chair	Rob Beal, Law Enforcement Committee Rep.
Tracy Pugh, Technical Committee Chair	

Staff

Bob Beal	Joe Myers
Toni Kerns	Kristen Anstead
Tina Berger	Katie Drew
Madeline Musante	Jeff Kipp
Tracy Bauer	Jainita Patel
Emilie Franke	Lindsey Aubart
Caitlin Starks	

Guests

Robert Atwood, NH FGD	Chris Cash, University of Maine	Dustin Delano, NEFSA
Pat Augustine	Lobster Institute	Wayne Delano, NEFSA
Michelle Bachman, NEFMC	Charlene Cates	Jacob Dorothy, MA DMF
Linda Barry, NJ DEP	Nicole Caudell, MD DNR	Anna Dorrance, ME DMR
Greg Blackler, MEFA	Barry Clifford, NOAA	John Drouin, NEFSA
Michael Bowen, Cornell University	Haley Clinton, NC DEQ	Roman Dudus
Chris Brehme, University of Maine	James Cooper	Paul Eidman, Reel Therapy
Curt Brown, Ready Seafood	Jennifer Couture, NEFMC	Fishing Charters
Delayne Brown, NH FGD	Scott Curatolo-Wagemann,	Libby Etrie, Conservation Law
Joshua Carloni, NH FGD	Cornell Cooperative Extension of	Foundation
John Carmichael, SAMFC	Suffolk County	Julie Evans, East Hampton Town
	Conor Davis, NJ DEP	Fisheries Advisory Cmte.
	Laura Deighan, NOAA	Joanne Filion

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James Fletcher, Unites National
Fisherman's Association

Guests (continued)

Travis Ford, NOAA
Christine Ford, NOAA
Emily Gilbert, NOAA
Lewis Gillingham, VMRC
Caitlin Giuliano, MD DNR
Heather Glon, ME DMR
Jennifer Goebel, NOAA
Andrew Goode, Univ. of ME
Melanie Griffin, MA DMF
Amalia Harrington, Univ. of ME
Heidi Henninger, NOAA
Jay Hermsen, NOAA
Borden John
Moiria Kelly, NOAA
Carrie Kennedy, MD DNR
Kris Kuhn, PA FBC
Robert LaCava, MD DNR
Nicole Lengyel-Costa, RI DMF
John Maniscalco, NYS DEC
Anthony Mastitski, Marine
Stewardship Council
Patrice McCarron, Maine
Lobstermen's Assn.
Genine McClair, FL FWC
Alexandre Meirhaeghe, NYS DEC
Meredith Mendelson, MA DMR
Drew Minkiewilz, NALA

Erica Fuller
Keilin Gamboa-Salazar, SC DNR
Chris Moore, Chesapeake Bay
Foundation
Molly Moran-Ogren, RIDEM
Janelle Morano, Cornell
University
Lorraine Morris, ME DMR
Brandon Muffley, MAFMC
Robert Murphy, NOAA
Thomas Newman, North
Carolina Fisheries Assn.
Jeff Nichols, MA DMR
John Norton, Cozy Harbor
Seafood Inc.
Nicole Ogrysko, Maine Public
Radio
Scott Olszewski, RI DEM
Alexis Park, MD DNR
Derek Perry, MA DMF
Will Poston, ASGA
Krisibal Poziloz, MLA
Jill Ramsey, VMRC
Marianne Randall, NMFS
Kathleen Reardon, ME DMR
Hugh Reynolds,
Harry Rickabaugh, MD DNR
Matt Rogers, VMRC

Matthew Gates
Pat Geer, VA (AA)
James Rogers
Hank Sale, AOLA
Tara Scott, NOAA
Chris Scott, NYS DEC
Alexei Sharov, MD DNR
David Sikorski
Somers Smott, VMRC
Renee St. Amand, CT DEEP
Kristen Thiebault, MA DMF
Chad Thomas, NC Marine &
Estuary Foundation
Frank Thompson, MLU
Andrea Tomlinson, New England
Young Fishermen's Alliance
Laura Tomlinson, MA DMF
Jessica Waller ME DMR
Anna Webb, MA DMF
Craig Weedon, MD DNR
Kelly Whitmore, MA DMR
Angel Willey, MD DNR
Travis Williams, NC DEQ
Nathan Willse, ME DMR
Gregory Wojcik, CT DEEP
Valerie Wright
Chris Wright, NOAA
Renee Zobel, NH FGD

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, April 30, 2024, and was called to order at 9:00 a.m. by Chair Pat Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: I'm going to call the Lobster Board meeting to order; and to ensure that Eric Reid is paying attention, Aloha.

APPROVAL OF AGENDA

CHAIR KELIHER: The first item is to ensure that we have Approval of the Agenda. Are there any other items that any Board member would like to bring up? Steve Train.

MR. STEPHEN TRAIN: I have a tasking motion I would want to add on later on if I can, under Other Business.

CHAIR KELIHER: Yes, okay, thanks, Steve. Does anybody else? Dan McKiernan.

MR. DANIEL MCKIERNAN: Yes, under Other Business, I just want to bring an issue forward to the Board regarding the take of lobsters by non-trap gears, very brief.

CHAIR KELIHER: Thank you, Dan, anybody else? We are going to receive a lot of public comment this morning on items not on the agenda, so I am going to make a statement at the end regarding Addendum XXVII, and some complexities with that. I am not looking for action; but I just wanted to make sure it is clear to the Board some of my thoughts around that particular issue.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Moving ahead on the agenda we have the Approval of two proceedings from both January and March of 2024. Did any member of the Board see any issues with the minutes from

those meetings? Seeing none; we will accept those by consensus.

PUBLIC COMMENT

CHAIR KELIHER: Number 3 on the agenda is Public Comment. As I said, I am aware that there are members of the public that want to speak on addendums that focus on both trackers, gauge increases, and the Mitchell Amendment.

I would remind those who want to speak to the latter, Addendum XXX that the Commission is still accepting public comment on that Addendum until June 3rd, and a second webinar will be held on April 9. I will not be taking comments only on Addendum XXX. However, I do recognize that Addendum XXVII and XXX are somewhat linked, so I will give some latitude. But please, do not focus strictly on Addendum XXX, and make sure your comments are sent in to the Commission through the public comment process. Knowing we're going to have members of the Lobster industry who are going to want to address the Lobster Board, we have added 30 minutes to the agenda here this morning. It's already a very full agenda, so I will take comments from people in attendance and then online. Toni, well I guess I can do that since they can hear me. Would those folks who are online, who would like to speak on items not on the agenda, could you please raise your virtual hand on the webinar.

How many people that are in the room plan to speak? One, two, three, four, five, six. Just two online, okay. Because we have limited time, I would ask you to please all avoid repeating the same points. To avoid that, please just reference a speaker on a topic and say that you agree with somebody else who has spoken before you.

I would also ask that you consolidate your comments by having one person, if possible, speaking on behalf of groups or organizations. Because we have so many people, I'm only going to give each speaker three minutes to address the Board, and it's going to be a firm stop at three minutes. Please know that Board members have

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all received over 100 pages of comments in our supplemental material.

We are aware of the concerns that the industry is now bringing up. Today we are here to listen, as a Board, and not to respond to the comments. Please, members of the industry, I would ask you please not to take the lack of response as discounting your comments. More will be said on that at the end of the meeting.

At this time, I am going to ask for, do you have the list, Caitlin, of the people in the room? No, I am going to take those in the room first, who took the time to travel down, and I'll have those comment first, and then we'll go to those online. The first on line is Kristan Porter from the Maine Lobstermen's Association, who wants to speak on both Addendum XXVII and XXIV. I'm going to ask you to consolidate on your comments, Kris. Welcome.

MR. KRISTAN PORTER: Thank you, Mr. Chairman, thank you members of the American Lobster Management Board to hear my comments today. First of all, I want to start off with Addendum XXIV. I think the MLA would request that the Board relook at the 24/7 provision. This was mentioned in the comments and by one of the members here, Steve Train, that this would be a little overreach for our fishery.

I guess people need to know that in Maine the lobster boat isn't just a fishing boat, it might be a school bus, it might be a grocery wagon, it might be a picnic cruiser. Some of that data is not useful in spatial management. It probably will be noise, and it will probably be a burden. We just ask if there is a way to look at, if those trackers can be either turned off or set in a skiff when you are using your boat for personal use.

The second thing is, I know there are other people here to talk about Addendum XXVII, and I know we're not supposed to talk about Addendum XXX. But I think XXX is going to be a mess if you don't address Addendum XXVII. I think that in our comments we've said that there are going to be

some issues with Canada, and there are going to be some socioeconomic issues. We don't know if those have been addressed. I think we need to relook at them. I think we need time to get this figured out with the trade. I think one of those ways may be to look at, kind of skip forward and go directly to the vent increase and not the gauge. That way it doesn't affect trade. The lobsters that are landed are still the same size. Maybe that could be maybe a stop gap, so we can figure out the trade issue and let the science play out for a little bit longer, and see if we really are in a downturn. I just want to give a personal, if I've got a little bit of time left.

I fish in an area of Downeast Maine called the grey zone, and we share an area with Canada. We're not on a line, we comingle in that area. With the gauge increase, I will be throwing lobsters overboard, not to say, I'll catch you next year when you're bigger. It will be going directly to another boat and probably be shipped in a lobster truck right in front of my house. That is a pretty tough pill to swallow when you're on an unequal playing field with your neighbor. That is tough. Thank you for hearing me out.

CHAIR KELIHER: Thank you for those comments, next up is Dustin Delano, and then Frank Thompson.

MR. DUSTIN DELANO: Thank you, Chair, good morning. My name is Dustin Delano, and I'm a fourth-generation lobster fisherman from Friendship, Maine. I'm here to represent myself as a harvester of over 20 years, and to also represent the New England Fishermen's Stewardship Association.

Thank you for providing extra time for folks to make their comments today, and since you have all received NEFSA's comments in your supplementals, I'll be brief and I'll allow others a chance to speak. I am going to allow the inner harvester in me to speak out and be very blunt on this issue.

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Many of you may think this ask for a one-year delay in implementation of Addendum XXVII's gauge increase is just another charade, because fishermen just plain and simply do not want to increase their gauges. I'm here to tell you today that part of what I just said is completely true. A majority of fishermen I know do not want an increase in the minimum size of the gauge.

However, despite the unusual ask and the current circumstances, we desperately need time to address the issues surrounding Canada. Our fishermen come along with Canadians, just as Kristan spoke about in the grey zone and beyond that. Beyond that, dealers and the lobster chain move in lockstep with Canadian counterparts.

Lobster dealers have overcome many hurdles in the last few years from things such as retaliatory tariffs on lobster to the COVID 19 pandemic. Dealers and fishery management did a great job to keep everyone fishing in those instances. What we're asking here is to allow for a one-year delay, to help us avoid another catastrophic problem with dealers, harvesters, and even fishery managers are forced to improvise on a whim, taking risks and playing more games of trial and error in the final hour.

The North Atlantic Lobster Fishery must work in lockstep with Canada, to ensure the stability of markets and trade. We ask you today to please consider this ask from the many New England stakeholders providing comment. I also just want to add to NEFSA support for the MLAs ask on the 24/7 tracking requirements from Addendum XXVII. We also share that concern.

CHAIR KELIHER: Thank you, Dustin, Frank, and Hugh Reynolds will be up next.

MR. Frank Thompson: Thank you, Commissioner. I don't want to waste your time; I agree with Dustin and Kristan about all this. Everything in my letter is the same as what they've got. I'm in agreement with them, and I am here for the MLU. Thank you.

CHAIR KELIHER: Thank you, Frank, I appreciate that and I appreciate your brevity. We have both your written comments here that you passed along, as well as the comments in the supplemental. We'll take Hugh and then Hank Soule and then Curt Brown.

MR. HUGH REYNOLDS: Thank you, Mr. Commissioner, my name is Hugh Reynolds, I own Greenhead Lobster, it's a wholesale distribution and lobster processing company in Stonington, Maine. We have over 100 employees, and we deal with over 100 independent harvesters on a daily basis. I'm sorry to come to the game so late, but the impacts of XXVII are starting to ripple through our communities, and the chat is getting pretty severe.

Of the 100 independent harvesters, I would like to speak to them briefly. They are not ready for this. The Colby College study in Addendum XXVII has the economic impact being 4 million dollars. That is combined with a 10 percent reduction in the catch. That is the DMR sign saying 10 percent down, and the overall economic impact of 840 million dollars.

In our town alone it's 8 million dollars. In the times of raging inflation and what the fishermen are battling, I just don't think they are ready. One of the things, we're just asking for time to brace for impact for this measure. Then I would like to speak about my own company. We barely survived the retaliatory tariffs of '18, '19, had to buckle down.

We said we probably wouldn't survive another change, and let's say if there was a change in the supply matrix that we look at a very serious change in our supply matrix that would be disruptive to the lobster community that finds us in the New England states and our Canadian neighbors. I don't think it's good for the industry, we're not ready for it.

I have talked to my Canadian partners. They realize that we're all tied together, and they are interested in increasing their measure and

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cooperating with great respect for the science that has been done with the Atlantic States Marine Fisheries Commission. There is a possibility that they will cooperate and make this not such a harsh impact to companies like myself. That is why I'm here today, thank you for your time, and we have this great ask, just to have a pause. Let us consider, look at science and brace for impact. We're not ready.

CHAIR KELIHER: Thank you, Hugh. I've got Hank Soule, Curt Brown and then Drew.

MR. HANK SOULE: Good morning, I'm Hank Soule here representing the Atlantic Offshore Lobstermen's Association. Submitted a letter to many of the Commissioners a couple of days ago, regarding our concerns, not so much about either Addendum XXVII or Addendum XXX, the AOLA doesn't really take a position on those. But what we came to realize is there was an interplay between those two, and when you consider the potential impacts in tandem, could have very serious implications on not just we believe the lobstermen, but also the shoreside processors. We're in the dark, because we don't understand what those impacts might be, because at least today we're unable to see that any analysis has been done to those. That was the ask we had of the Commission, is that before moving ahead with both of these, the Commission try to gather some information, particularly from the processing community on what they see that the impacts would be, and bring that back for the Commissioners to consider, so they can make a more important vote. Thank you very much.

CHAIR KELIHER: Thank you, Hank, Curt Brown. Curt is famous for the phrase, "people don't come to Maine to eat chicken."

MR. CURT BROWN: Infamous, and you'll notice, Commissioner that I have two button down shirts, one I wore last night and the same one we wore at that meeting two weeks ago. This is my fancy dress here. Thank you very much for having me this morning, everybody, I very much appreciate it. My name is Curt Brown, I am a lobsterman out of

Cape Elizabeth, Maine and a marine biologist at Ready Seafood based in Portland and Saco.

Collaborate with the Department of Marine Resources in Maine on a number of research projects. Actually, right now we have Emma from the Department coming into our facility looking for lobsters that are ready to molt, so that we can track growth and learn more about that. We also collaborate on a number of other projects. We do that because we care about the future of this industry, and I think all of in this room are here for that same reason.

In the past we have seen ups and downs in both landings and surveys for lobster. In Maine this current conversation is driven, mostly by a downturn in Downeast Maine off all time highs in the number of juvenile lobsters that we've been seeing. We saw a similar decline in the same area from 2013 to 2015, and that was followed by those same all-time highs.

This past year we saw an buck in settlement for the first time in a while, which was very good to see in both the suction sampling survey that the DMR does that Steve and I have been a part of for, I'll say decades at this point in time. It's been a while, and also in a collaborative research project that Ready Seafood works on with the University of Maine looking at settlement in deeper water, and we saw an uptick in settlement in deeper water as well.

I guess my ask today is given these small positive signs, a year isn't a trend by any means, and I'm certainly not here to question the department science. But given these positive trends, and also the economic implications that we've heard about so far this morning. In Maine, and also with our Canadian counterparts, maybe it would be a good time to hit the pause button on a gauge increase.

See if we can get some coordination across states and across countries, especially with Canada, on this issue, because the implications are drastic and severe, as you've heard. If something does absolutely need to happen, I would echo what

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Kristan said earlier, and maybe the Technical Committee could look at the implications of an event increase alone. But I'll leave it at that. I appreciate the time. Thank you very much.

CHAIR KELIHER: Thanks, Curt, and the last comment in the room is Drew.

MR. DREW MINKIEWKZ: I'm an attorney for the North Atlantic Lobster Alliance, which is the dealers and processors from the New England states. I don't want to reiterate a lot was said, obviously a lot of concern throughout the lobster industry about this pending gauge increase. What I would like to ask though, is for the Commission to really consider and try and pursue.

If it is determined that conservation measures, increased conservation measures are necessary, by looking at additional science and more thorough analysis, then is there a conservation measure that can be taken that decouples from the gauge increase and takes the trade issues off the table? That is the key here.

There are many ways to increase conservation in this fishery without creating intense ramifications within international trade. We can go down that road if the vent is increased, or some other measure we haven't discussed or thought of at this moment. I think this Commission and the industry owes it to ourself to try to pursue that avenue, so that we can maintain the goals and aspirations of the management plan, and keep international trade and the robust dealers from processing industry in place, to create a strong market for the entire industry. Thank you.

CHAIR KELIHER: Who do we have online? First up is Andrea Tomlinson. Andrea, can you hear?

MS. ANDREA TOMLINSON: Yes, I can, can you hear me?

CHAIR KELIHER: Loud and clear.

MS. TOMLINSON: Great, hi, good morning, everyone. Andrea Tomlinson from the New

England Young Fisherman's Alliance. We are a workforce development nonprofit that has come into the scene in the last two years. Our big programing currently is we train young deckhands and stern men with at least three years' experience on the back of a boat from Portland down to Gloucester, on what it entails to become an owner/operator. It's called Deck Hand to Captain training.

I get to speak to the socioeconomic effect of Addendum XXVII. I would like to say we definitely confer with Tristan, Dustin, Hank Soule, Hugh Reynolds on their comment. But there are a couple things that New England Young Fishermen's Alliance would like to see, and that is a more comprehensive dataset with more industry collaborative research involvement.

We do require our young trainees to do at least 15 hours of collaborative research and/or advocacy. Advocacy would be giving comment on this meeting today, showing up at a Council meeting. We would love to see some more collaborative research on this recruitment issue that incorporates the industry a little bit more.

The other thing I would like to speak to is, I was just at a conference called IFISH put on by NIOSH, so that is the Northeast Center for Occupational Health and Safety. That falls under NIOSH, which falls under the CDC. We were in Rome with a bunch of social scientists who are studying the effects of regulations on fishermen's mental health. This is happening all over the world, unbeknownst to me, until I was at the IFISH conference in Rome this January. This is not an easy time to be in the arena of trying to encourage young people to get into this industry. We hear a lot of young people saying they don't want to get into the industry due to several factors, access, cost. They feel that the industry is highly over regulated in both groundfish and lobster. That is something we hear from young people, and they also feel as though they don't have a voice.

I met an 18-year-old at Maine Fishermen's Forum who says he doesn't go to meetings, because he

doesn't feel that he has a voice. I feel that we have to do something about that. Along that same note, the materials that I see the ASMFC putting out concerning this are really fabulous, I'm looking at the white paper as we speak that was put out in May on this Addendum. They are really tangible; we love sending them out to young fishermen and women to have them look over to understand this.

I know you can't comment today, Lobster Board, but I was going to encourage the ASMFC, if it is possible, to even work through your Board members and/or your representatives in the states to do some outreach and education on these upcoming regulations, so the young fishing community can understand more thoroughly, you know; who, what, when, where and why. I would just encourage you to do that. I would be happy to help and assist in doing that as well. I think there is a real gap between.

CHAIR KELIHER: Andrea, I'm going to cut you off at three minutes. I appreciate your comments though.

MS. TOMLINSON: All right. Thank you.

CHAIR KELIHER: Next up is Charlene Cates. I just would remind the speakers to not cover ground that has already been covered. Charlene, you are on still?

MS. CHARLENE CATES: Yes, I am, can you hear me?

CHAIR KELIHER: Loud and clear.

MS. CATES: I agree with Kristan Porter, Dustin, Hugh, Curt, Andrea and the others who have spoken today. My name is Charlene Cates; I am the Executive Vice President and Chief Financial Officer at Machias Savings Bank. We're bringing an economic lens. I represent 155-year-old, 2.5-billion-dollar bank with 15 locations across the state, our coastal communities in particular are in Calais, Machias, Colombia, Bar Harbor, Elsworth, Rockland and Portland, so we see the entire coast.

We hold over 700 loans to individuals to be used in commercial fisheries, representing 42 million dollars in exposure. These totals do not include loans to processors, retailers, state distributors, the trap shops. This does not include consumer loans, mortgages, and related household exposure with our fishing community.

We cite these numbers, not to protect ourselves, but to give you an idea of the ripple effect of decreased profitability on communities. We can say we are already seeing signs of financial stress across the industry; whether it's a loan modification request or a conversation in a loan officers office with fishermen. Addendum XXVII adds to the existing vulnerability. From our economic lens and we will stay in our lane. This is too much, too fast. The science may say a 10 percent reduction, but cash flow can cut deeper. Imagine if someone proposed this potential 20 percent or more pay cut for you in January. With inflation climbing, your interest rate not yet dropping, and your bottom line shrinking.

The industry is caught in a perilous time of rapid transformation, and we know what Andrea said, uncertainty and fear do slow economies, by shrinking spending across all sectors. We encourage more conservative and iterative change in conjunction with Canada, in order to help our families thrive, the industry remain viable and the state prepare for what are anticipated in more changes ahead. We thank you for your time this morning, and we do support the lobster industry in these efforts.

CHAIR KELIHER: Great, thank you for those comments, Charlene. Next up is Wayne Delano. Wayne.

MR. WAYNE DELANO: Good morning. I want to first say, I agree with pretty much everything everyone else has said. Well anyway, I'm Wayne Delano, third generation lobster fisherman from Friendship, Maine. I have been lobstering for close to 40 years. I made my living in marine resources since I was a child.

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I'm here today to express support and comments submitted by New England Fishermen's Stewards Association. I want to (faded out). Commissioner Keliher went around to the (faded). I expressed my opposition at the Zone B council meeting. At that time, I suggested to Pat at the Council that if.

CHAIR KELIHER: Wayne, make sure you stay close to your microphone, because you're going in and out.

MR. DELANO: Yes, okay. If Addendum XXVII was going to go forward with the increase, it needed to be made in smaller increments than a 16th of an inch. The last gauge increase we had happened in 1989. With that increase by 1/32, it was a manageable approach. Fast forward to 2024, I mean I feel strongly that hit our bottom lines doing a 10 percent or better reduction, and I think it's more than 10 percent in the catch.

It would have far too damaging an impact to keep everyone sustainable. Thirty-five years ago, fisheries management, it was a 1/32 increase, to be less impact over the harvesters. At that time, we never even imagined expenses to be as high as they are today. I just ask you to take into consideration that 10 percent reduction in landings equates to much more than 10 percent reduction in our bottom lines, if some of us completely don't make it.

I ask the Commission to please consider a one-year pause. If any action must be taken at that point, a smaller more frequent increase like a 32nd of an inch at one time would be an easier pill to swallow. Please think about the hundreds of young fishermen in the industry who are starting out with high debt and low profit margins. Thank you for your time.

CHAIR KELIHER: Thank you, Wayne, I appreciate it. Since we opened the conversations up, we've had two more come on, John Drouin and John Norton. I'm going to go to John Drouin, but I am going to ask you to keep your comments very brief, because we've blown through the 30 minutes that

we set aside for this. John Drouin, can you hear me?

MR. JOHN DROUIN: Yes, Sir, I can. I would just like to say, my name is John Drouin, I am a lobster fisherman from Cutler, Maine, have been for 45 years, and Cutler is the epicenter of the grey zone. The grey zone is a body of water that is 210 square nautical miles that is shared by the Americans and Canadians.

The Canadians cling to within three and one-half miles is where the Canadians fish off of Cutler Harbor. Addendum XXVII will provide zero conservation benefits in this area, which effect fishermen from Eastport down through Jonesport, and beyond. Whatever you're looking for, for like it says, conservation benefits, are going to be null and void in this area.

It goes hand in hand with Addendum XXX as well. If the Canadians get to retain these lobsters that we don't, it's just another slap in our face as they go to market for lobsters that we cannot retain. I would love to spend some more time and talk to you about the grey zone, and perhaps in the future we can. Thank you.

CHAIR KELIHER: Last up for public comment, John Norton. John.

MR. JOHN NORTON: I will try to make this brief. I am concerned that the interplay between Addendum XXVII and XXX. The U.S. processing industry sector relies on supplies of Canadian lobsters during May and June. If those lobsters from Canada are diverted, then the survivability of U.S. processors is at risk.

That supply probably is 90 percent of U.S. processing in those months. Without those months we would not be able to cover overhead for the year. I think it would produce a tremendous following out of the lobster processing industry in the U.S. If that happens, we would be left in the situation we were in 2012, when the supply shot hit the U.S. industry, we had

a strike for \$1.75 a pound, and I don't want to go back to those days.

CHAIR KELIHER: Thank you, John, and I appreciate those comments. That concludes the comment period for items not on the agenda.

PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENT FOR AMERICAN LOBSTER

CHAIR KELIHER: At this time, we're going to jump right into the agenda. But I would just remind the Board that I've got a few comments as it pertains to some of those things that we've heard here today at the end of the meeting. Item Number 4 is a Progress Update on the Benchmark Stock Assessment for American Lobster, so Tracy, take it away.

DR. TRACY PUGH: Hello everyone. This is going to be really quick. We have essentially just started the stock assessment process, and I'm going to give you a two-slide quickie. Your Subcommittee members for this are Kathleen Reardon from Maine, Josh Carloni from New Hampshire, myself, from Massachusetts, Burton Shank from National Marine Fisheries Service, Conor McManus from Rhode Island, and Jeff Kipp from ASMFC. We are receiving additional support this time around from a couple of external researchers, Dr. Theresa Burnham with the University of Maine, is helping us out with some socioeconomics information, and Dr. Geni Nesslage from the University of Maryland is going to be heavily involved in helping us update our growth information through this assessment. Essentially where we're at is we had a three-day data workshop in February.

A lot of that was focused on bringing in outside information, learning from folks outside of the Assessment Committee on what they are doing and how their information might be relevant for the assessment process, with just simply understanding life history updates. We have also initiated; the modeling crew is having biweekly phone calls at this point in time to discuss updates in status on progress on the modeling work.

We've had our first webinar on April 19, and so our future schedule is we have another webinar on June 3rd. We have a multiday meeting coming up in July that is scheduled to meet in New Bedford, Mass. We have another multiday meeting coming up this fall some time, the location is to be determined.

The other fits of the schedule are we plan to have a draft report ready for the Technical Committee to review by February of '25. The Peer Review Workshop then will hopefully take place in May of 2025, and the final presentation to the Board of the completed and reviewed assessment, we're hoping will be in August of 2025. I will happily take any questions if anybody has any about this.

CHAIR KELIHER: Any questions for Tracy on the update? Seeing none.

AMERICAN LOBSTER TECHNICAL COMMITTEE REPORT ON NORTHERN EDGE LOBSTER POPULATION AND FISHERY

CHAIR KELIHER: We are going to go right along to Item Number 5, which is a Technical Committee report on the Northern Edge. Back to Tracy.

DR. PUGH: I'm also going to go relatively quickly through this. The background on this is, this is in with respect to a potential New England Fisheries Management Council action looking into opening up scallop access to a portion of Closed Area 2 on the northeast portion of Georges Bank. There is a specific area of interest.

Essentially, there is a closed Habitat Management Area in that region, and they are looking at providing scallop access to a portion of this Habitat Management Area. On the map here, essentially this is just where we're talking about. This is all in NMFS Statistical Area 561. The yellow here on the map is that Habitat Management Area.

The pink and the black slashes in this map show essentially two of the proposed scallop access areas. They were considering four access areas. My understanding is that as of their meeting in

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April, they have reduced the areas they are considering down to just two areas. The pink area on this is one of those areas, and I think it is the upper portion of the pink is one area, and then the full portion of the pink is another area that they are still considering.

My understanding is that the Council is going to be looking for updated information in June, and potentially taking action in September. Again, this is my understanding of the Council process. The task from the Board to the TC was to characterize potential impacts of the lobster population and fishery relative to presence and absence of lobsters, particularly egg bearing females, and then also take a look at fishing effort in the area.

We gave a little bit of information update to the Board in January, and this presentation essentially summarizes the final report that we provided to you in meeting materials. The data sources that we've used for this; fishery independent surveys to look at relative abundance in population characteristics, so the Science Center's Spring and Fall Trawl Surveys.

We went back to the year 2000 with these data, and looking at station-specific catch at locations on and off the Bank. The Coonamessett Farm Foundation generously gave us data access to a seasonal scallop dredge survey that they've been conducting since 2012. For the relative abundance in population characteristics, we looked specifically at a subset of their data that happens up on top of the Bank and that has sufficient sampling resolution to let us look at seasonality.

Fishery dependent data gave us some information about catch characterization, so the kind of catch that we're seeing in commercial traps, size, sex ratio, reproductive status. We have data from the CFRF Lobster Study Fleet on this going back to 2013, and those data were constrained specifically to the scallop access areas being proposed.

We also have a little bit of data from the Federal Observer Program, just a couple years' worth of data there. For additional fishery dependent data.

In 2015, AOLA and New Hampshire Fish and Game did a Harvester Logbook Survey, where they were taking information from harvesters. We used that to look at distribution of egg bearing females.

There is a tagging study available, so we'll look at lobster movements around the Bank, and then we use VTR data, Federal shrimp report data, to look at lobster effort and landings. We looked at both within Statistical Area 561 on and off the Bank, and we tried to look at it a little bit finer resolution on 10-minute square levels.

Then finally, again, from the CFF seasonal scallop dredge survey, we can look at the impact of scallop gear on lobsters it sells. The seasonality abundance, the graphs here on the left. You see the spring survey data. On the right is the fall survey. Notice the scale difference in the points on these graphics.

The spring survey catch is topping out at about 50 lobsters per tow, whereas, the fall is topping out at about 300 lobsters per tow. Even though the dots in spring look bigger, the catch in the spring is actually a little bit lower than fall overall. You can see there is a seasonal pattern, so the higher catches in spring are off the Bank, whereas in the fall the higher catches are up on the Bank.

The highest catch that we saw in the season is in that Habitat Management Area in the green, so that big blue dot was over 300 lobsters in that tow. For seasonality, this is the scallop dredge survey 2017 to 2019 data. Again, this was a subset that was happening specifically up on top of the Bank.

You can see a pretty consistent seasonal pattern here in the catch. With the winter to spring being relatively low, it increases, and so we see the highest catch rates then in that August to October time period before it drops off again in December. For sizes and sex ratio, on the left this is from the trawl survey, the Federal trawl survey. I'm only showing you a portion of the graphic that is included in your final report. This is just the on-Bank portion of the graphic from the final report,

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and the top is fall, the bottom is spring, the red is females, the blue is males.

On the right the graph is from the scallop dredge survey, again females are in red, males are in blue. Both of these mobile gear surveys are showing us a very strong female skew sex ratio, particularly in the fall. Then we're seeing predominantly larger lobsters, again predominantly this is happening in the fall time period.

Then we looked at the scallop dredge survey data, and 57 percent of those females were egg bearing females. For commercial catch data, so this is commercial lobster catch data. This lobster study fleet, this is data constraints specifically to those scallop access proposed areas. We did see year-round fishing activity in those areas in many of the years that we looked at, and again this goes back to 2013.

The graphic for the size is included in your report, I'm not showing it here, but we are seeing a fair number of large lobsters comprising the catch from these commercial catch data. Looking at the stability of that size distribution over time, females are pretty stable throughout the three through four seasons, whereas males, the size distribution was a little bit larger in the fall and the winter, a little bit smaller in spring and summer.

When we look at sex ratio, the graph here is showing an actual ratio. If you look like 10 in this graph is 10 females to 1 male. You can see in the four seasons we're seeing relatively consistent female skew all seasons, over all of the years that we looked at, and particularly in the spring and summer, which is when most of the actual observations were happening.

Quarter 2 is seeing annually more than 10 females for every male, and in Quarter 3, which is July through September, we've got several years where we're seeing that high skew of 10 to 1, and that is about 90 percent or so female. The bottom graph here shows regressive status over sizes, so the X axis is lobster size.

In the black you can see the proportion of females with eggs. This does tend to increase with female size. The highest proportions were observed in Quarter 1 catch, but this is sort of the lowest overall total lobsters observed. The lowest proportion of egg bearing females were observed in Quarter 2 here.

For commercial sizes and sex ratio, this is from the Federal Observer data. Again, relatively limited, this is only from 2013 to 2015 with available data, and again, I'm only showing you a portion of the figure that is included in your final report. Most of the catch that was observed through this program actually was taking place off the Banks, but what I'm showing on the screen here is on the Bank catch.

You can see essentially; we're only getting catch observations from June through October. June the catch was relatively sporadic, but in July catch rates pick up, and so you can start to see the size distribution here. The females are in black and in orange. Black shows females with eggs, orange is no eggs. Males are in blue. You can see there is relatively high catch rates of lobsters, above a hundred millimeters in most months. A hundred millimeters is about four inches carapace length. Again, we see this in particularly the females, and if you look specifically at October, you can see that the catch is dominated by egg bearing females from about 88 to about 110 millimeters size,

We used the Harvester Logbook Program to look at the distribution of egg bearing females. This happened in 2015, and they looked at over 13,000 trap hauls. Over 48,000 total lobsters, 19,051 of them were ovigerous females. You can see the broader distribution is in the graph here, but you can see two concentrations of high proportions of egg bearing females.

One of those is right up on top of the Bank. We do see some very high proportions of egg bearing females in what would be the southernmost portion of that Habitat Management Area. The colored boxes in this aren't quite in alignment with the current Habitat Management Area, because

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this is an older proposed region. But they are very close, so it gives you a good idea of where those egg bearing females are in relation to the current proposed Habitat Management Area, and scallop closures.

Movement data, so a couple caveats with the movement data. First, these are predominantly discarded lobsters from commercial catch, so we're talking about egg bearing females, V-notched females, and undersized lobsters make up most of what they tag. Again, this kind of tagging data specifically offshore is very dependent on where commercial fishing activity is actually taking place, so both in terms of lobsters available to tag and release and in terms of recaptures.

We've broken down these maps by the release time period. This Quarter 1 here is the winter releases, and recaptures happen at any point in time. You can see there is not a lot of activity here. The red on this graph shows one of the proposed scallop access areas for reference. Quarter 1 we would see a little bit of recapture happening up on top of the Bank.

If we move to Quarter 2, we've got more activity happening, and you can see in the northernmost portion of the along the scallop proposed areas, we are seeing activity, so this means both fleet fishing activity and lobster activity happening. Quarter 3 is summer period. You can see there is a fair amount of activity up on top of the Bank here, and a little bit of activity in the northernmost portion of the scallop access areas that are proposed.

Quarter 4 is fall, again lots of activity up on top of the Bank, in terms of both fleet and recaptures, and a little bit of activity in the northernmost portion of that scallop proposed area. For landings and effort data, again this is VTR data. We took a look at this, and we're pretty sure that the VTR is going back to 2013 specifically for this region, actually do capture most of the trips happening.

We looked at the VTR data on two sort of levels of resolution within Statistical Area 561. The big grey box there is for all of 561, the green is that Habitat Management Area, and the black outline is one of the proposed scallop areas. The blue dash line here is the hundred-meter depth contour, which is what we're using to delineate on and off the Bank.

We looked at it both on and off the Bank, and then at the 10-minute square level for this. We have a lot more confidence in the data at the 561 scale than we do at the 10-minute square. This is because of the way the VTR data are reported. Fishers on VTRs tend to report a single Lat/Long on the VTR, so it doesn't necessarily represent the specific location of all of the trawls that they hauled in their trip, it's just the one specific area.

We don't think it fully captures the full footprint of where activity is happening. But with that said, the graphs here show on the top the number of active vessels, the bottom is landings. The blue line here is off of the Bank and the red line, I'm sorry, the blue is on-Bank and the red is off-Bank.

You can see that activity on the Bank and landings on the Bank increase in July. The number of vessels is highest from July through October, and the landings show a pretty clear peak in August, but are generally high from July through October. Landings on the Bank do account for a pretty good proportion of the annual landings in Area 561 as a whole.

Looking at the 10-minute square level, again, this is where we have slightly less confidence that the spatial resolution is really accurate. But you do see the seasonal pattern. The first six months of the year, essentially, we see all of the activity in terms of landings happening in the deeper water off of the Bank.

Then as the landings start to pick up, as you get into July through October. Most of those landings seem to be happening immediately south of the scallop area, so the bright yellow box there is the highest in the landings scale that we're showing here. Then landings within the access areas are

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considered essentially a small to moderate amount of the monthly landings at this resolution.

Finally, the impact of scallop gear on lobsters, and this is the physical impact of the gear on the lobsters. For this we were unable to use the full dataset from the Coonamessett Farm scallop dredge survey, so going back to 2012 they observed 2,060 females and 216 males. Of those, only 37 percent of those females were undamaged, and only 31 percent of those males were undamaged, and that is shown in the pie graphs on the left.

If you look at that the orange and the red, essentially are moderate and lethal damage respectively. You can see the fair amount of females and males experienced at least moderate, if not lethal damage. Egg bearing females seem to be more robust to this gear, 45 percent of the egg bearing females were undamaged versus only 27 percent of non-egg bearing females were undamaged.

We think this is likely because those egg bearing females have had that shell on for a really long time, so the shell was actually very hard at that point. Particularly, molted lobsters or recently molted lobsters, seem to be particularly vulnerable. Seventy-three percent of recently molted lobsters had lethal damage, 33.5 percent of hardshell lobsters had lethal damage.

When we looked at a model to try to incorporate size into this analysis, again I'm only showing you a part of the graphic that is available in your final report, so this is for the lobsters that did not have eggs. The model is predicting major damage being extremely high. The blue line here is the major damage, and you can see specifically for the paper shell lobsters upwards of 90 percent of lobsters are going to have major damage.

There does appear to be a size component here, so the model predicted increase in major damage as you got above about 110 millimeters. You can see this in the hardshell graph there with the lines picking upwards at those larger sizes.

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To summarize, lobsters do appear to be present year-round on the Banks, but relative abundance is much higher in the late summer to the fall time period. Large aggregations of ovigerous females do appear on top of the Bank. From the data that we have, this seems to happen sort of in and immediately south of that Habitat Management Area.

The lobsters that we're seeing are very large, mostly over 100 millimeters, and this is consistent across the various data sources, so we're getting this from commercial trap gear, we're getting this from survey gear, we're getting this from scallop dredge gear. Similarly, females skewed sex ratios are pretty consistent across all of the available data sources.

We do see moderate levels of fishing activity from July through November in the Habitat Management Area, so in the closed area. There appears to at least be some overlap with the proposed scallop access areas. Again, on-Bank fishing does contribute a relatively large portion of landings for 561 as a whole.

One thing I wanted to point out here, because I essentially complained about the resolution in the spatial data with VTRs is the implementation of the tracker data will eventually let us answer questions like this with much better confidence, because it is going to have that better precision to be able to address specific areas of interest. I will happily answer any questions anyone has.

CHAIR KELIHER: Thank you, Tracy, that was an excellent report. Before we consider taking any action, does anybody have any questions for Tracy? Mr. Borden.

MR. DAVID V. BORDEN: Excellent presentation, Tracy, fine job as always. I guess my question is, is there a divergence between the tracker data that the Commonwealth has, since they implemented trackers early, and the VTRs?

DR. PUGH: We did look briefly at the tracker data that is existing. As Dave mentioned, it's only

Massachusetts that had more than essentially a couple of months of data to look at. There are a number of issues with the first year of the data being as implemented. There were some issues with the devices and things. But there is nothing in the tracker data that essentially said something different from what the VTR data are showing us. The tracker data that we do have available corroborates VTR data.

MR. BORDEN: Yes, follow up, Mr. Chairman. It's a process question. As I understand the time sequence, I'm sitting next to the Chair of the New England Council. The Council wasn't going to finalize its position until later in the summer. We have a summer meeting that takes place prior to that. In other words, there is some uncertainty as to which of these alternatives, two alternatives the Council is going to utilize. The question is, is the intent here to offer some general comments on this proposal at this time, and then get into the specifics at the summer meeting, or are we going to try to do it all at this meeting?

CHAIR KELIHER: Yes, I think from the timing with the Council meeting, I think it would be more appropriate for this Board to consider making some final comments on this for the Council to have under their consideration. Eric Reid.

MR. ERIC REID: Yes, Aloha to you, Mr. Chair, and thank you. At this point what happened in New England a couple weeks ago is we did receive a summary report from Ms. Kerns, but we didn't have this final report yet. We are scheduled to have an update at the end of June in our Council meeting, which is the end of June.

But there will be some amount of work done before then. There will be an update, and final action is proposed for September. But if you wait until your summer meeting, what is the point of waiting? I think I guess that is my question to you, Mr. Chair. You know you have the information available to you now. That is not going to change. That is my two cents. The report you did was actually really awesome, and your timing was perfect. Thank you.

CHAIR KELIHER: Thank you, Chairman Reid. I concur with that. I mean I think we do have a very excellent report from the TC on this topic, and I think what we need to consider finalizing a letter at this point in time to send to the Council. But before we get to that point, I've got to see, I know I've got Steve Train and then Roy Miller.

MR. TRAIN: Tracy, I'm sure you've got anecdotal data from other stuff out there. This is what you were tasked to study and I'm getting numbers like 57 percent, mostly large lobsters' 57 percent of egg bearing, 88 percent are female in one area, 34 percent egg bearing. Larger lobsters' 34.3 percent that were hit by a drag the females died; 46 percent of males died. Is this typical population data out there, or does this area just have a lot more females with eggs?

DR. PUGH: We think the Georges Bank in general has a relatively unique population of relatively large, and the egg bearing females that we see the seasonality for that. If you look in the middle of summer after they have all hatched, you can have a very low proportions of egg bearing females. But if you look in the winter time or in the fall after they've spawned, and while they are carrying those eggs, it's going to be a little high.

To some extent the timing of the sampling dictates what we're really seeing with a portion of egg bearing females. We do think that this is an important area for egg bearing females and large sizes. I think the available data out there, we were a little bit honestly lucky, in that CFF has such an extensive presence out there with their scallop dredge surveys that we could look at that data.

The Federal Observer data was limited to just those two years, three years, 2013, '14, and '15 that we had available to look at. Then the CFRF study fleet provides a really important data source for us to be able to use out there. It's not necessarily a data rich area, but we do have these pieces of information. Does that address your question?

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MR. TRAIN: I think mostly, yes. It sounds like pretty much both the Georges were like that, but this might be a little heavier maybe, because of the time of year. Is that all just based on what you said?

DR. PUGH: Yes, there is a little bit of a timing component to it, but yes, we do think up on top of Georges Bank is a relatively unique population of lobsters.

CHAIR KELIHER: Follow up.

MR. TRAIN: You said it's a relatively unique, but didn't we just determine a few years ago that Georges Bank and the Gulf of Maine are the same lobster stock?

DR. PUGH: Yes, the 2015 stock assessment did tie the Georges Bank Stock to the Gulf of Maine stock. That was based largely on looking at some of the trawl survey indices and looking at the exchange of lobsters on top of the Bank and down off into the deeper water, the seasonality of that exchange.

Then there is older tagging data, and then there is newer tagging data. We're going to look at that really closely with this upcoming stock assessment, to revisit that linkage. But it does, so it's unique in that there are very large lobsters out there. It's not necessarily disconnected from the Gulf of Maine stock as a whole. That is something that we are going to take another close look at with this stock assessment.

CHAIR KELIHER: Roy Miller.

MR. ROY W. MILLER: I was wondering if you would allow the opinion of someone well from the south of this fishery area. In the documents that were provided, it isn't at all clear to me whether this fishery is going to happen, and we're just providing guidance on where, how and when, as opposed to perhaps this fishery not taking place in the area for all the reasons, we've already heard concerning ovigerous females, et cetera. Some guidance for the rest of us would be beneficial,

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Mr. Chairman, or perhaps Tracy, if you could enlighten us.

CHAIR KELIHER: Presently the New England Fisheries Management Council is considering four areas for considering opening on the northern edge for scallop fishing. They have been working to narrow those areas down within their documentation. But the idea here is to provide additional guidance to the Council on whether those areas should be opened or not, or modified. It will ultimately be a New England Council action. I'll turn to Chairman Reid, and see if he would like to add to that.

MR. REID: Exactly, at our June meeting we eliminated two of the four areas that have been under consideration. The two that are left, in one of your charts you showed a little piece of a carrot of really complex bottom. Both the areas that are still on the table are generally speaking, north of that complex bottom out into deeper water outside of 55/80 fathoms of water, out in deeper water. One of the areas, Area 2, is completely enclosed in Area 4. Just so you know. We're down to two areas, plus the option of course is status quo, no action. That is also, it's not a foregone conclusion, all right, but we're working on it.

CHAIR KELIHER: Roy, does that answer your question?

MR. MILLER: It provides me some guidance, if not total comfort anyway.

CHAIR KELIHER: Before I go to Jeff Kaelin, Toni Kerns had, okay, Jeff.

MR. JEFF KAELIN: I've been involved in this process, since I was on the Mid-Atlantic Council. I'm still a Habitat advisor, and I think there is some real opportunity to go into at least one of the two areas that were left on the table at the Council meeting in June. My question is, Tracy, appreciate the presentation.

I don't think you've done the work yet, but it seems to me that what we need is some kind of a relative comparison about gear impact mortality outside of that area. Generally, in the scallop gear impacts for lobsters, bottom trawl impact for lobsters, gear damage. Compared to what you've just showed us on Georges, I really think that we need a comparative.

We need to compare the potential damage on Georges, the narrow areas that we want to go into for scalloping up there relative to the rest of the fisheries, both the bottom trawl and the scallop fisheries relative to gear mortality, so we would have some kind of a comparison to make to determine relative risk and so forth. I want to make that point. That might be very complex, but it seems to me that kind of information would be very important.

DR. PUGH: Yes, so just a follow up on that. With the CFF data available, the scallop dredge surveys that they were doing, some of those took place on top of the Bank, and some of them were taking place in deeper waters off the Bank. We pooled the data for what I showed you here. We did look at on and off the Bank.

I don't remember seeing a difference, in terms of where the gear was towing on the Bank versus off the Bank, in terms of the damages. We can dig a little bit further into that. As far as I know, I can't think of any, certainly nothing recent or nothing offshore for other mobile gear types that would have damage assessments or damage rates.

I think that there is probably some very old information inshore with mobile gear, and I'm squinting, because I can't really remember for sure. I want to say it was in the eighties. But inshore is going to be smaller lobsters, a little bit different habitat. We don't have a lot of comparative stuff to work with. But we can dig a little bit more into the CFF data if you would like us to do that.

MR. KAELIN: Yes, thank you. I was thinking particularly around the rest of Georges or the

southern and to the western as an area, but it's not a perfect world. We may not be able to make that comparison. But it does strike me as important, just in terms of relative risk and going on to Georges for scallop fish. Thank you for considering that anyway.

CHAIR KELIHER: Dennis, did you have your hand up? No. Toni.

MS. TONI KERNS: I think one of the things, and thank you, Tracy for this very thorough report from the TC. One thing that we did not ask the TC to do was to provide any economic information on what potential impacts would be, and I think that will be really important for the Council to have that information, as they are contemplating their decision.

Making fact data is important to have as they develop their document, so that information would be needed prior to our August meeting, and as soon as possible. Because VTRs were not fully implemented until April 1, we are not going to be able to get economic data from, well the VTR reports aren't going to have economic data, so then you have to go to the Dealer Reports, and the Dealer Reports won't be tied to the VTRs until just now, most likely.

We're going to have to piecemeal together any economic data that we need, but it would be helpful for the Board to direct us to do that as we are providing information over to the Council to the best of our ability.

We may need the states to help us piecemeal that together with the data that you all have, to provide the best information possible.

CHAIR KELIHER: Okay, we had a complicated issue even more complicated, thanks, Toni, appreciate that. Any additional questions for Tracy? Seeing no additional comments for Tracy.

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CONSIDER SENDING COMMENTS TO NEW ENGLAND FISHERY MANAGEMENT COUNCIL ON SCALLOP ACTION

CHAIR KELIHER: Would anybody like to make any motions here? David Borden.

MR. BORDEN: I don't want to make a motion yet, but it seems like we first have to decide is whether or not we want to submit a letter, and I assume we do. To me the process should be, we should raise issues and then the staff can have the luxury of a little bit of time to put together a letter and circulate it to the Board, to ensure that it reflects the sentiment that's being expressed. That is the gist of the process that you envision.

CHAIR KELIHER: Eric Reid, if I could direct a question to you, just from a timing perspective. If a letter was going to be sent, what do you envision, as far as the deadline? What is the latest we could get a letter to the Council to have it be impactful?

MR. REID: Well, honestly, Mr. Chairman, it would really depend on when the two committees will meet, the Scallop Committee and the Habitat Committee's will meet to consider any additional information. Obviously, we'll have this report to consider, but if there is some other something from the Commission. The longer it takes you to get that in play, the less likely it is that it will be really considered. We'll obviously consider this final report in our decision-making process. But the report speaks for itself.

CHAIR KELIHER: Dan McKiernan.

MR. MCKIERNAN: Just in terms of process. I think it would be valuable if the Board also cleared the TC to maybe submit whatever future work product is going to happen to the Council staff. Because if we have to wait to receive a report in August, before we hand it on. I'm guessing that there are some time sensitive aspects to this, or sequencing challenge, where there was request to get this report to a Council before we had even seen it. But it is obvious to me that that is important, in

order to get this data incorporated into Council decision making. Whatever we do, I think we should allow the TC, maybe with Executive Director or Board Chair oversight, to get this data into the process.

CHAIR KELIHER: I think the additional data that we might need, if we did want to pull together economic data. Obviously, I think we would need some TC work and some work from the states, as Toni said. But I think to where Dave Borden was going, the idea of staff potentially starting the drafting process on a letter, if that is where you were going. I'll maybe ask a question to the Board. Are there any objections to sending a letter outlining the concerns that have been raised with the data that the TC has provided us? Alli Murphy.

MS. ALLISON MURPHY: I'm really appreciative of the work that the Technical Committee has done, and certainly fully support information sharing. I just abstain from any opinions that are input or recommendations that the Board wants to make to the Council. Thank you.

CHAIR KELIHER: Thanks for that clarity, Alli. Cheri.

MS. CHERI PATTERSON: Just a question on what sort of data we would probably like to see analyzed, not just the landings aspect, but also what the cost of the damage would be to lobsters if mobile gear was going through there. It would be the potential resource there, not just what is being removed for landings.

CHAIR KELIHER: Steve Train.

MR. TRAIN: I would object to a letter going out that says anything other than, Hell, no! I mean we've got broodstock lobsters out there that have more eggs, healthier eggs, more likely of sustainability than part of a stock that is the same stock that we're trying to manage that we've got a room full of people, and a room full of people online, because they are worried about the management of a stock that is stressed. I don't know why we would worry about sending a letter.

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Anything that doesn't say, Hell, no, we're wasting our time.

CHAIR KELIHER: Thank you for that clarity, Mr. Train. Dave Borden.

MR. BORDEN: I'll make this brief. My understanding that some of the data that is available is confidential and can't be released. The Technical Committee is in, I think the position they can't use that data and put that data into any kind of document that we would submit. The one option I think that the Commission has is, it can go to those individuals that submitted the confidential data, and ask them whether or not they will agree to release it so we can use it.

I think that step should be included in the process. We need to use the best data that we have to characterize the problem, and if that requires us to get special permission from the people that submitted the data, then I think we should do that. Then I've got a general statement I would like to make after you get to that point.

CHAIR KELIHER: Are there any other comments on this? Doug Grout.

MR. DOUGLAS E. GROUT: Yes, I think our process of developing the comments is a good one. But I agree with Steve that the major issue here that we've seen, not just from this most recent data that the TC had put up, but we saw information from a previous action that indicated there was a large number of egg-bearing females on the Bank during the summer and fall, and that the impact by scallop dredgers, which is what this action is looking at providing access to, was very significant.

Again, shown here by the most recent data. I don't think we need to compare it with what it looks like in other mobile gears. We know that there is some past information on that. I think the only refinement we might have to look at is what are the specific areas that are now still under consideration.

If any of those areas does have, the locations have some mitigating impact to what, there aren't that many females in those particular areas, or whether they still are impacted. To me, the key thing here is the impact to ovigerous females up there, which seem to be in high concentration.

CHAIR KELIHER: I tend to agree. The tasking motion for the TC was something that I put on the table, and it really kind of aligned with the concerns that you're raising now. I think where the TC has given us a very good report to base the development of a letter on. Then I think, to Dan McKiernan's point.

If there is any additional information that may come from the TC at a later date, we could either add to with some general discretion of the Board Chair and the Director. I'm going to turn it over to Dave Borden for a statement and maybe we could get to a motion, or at least a consensus statement.

MR. BORDEN: I think we're on the horns of a dilemma on this issue. I totally agree with the statement that Commissioner Train just made, and I won't be as eloquent. But the problem is, this Commission has the responsibility to kind of set the direction for lobster management, and this is a billion-dollar fishery that employs probably 30,000 people up and down the coast.

The inshore stock and the offshore stock are connected. Technically we have an excellent Technical Committee, the best in my entire career, I would point out. That stock is all considered one stock, so we are dealing with one stock. On one hand we are basically telling the inshore fishermen, you have to sacrifice, you have to increase spawning stock biomass on the inshore areas.

You are going to lose some landings, and I've been a supporter of that, because I want to buffer the coastal communities, particularly up in eastern Maine that are 90 percent reliant on this resource. A 50 percent decline in the resource is a disaster. We might not be able to stop it, but one thing we can do, having been a state fishery director during

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the collapse of the Southern New England stock is, we didn't take action soon enough.

I've said this repeatedly, you have to get out in front of this issue. Pat, some action is required. On the other hand, the New England Council is primarily responsible for fitting the direction on scallops, and they've got to weigh those impacts. The damage rates that Tracy and the technical folks indicated are substantial. They are nothing for us to turn a blind eye to in the process. I think we have to send a pretty forceful letter to the Commission and raise those types of concerns. One of the concerns, and I'm going back to 2002, when I was a Council member. I got off the Council in 2004, but in 2002 NOAA approved the Habitat Amendment, and they disapproved certain parts of that Habitat Amendment.

If my memory is correct, they specifically required that if Habitat was going to be negatively affected that there had to be mitigation stuff proposed as part of that process. Now that is 20 years ago, my memory may be wrong. But I think that NOAA General Counsel had to clearly look at the provisions they included in the Habitat approval, and insist that those conditions on mitigation be met on this.

From my perspective, if it's going to be a scallop fishery, I would like scallopers, and I totally understand the logic for why they want to get in there. If there is going to be a scallop fishery, we have to do something to mitigate the negative consequences on the lobster stock. Otherwise, it makes absolutely no sense to tell the inshore guys, you've got to sacrifice and raise the gauge in order to increase SSB so somebody else can kill it in another area.

CHAIR KELIHER: Jeff Kaelin, we are constrained for time, so I will ask you to make a quick comment or question, and then I'm going to come back. You've got your hand up too, Ray. You've got to raise it high so I can see it.

MR. KAELIN: Mitigation is on the table. That is definitely one of the issues that the scallop

industry is going to have to do with that initiative up there. But I'm looking at the data, and I think April, May, June, July, November, December. There is opportunity to go in that area, that specific area that is still on the table.

I have a real problem with a Hell, no, personally, based on my years of experience up there on Georges and so forth. I think that is an unfair characterization of the data, frankly. I think there is an opportunity to go in there with minimal impact during the spring. That is where I'm coming from.

CHAIR KELIHER: Ray Kane.

MR. RAYMOND W. KANE: Thank you, Tracy for an excellent presentation. Hearing the conservation, I concur with other Commission members here with what Steve Train had to say, with what Dave Borden had to say. I think in this letter from the Council, it should be mentioned, as Jeff Kaelin just spoke to, it should be a time area closure, you know December through March, have at it.

The big vessels, you know they are going to come back with a safety issue. But if there are scallops there, harvestable scallops, give them access, but in a time when it's not going to impact our lobster industry. I mean we do manage lobsters, right, this table? ASMFC manages lobster, and I think we have to let the Council know right off that it's out of the question a year round fishery out there. They have to start thinking much smaller, like three or four months of the year.

CHAIR KELIHER: Dennis.

MR. DENNIS ABBOTT: I really appreciated Steve Train's comment, because I like the plain-spoken word, Hell, no. You know there is a big difference in sending our concern to the Council, but I think we either should be opposing this measure or supporting it. You know after listening to Tracy talk about the damage there, it was really an eye opener for someone like me.

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I would like to see us as a Board take a vote, have a motion and take a vote on whether we want to, say whether the Atlantic States Marine Fisheries Commission Lobster Board is in favor of or opposed to. I think we should know where the Board stands. I would really like to see a vote taken on which way we want to go, and as Steve said, you know he said it Hell, no. I think that is the proper way to go.

CHAIR KELIHER: There is no motion on the table. We do have a very detailed Technical Committee report that speaks to the data. It speaks to time and area issues associated with it. We're here, as was said by Mr. Kane, to give our comments as it pertains to the impact to the lobster resource.

It would be appropriate for us to send a letter to that point. If anyone would like to make a motion we can entertain it, if not, I think we need to by consensus, have staff draft a letter that includes the details from the Technical Committee report, and if we have time, do some additional outreach to the states on what that economic impact would be. That would give the Council all of the information.

They would have that Technical Committee report, they would have that data all around. The economics of the situation for them to then use for final consideration in front of that management body. If nobody wants to make a motion, I would ask if there is consensus with that approach that I just laid out. Mr. Reid.

MR. REID: Absent of a motion and any consensus statement, I am the Chairman of the New England Council and I am also the Chairman of the Habitat Committee, so I am going to abstain on whatever it is you are going to do here.

CHAIR KELIHER: Thank you, Mr. Reid. Toni.

MS. KERNS: Just as an FYI. We've already shared the report with Council staff, so they do have the report already.

CHAIR KELIHER: They do.

MS. KERNS: Yes.

CHAIR KELIHER: Is there consensus on developing a letter that highlights the concerns within the TC report? The letter could be drafted for my review and the Executive Director's review, and we would then send it to the Council, once we have the additional economic information from the state. Do we have consensus on that approach? Is there any opposition to that approach? Seeing none; we will develop a letter based on the information that we have, and then try to include that economic information that Toni raised. Thank you very much.

PLAN DEVELOPMENT TEAM REPORT ON CONSERVATION MEASURES FOR LOBSTER CONSERVATION MANAGEMENT AREAS 2 AND 3

CHAIR KELIHER: We're going to move right along to Item Number 6. I know Caitlin can probably be a little briefer than I had hoped on the last agenda item, so the Plan Development Team report on conservation measures for Areas 2 and 3. Caitlin.

MS. CAITLIN STARKS: I will try to be brief. Just for the background on this topic. This is related to the 2023 NOAA Interim Rule to implement the measures from Addenda XXI and XXII. These two addenda were approved in 2013, and they included aggregate ownership cap in LCMAs 2 and 3, and maximum trap cap reductions in LCMA 3.

At that time these measures were intended to scale the southern New England Fishery to the size of the stock, which had been found depleted in the last stock assessment. Then given that ten-year delay between 2013 and the federal implementation of these measures in Addenda XXI and XXII, the Board and industry have expressed concerns that in that time there have been some significant changes in the fishery.

As a result, the Board thought it was warranted to investigate this further, and they tasked the PDT to review the conservation measures that were originally set in Addenda XXI and XXII, and to come up with some recommendations for alternative

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measures to achieve the same types of conservation measures, inclusive of input from the Lobster Conservation Management Team for Area 2 and Area 3 by the spring meeting.

REPORTS FROM LOBSTER CONSERVATION MANAGEMENT TEAMS 2 AND 3

MS. STARKS: I will note here that because the LCMT for Area 3 has not met yet, the PDT was unable to provide recommendations that considered LCMT input for this meeting. But the PDT did meet twice in April, and the discussions that the PDT has had focused mainly on gathering information that could help characterize the changes that have occurred in the lobster fishery in southern New England since 2013.

The PDT discussed the number of permits issued by LCMA and maximum allocation, number of traps fished, development of the Jonah Crab fishery, and the shift of Area 3 vessels from southern New England to fishing in the Gulf of Maine and Georges Bank stock, as issues that need to be quantified to better understand how the fishery has changed in this time period.

With the data that were available to the PDT before now, we have data from New Hampshire, Massachusetts and Rhode Island, and also our federal permits, and the PDT was able to put that together in time for this meeting. These are some of the key takeaways that the PDT noted with these data.

Between 2010 and 2023, there was a 42 percent reduction in the LCMA 2 maximum allocation. It should be noted that not all jurisdictions had data available for this timeframe. There was a 38 percent reduction in the LCMA 2 maximum traps fished between 2013 and 2022. There was a 28 percent reduction in the LCMA 3 allocation between 2013 and 2023.

Then a 4.3 percent reduction in the LCMA 3 max traps fished between 2013 and 2022, but that was relatively steady over that time period. Moving forward, the PDT has identified some gaps in the

data that they would like to rebuild, in order to complete this task. That includes federal LCMA 3 allocation data for 2008 forward. Some missing LCMA 2 allocation data for the years of 2011 to 2015, and the LCMA 3 permit and trap data separated out by stock area. With the full datasets, the PDT plans to look into overall reductions in maximum traps fished, changes in the ratio of max traps fished to allocations over time, and reductions in traps actively fished, and then quantifying the change in Jonah crab directed effort in southern New England.

Once both the LCMTs have met and provided some recommendations as well for achieving the conservation goals from Addenda XXI and XXII, the PDT can take that and put it into consideration as well. In addition, the PDT also is looking for some additional guidance from the Board to help them focus the recommendation.

The PDT felt the language of the Addenda XXI and XXII objectives is a little bit vague, so it would be helpful for the Board to weigh in on what metrics should be used to evaluate this idea of scaling the fishery. For example, should we be looking at total traps or allocations in proportion to relative abundance of the stock, or number of trap hauls?

Additionally, the PDT is looking for input on what specific objectives the PDTs recommendation should aim to achieve, whether that is eliminating latent effort or achieving long term reductions in traps fished, or preventing increases in effort from current levels or something else. These are some things the PDT would like some input on from the Board today. Before we go back to the Board for discussion, I believe we have a report from the LCMT 2 meeting that took place this month.

CHAIR KELIHER: Conor McManus.

DR. CONOR McMANUS: I'll be brief, because there is a memo or report in your materials as well, outlining the meeting that we had on April 9, regarding the topic for LCMT 2. Many of the comments that were made were similar to those

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that have been expressed in other avenues, and other workshops we've held as of late.

But just in brief, the LCMT for Area 2 first commented on the sunset clause of May 1, 2022, and that they would be interested in trying to change that or remove it entirely, to try and enhance flexibility for the fishery. Much of the comments today have been around the topic of how much the lobster fishery has changed in southern New England particularly in this area.

It is imperative to try and provide enhanced flexibility where possible, of which changing the sunset clause to something different or removing it all together would be a step in that direction. There was a similar sentiment of that and justification for discussing the trap limit for federal permit holders with two permits, and trying to allow for that second permit to have 800 traps and not be capped at whatever they were at the date of that sunset date.

There was again, aligning with the idea of business flexibility for this fishery that has changed a lot, but also preparing businesses if there were a further management action that were surrounding trap reductions as there have been in previous years for this stock. It was noted that in order to even build a permit back up with traps that it would be necessary oftentimes to buy multiple permits to try and build to some number, given the current trap numbers for permits federally right now. To try and enhance that flexibility again, there was discussion about whether two permits or three permits, or something where there is a trap limit or is the unit traps or permits now, in terms of how we think about federal permit holders currently with this element.

There was a lot of discussion about thinking of how the fishery will look moving forward, and their recommendations for how to think about those elements. There were additional comments related to ultimately the alignment between state and federal waters licensed individuals. There was sentiment from LCMT 2 members to have state

license holders and federal permit holders be aligned in this discussion.

There was a final request to try and solidify where possible everywhere, what is meant by SD, which is something you've all discussed at length currently. With that I am happy to take any questions. But again, the brief report, I will note that the LCMT 2 plans to meet again to further refine their opinions or clear request or guidance to the Board.

CHAIR KELIHER: Based on the report from Caitlin and additional information from Conor, it is certainly clear that some additional information is going to be needed, and guidance from the Board. Caitlin, do you want to put that slide up for where you need additional Board guidance? I'm just going to kind of wing it here a little bit.

If there are any questions or comments for either Caitlin or Conor, or if there is any additional guidance that the Board would like to take from, I'm open for any of that right now. Do we have any hands? Clearly additional guidance is being asked for here. Okay, I am not sure how we are going to move forward without additional guidance on this particular topic. They've met on this issue, there seems to be some, we do have a hand. Dan McKiernan, thank you for bailing me out.

MR. McKIERNAN: The Area 3 LCMT didn't meet, and I want to take full blame for that, or credit. But I really think the PDT is on the right track, in terms of describing through analysis of effort data where we are at. I'm really comfortable presenting some of those data back to Area 2. For example, we had a conversation with Area 2 LCMT, without them seeing those data. I just think this needs a little bit more time.

When they finish with the Area 3 data by obtaining it from the other states, or filling the gaps, I think we're going to have a much more informed conversation with the Area 3 LCMT. I think that is the key, is we need to look at what the measures in Addendum XXI and XXII are trying to

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accomplish. What the measures in the federal proposals are trying to accomplish, and line that up with the actual changes and true effort that have transpired over the last 12 years. I don't know if we have to answer these three questions today.

I think it would be valuable to see the final report coming out of the PDT. Because as I said to the LCMT 2 Team, I said take your time and get this right, because we don't want to have another situation where, for example, we may pass an addendum. NMFS may pause, because it doesn't match up with either their standards or other rulemaking. I would ask the Board to let this bake some more, at least until the August meeting, and maybe we can take a crack at some of those questions then, once the data are all analyzed.

CHAIR KELIHER: Just one question. A lot of your comments were focused on LCMT 2. Do you plan on calling Area 3 into?

MR. MCKIERNAN: Absolutely. We composed the LCMT. It was so dated, many of the members that were listed on that had left the fishery. We were under some timelines to do that, and we didn't get that done. But the findings that you've seen go up on the screen here, I think need to be digested by the Area 3 LCMT, so absolutely, yes. Soon after this meeting we will be putting it together.

CHAIR KELIHER: Thank you, Dan. Dave Borden.

MR. BORDEN: This will be brief. I agree with what Dan just said. Just so everybody understands. This is going to take a while to work on a number of meetings I think are going to have to take place. The Area 2 meeting, I thought went very well. But even there, and in their case, they implemented what the Commission required.

In their case, they still need to have a couple of meetings with discussion about the component of it that relates to where we go in the future, what types of regulations we want in the future, in terms of NOAA proposed one set of regulations, and obviously we would end up with a different

set of regulations if we followed some of those suggestions. That has to be developed over a longer discussion timeline.

In the case of Area 3, having been very involved in that for almost a decade. The issues there are far more complex than they are in Area 2, so it's just going to take a while to work through this. I agree with the suggestion to not pick any of these options at this time, and just allow the process to do what it does best, work through the issues, then bring back updates at every meeting.

CHAIR KELIHER: I appreciate both yours and Dan's comments. We certainly can give the LCMTs some more time. But I think Caitlin would like to get some clarification.

MS. STARKS: Yes, thank you, Mr. Chair. Just to try and better understand what you're looking for from the PDT by August meeting. We are going to pool all those data together that I had identified and look at those. In terms of making recommendations for alternative measures, which was part of the original task, is that something that you would like us to wait on until after we come back with a full set of data, and to take away from that?

MR. MCKIERNAN: Yes.

CHAIR KELIHER: I've got Cheri and then Steve Train.

MS. PATTERSON: I just would like to express a little bit of worry here. I think we still need to move pretty quickly on this if we're going to be enacting this in 2025. I just would hate to see too much delay continue to happen. Not to say I disagree with what we're discussing right now. I agree we need to spend some more time with the LCMTs, but we need to move quickly.

CHAIR KELIHER: Steve.

MR. TRAIN: In response to what specific objectives. The elimination of latent effort has been a touchy subject for fishermen. A lot of us

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will move off the product if it's not profitable. We know we've got the permit; we can do it later. Then if you don't use it too much, people start talking about taking it away from you.

They jump back in to make sure they show a history, so we actually get increase in effort, because you are talking about taking it away. You've got to be really careful in the management of that. People that aren't doing something aren't a problem yet. I'm not saying it's not a problem in the big picture. You've got to be careful how you tackle that one.

CHAIR KELIHER: Okay, I think with staff getting the clarity that they needed, at least from a Plan Development standpoint. We'll let the Area 2 and Area 3 Teams continue their work, and then we'll come back to this at a later meeting. Thank you for that.

ELECT VICE-CHAIR

CHAIR KELIHER: That moves us to Item Number 7, which is the election of a Vice-Chair.

Before I do that, I was remiss at the beginning of the meeting, and I was remiss at the end of our last Board meeting to thank Jason McNamee for Chairing this Board for two years through some challenging conversation. Jason, I do want to recognize you for the work that you did, so thank you very much for that. (Applause) He would rather have cash. We have Dave Borden, Dan McKiernan, sorry.

MR. MCKIERNAN: **I had a nomination for the Vice-Chair, it would be Renee Zobel from the great state of New Hampshire.**

CHAIR KELIHER: Nomination from Dan, and then second from Eric Reid, and that was for Renee Zobel, correct? Is there any discussion on the motion for Renee Zobel to be the Vice-Chair? **Is there any opposition to Renee being Vice-Chair?** Since she's not here, she's listening. She is hiding. **With no objection, Renee Zobel is the Vice-Chair**

of the Lobster Board. Congratulations! (Applause).

OTHER BUSINESS

CHAIR KELIHER: That moves us to other items that were not on the agenda. We have three issues. The first one Steve Train, you had some comments?

CONSIDER INVESTIGATING MODIFICATIONS TO VESSEL TRACKING REQUIREMENTS

MR. TRAIN: I believe there is a motion ready. This is an issue that came up during public comment earlier today and it was something that we did a while back, and I spoke against it. Kristan Porter said it very succinctly today. Maine fishermen don't just use their boats for work. We're like the plumber, the electrician that has a vehicle and we still have to take it to the store or to a funeral on the way. They might have another car, but we can't use two boats. Our boat is our vehicle.

This current tracking requirement is way more than is required and necessary to get the data that people want. **I move to task Addendum XXIV Vessel Tracking Implementation Workgroup with the input from the LEC to investigate modifications to the 24/7 vessel tracking requirements, which will still ensure monitoring of the fishing activity, while acknowledging that fishermen also use their boats for personal non-fishing reasons. This should include a review of the existing processes for when VMS devices can be turned off.** I would appreciate a second.

CHAIR KELIHER: Second by Dave Borden. Any discussion on the motion? Dennis Abbott.

MR. ABBOTT: I support Steve's motion. During the initial vote on this Addendum XXIV, I had reservations about it, because I do think it is a bit of an invasion of privacy to track people when they are not using their boats, and for that reason I was opposed to it then, as Steve was, and I'm opposed to it now. I understand the difficulties

and the problems that might arise. But I think that looking into the possibility of doing something about this, you know is worth an effort on someone's part.

CHAIR KELIHER: Are there any other comments on the motion? Steve Train.

MR. TRAIN: I'm not asking at this point on a vote to overturn anything, I would just like it investigated, to see if we can get a tool that works that we don't have to have it on all the time.

CHAIR KELIHER: Thank you for that clarity, Steve. Seeing no additional comments, is there any objections to the motion that is on the board? I'm going to just quickly read it into the record. Move to task that Addendum XXIV Vessel Tracking Implementation Working Group, with the input from the LEC. To investigate modifications to the 24/7 vessel tracking requirement, which still ensures the monitoring of fishing activity, while acknowledging that fishermen also use boats for personal non-fishing reasons. This should include a review of existing processes for when VMS devices can be turned off, with a motion by Mr. Train, seconded by Mr. Borden. Back to the Board. **Are there any objections to this motion? Seeing no objections, the motion passes.**

CONSIDER TAKE OF LOBSTER BY NON-TRAP GEAR

CHAIR KELIHER: I'm going to now go to Dan McKiernan who had an item for take of lobster by non-trap gear.

MR. MCKIERNAN: Just a brief update. At the annual weekend at the Mass Lobstermen's Association, there was a lot of angst regarding what is perceived as "targeting of lobsters by mobile gear" within the 100 count per day. Typical March prices are high. This last March price I think was an all time high.

We investigated it, and what we discovered is that under the federal regulations, the ASMFC enacted rules, which is the 100 count per day, not to exceed 500 for a trip five days or longer, is

probably being complied with. But what is happening is vessels are unloading their lobsters on the fifth day, and then resuming fishing on a trip that is longer than five days.

That is one issue. It is not illegal, but there appears to be increased targeting at a time when we're asking the trap fisheries to reduce their exploitation of lobsters. I just want to mention to the Board that I'm working on this at the state level. Another thing that we've discovered is when we examined landings data, we see pounds, yet the rule is in a number of lobsters. It might be appropriate for the Board down the road to consider a slight modification to that 100-count rule, which resides in Addendum III, or Amendment 3, I believe. It might be wise for us to modify that to maybe a poundage equivalent, just for purposes of examining for compliance, but that would be down the road. But there is a lot of anxiety at home about this, especially around the outer Cape area, driven in part because lobstermen are required to remove all their gear for three and a half months, which gives the mobile gear fleet kind of a clear lane to fish in that area. Just a heads up on that. I'll be coming back to the Board, probably in August with some more report on that.

CHAIR KELIHER: I appreciate that. Any comments on this particular issue? We'll wait, Dan, for your report back to the Board on that issue. Are there any additional items before I go back to some of the public comment that was made?

REFLECT ON ADDENDUM XXVII AND CONSIDER IMPLICATIONS FOR INTERNATIONAL TRADE

CHAIR KELIHER: I want to acknowledge and thank those that took the time to bring their concerns to the Lobster Board today.

It is unfortunate that we are in a situation where so many from the industry are just now speaking out on the issue of resiliency. That said though, it's very clear that the realities of the change have raised some very serious concerns with the industry as a whole. When I made the motion in

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2017, to initiate Addendum XXVII, it was my attempt to ensure that the most valuable single species fishery in the country would be resilient in the face of a changing environment, and we avoid what happened in southern New England.

After several delays to deal with right whales, we finally passed Addendum XXVII, and I believe that passage was precedent setting. It is the Commission's very first attempt to be proactive with a fishery that is still very relatively healthy. I stand behind the approach, but I question now if we missed something.

Our focus to work only with the data around sustainability seems to have missed the mark. We missed engaging the LCMTs, we missed thinking more about the economic impacts and the flow of lobster with Canada. As we all know, our normal fisheries management actions are reactionary to declining stocks.

In those instances, it is very difficult to take those socioeconomic issues into account. But I think there is a lesson to be learned here. When we are being proactive, we must take the time to not only understand the science, but also explore and understand the unintended consequences. I would propose we take the following steps to gather some additional information, to determine if we need to alter the course.

If we go back and take the time to consider the comments we've heard today, as well as what were sent in the supplemental materials. We continue to engage Canada. The FO has begun extensive discussions with their harvesters, dealers and processors, and they have areas within the fishery that are considering changes to their gauge right now.

For the lobster fishery, LFA 34 is one very large area that is making that consideration. We also need to better understand how Addendum XXX will relate to this, so we need to finish compiling the public comments on XXX, to understand how that relates or complicates the decisions that we've made for Addendum XXVII. We also need

the TC to compile and combine the data for the 2023 recruit indices, to see how that has changed the three-year running average. Then with this information, I do believe that we need to consider holding an out of cycle Board meeting to determine if we should reconsider our actions. I am not talking about kicking the can down the road indefinitely when I bring this up. I am still squarely behind taking action that ensures that we have resiliency in place for this fishery. Again, this is the single most valuable species we have in this country. It is certainly, I can't express what this fishery means to the state of Maine and our coastal communities.

I don't want anybody sitting here around the room thinking that I am looking for just an indefinite pause. I firmly believe we must have measures in place that ensures this stock is resilient for future generations. With that, I would like to go back to the Board to see if anybody has any additional thoughts. Again, I am not asking for action now. I am asking us to consider what those unintended consequences are for a very precedent setting action. Does any member of the Board have any additional comments? Steve Train and then Dave Borden.

MR. TRAIN: I have a question, and I spend most of my time on a boat and not in offices, so I'm not sure what we are allowed to do once we have an amendment or an addendum in. But we have a timeline and some tools. I think it was brought up by the public speakers earlier. I'm sorry, thank you, Mr. Chair, come back to that. Can we rearrange any of that? Like can we go to the vent first so that some of the other stuff doesn't apply right away, and then go up on the measure, and still stay within what we've done?

CHAIR KELIHER: I would turn to staff, but I believe we would have to go through an addendum process in order to do that.

MS. KERNS: Any changes to what are in the compliance measures of that plan would need a new addendum to make a change to it.

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CHAIR KELIHER: Thank you, Toni, Dave Borden.

MR. BORDEN: What process do you anticipate following in order to accomplish what you're characterizing? We're going to go back and look at some of these points that are made, does that mean another meeting, a special meeting? How do you intend to handle that?

MR. KELIHER: I think in particular, besides going back and understanding what the economic, these unintended economic consequences are, I think we need to understand more what is going to happen in Canada. There is consideration with LFA 34 for increasing their gauge. There is consideration being made in other areas of Canada, in particular the PEI area, where they have already done one small gauge increase.

I talked with DFO on Wednesday of last week. I had very good conversation. We're in constant contact, in regards to elver situation, so we took the time to talk about the lobster issues on both sides of the border. They are now very engaged with their dealers and processors, more so than they have been, certainly more so than they had been when we had a subcommittee talk to them.

I think they are very concerned, in particular about that discrepancy, but also the fact that a Mitchell Amendment and being consistent between the Plan in the Mitchell Amendment could stop the bonding of lobsters coming in to be flown out of our country to other countries, in particular China, where a lot of product comes through the U.S. now. There is additional information I think that has been coming up through their conversations. Giving them time to see where they are in June or early July, could be the impetus for us to then consider all of the other information, to then hold a special board meeting to consider if we want to do any kind of reconsideration, and move forward with an additional addendum to, as Mr. Train said, to consider changing any of the management measures that we currently have in place. Follow up?

MR. BORDEN: Yes, thank you very much. I think it's important, if it was an economic study that was submitted by a gentleman in Maine. I think that should be referred to the Technical Committee for a review, as part of that, so we at least get technical comments on any of the suggestions that came forward under Other Business.

CHAIR KELIHER: Yes, we could certainly make sure that is done. Dan McKiernan.

MR. McKIERNAN: I recognize the chaos this could cause with the importing and exporting of lobsters. I recognize the challenges of the grey zone. I went to the Town Meeting in Monkton, and on behalf of the Commission and behalf of my Agency, got up in front of the group and told them, this is coming January 1, 2025, so you guys have some time to react to this.

I would suggest that this Board vote to write a letter to Canadian DFO, and if there are any trade groups, urging them to take the appropriate action to match this conservation measure in the Gulf of Maine, because we're all fishing on that single stock. I think the points that were being made today by the industry about the discrepancies between the two countries are definitely relatable.

But I'm concerned that if we are signaling that we are going to delay this, then Canada will delay their action, and next thing you know we're back to 1990, when the industry successfully thwarted the last two gauge increases through respective state legislatures. Are we doing enough to urge the Canadian government and the Canadian processors and the Canadian fishing industry to enhance the conservation? If not, I think we should go on the record with such a letter.

CHAIR KELIHER: Thank you, Dan. Doug Grout.

MR. GROUT: Just a query about Dave Borden's suggestion that the economic study be referred to the Technical Committee. What are we expecting out of them from it, if it would be better to refer to our social and our SES Committee? I just don't know what we're going to get from the Technical

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Committee. Maybe you have some ideas of what we would get out of it, David, from the Technical Committee.

CHAIR KELIHER: Jason McNamee.

DR. JASON McNAMEE: Thanks for bringing that up, Doug. I was having the same thoughts. I don't know the full membership of the Technical Committee. I'm guessing there is probably not economists on there. The Commission does have a Committee for Economic and Social Science, so we might be better served to look for that report to then. They definitely have economists on there. We might get better feedback from that group.

CHAIR KELIHER: Dave Borden.

MR. BORDEN: That's fine with me, Mr. Chairman. I just wanted to have kind of an external review. I just point out that our Technical Committee in the past has provided this Board with some estimates of the impacts of different gauge increases. That is all I want to have reviewed. You know, did they follow the protocols, are they using the correct data, that type of review.

CHAIR KELIHER: Toni.

MS. KERNS: I have a couple of notions, but I think it's best that if we're going to forward the report to the SES, what exactly do you want them to do with that report? What questions do you have for them? Is there any additional information that we need to provide? The TC did provide a look at landings impact when the Board considered the changes to the gauge sizes at that time.

We did have that information to the Board then to be providing that to SES as well to do a comparison. I'll just remind this Board that I have five major items that staff are working on right now for lobster, so we have the Area 2, 3 issue, which is time sensitive. NOAAs rulemaking will be completed in May of 2025, so if we're going to provide feedback to them to do something different, we need to do it before then.

We have to gather the economic data for the northern edge issue. The stock assessment is ongoing. We just were tasked with trackers, and if there is something additional that we're going to be tasked with for this Area 1 size increase, there is going to need to be some prioritization going on, in particular for the TC and for staff. It will just be too much to handle all of it between now and August.

CHAIR KELIHER: Yes, and I appreciate the need for prioritization and tasking, and that is based on conversations that I've had with industry and with other members of the Board. That is why I'm not looking at this time for taking immediate action. I think we have to have a full understanding of all the ramifications of the issues that I laid out. Dennis Abbott.

MR. ABBOTT: You know we're talking about having another off-schedule management meeting to, I won't call it revisit Addendum XXVII, and Toni said we would have to issue an addendum. In the meantime, Addendum XXVII stands with an implementation date, effective date of January 1st. Would we be able to meet that, number one.

Fully understanding what you said, Pat, about the ramifications that maybe we didn't look at, thought about but didn't look at. You know regarding the economic considerations. I think your economic consideration back in 2017, was you know, the economic considerations if the lobster industry went to heck in a hand basket.

You know delaying this, we could possibly be adversely affecting the lobstermen downstream a lot. I think it's a tough nut to crack right now, but I think probably having another off-cycle meeting of more than a couple hours to discuss everything might be helpful. Just a little small question. We had a six-month delay; I think based primarily on the manufacturer of new gauges. Have we manufactured new gauges? Do we have gauges in place for January 1st?

CHAIR KELIHER: I did have a conversation with one of the major gauge manufacturers, and they

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were in process, and said that those would be available for purchase prior to that implementation date. Thanks, Dennis. This is obviously a very complicated issue. Again, I appreciate what I'm hearing from the industry in Maine

It is, we understand the needs, we just want to make sure that enough time transpires to see what is going to happen with Canada. I think that is really the critical or the crux of the situation. We even heard the industry put up, you know, is a 32nd approach more appropriate? Should we do vents first? I mean those are all things that I think, to Toni's point, probably need to have some additional conversations with the TC.

That gets us into the tasking. But I think to your earlier question, Dennis. From a timing standpoint I would turn to staff. But I think if we did an out of sequence Board meeting there potentially would be time to initiate something for final action prior to an implementation date. But it would, again to Toni's point, take some prioritization work to ensure that we're not crushing Caitlin.

MR. ABBOTT: Also, as a secondary issue. A lot of the correspondence we received talked about the grey area. I understand a bit about that. But anything that we're doing, is that really going to effect the change, what goes on in that grey area?

CHAIR KELIHER: The grey area is a very complicated situation between the U.S. and Canada. We'll certainly never resolve the border dispute. But consistency in regulations between the two countries is about as good as you possibly could get from trying to resolve some of those issues. But Toni, did you have additional? No, okay. I am cognizant of, I'm ahead of schedule. How the hell did that happen? Dan McKiernan.

MR. McKIERNAN: Would it be appropriate for me to make a motion about a letter to Canada DFO and relevant Canadian fishing associations from the Board, urging them to follow suit?

CHAIR KELIHER: It's your prerogative to make a motion and see where it goes.

MR. McKIERNAN: All right, I'm going to give it a shot. Motion to **draft a formal letter to Canada DFO and relevant Canadian industry associations as identified by the Board Chair and the Executive Director. This letter would request Canada increase the minimum size for lobster in the Gulf of Maine on the same schedule as the ASMFC plan, as captured in Addendum XXVII.**

CHAIR KELIHER: Before I go to a seconder on that. Dan, did you want to have anything around further engagement with this Board?

MR. McKIERNAN: Well, honestly, I'm very apprehensive, because I think if we signal a special Board meeting, I think the gauge manufacturers will stop producing the gauges, and we won't get a rule in place. Massachusetts has already had its regulations approved by its regulatory board, so we are well on our way. But it would make a lot more sense to me if we could get signals from Canada. Otherwise, we're just going to be in this quagmire of, we can't do anything because it will upset the trade balance.

CHAIR KELIHER: We have a motion on the table. I've already got a second on my left, but I'll come back to you. Let's get this on the board. We have a motion by Dan McKiernan, second by Dave Borden. But let's make sure that this is perfected before we go any further. I'll ask the maker and the seconder, just to make sure that we've captured that correctly.

MR. McKIERNAN: It looks good to me, Pat.

CHAIR KELIHER: The only thing I would say, that I did receive an e-mail from Doug Wentzel, the Maritime Director of DFO, and the process that they have to follow would not allow them to achieve this, because they have a one-year consultation process with their First Nation Fishery. I'm just raising that to make sure that the Board understands that they are not going to be able to achieve that request. They are not going

to get there. I would be happy to share that e-mail with the Board. Second was Dave Borden. We have a motion on the board now, Steve Train.

MR. TRAIN: Dan, I know you want to put a hammer on this timeline, but could that be modified to, or as soon as possible. They might not be able to do it that quickly. Then if we get something back from them saying, yes, we could probably get there in 18 months. It might give us time to match up with them or something.

MR. MCKIERNAN: Yes, I would accept that amendment. On the same schedule, and then insert, or as soon as possible.

CHAIR KELIHER: I'm going to go with Pat's Rules of Order and allow that as a friendly, as long as I don't see any objection. Okay, Alli.

MS. MURPHY: Just recognizing that the Commission has Addendum XXX out for public comment right now that is considering extending the Addendum XXVII measures to dealers. Would a clarification to this on the minimum size would apply to U.S. harvesters be helpful?

MS. KERNS: Addendum XXVII applies to what the fishery is doing. It doesn't clarify, and Addendum XXX doesn't clarify dealers, per se. These are the measures that are in place for the fishery itself. We don't clarify whether or not something is a possession limit or not. That is a state's decision to make it a possession limit or not. This is what the fishery is allowed to harvest. I don't think that we have to clarify, because that is what our documents always do. Our documents don't set possession limits for a state itself; a state would do a possession limit.

CHAIR KELIHER: I would agree with that. It's given, because it is related to Addendum XXVII, XXX I think is obviously a separate issue, related yes, but something that is going to come at a later time with additional Board conversations. Alli, while we have your focus, does NOAA expect to have rules implemented on the gauge increase by January 1, 2025?

MS. MURPHY: We are starting the rulemaking process, but I think as I spoke at the last meeting, it would be exceedingly difficult for us to complete rulemaking in less than a year, especially in an election year.

CHAIR KELIHER: Thank you, Alli, for that. We have a motion on the board. Motion by Dan McKiernan, seconded by Dave Borden. Are there any additional comments on this motion? **Is there any objection to the motion? Seeing no objection, the motion passes.** Okay, thank you very much. Eric, did you have something? No, no, okay. That is all the business for the Lobster Board today. Just one last call. Dennis Abbott.

MR. ABBOTT: Yes, thank you, Mr. Chair. You talked about having an off-schedule Board meeting. It's kind of early, but what would you anticipate a time frame for us getting together?

CHAIR KELIHER: Yes, thanks for that, Dennis. My thinking is to understand what is going to happen with the LFA 34 vote, which I understand will be in early to mid-June. Their fishery ends the end of May, and then what I've been told is it would be just after that. Having that information in hand, one way or another. If I had my druthers it would be in late June/early July. I think we would need to see how that plays out and I would want to have additional conversations with staff about staff resources.

ADJOURNMENT

CHAIR KELIHER: I think a motion to adjourn is in order. So move. There are hands everywhere; motion to adjourn passes.

(Whereupon the meeting adjourned at 11:15 a.m. on Tuesday, April 30, 2024)

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ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

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June 17, 2024

Eric Reid, Chair
New England Fishery Management Council
50 Water St., Mill #2
Newburyport, MA 01950

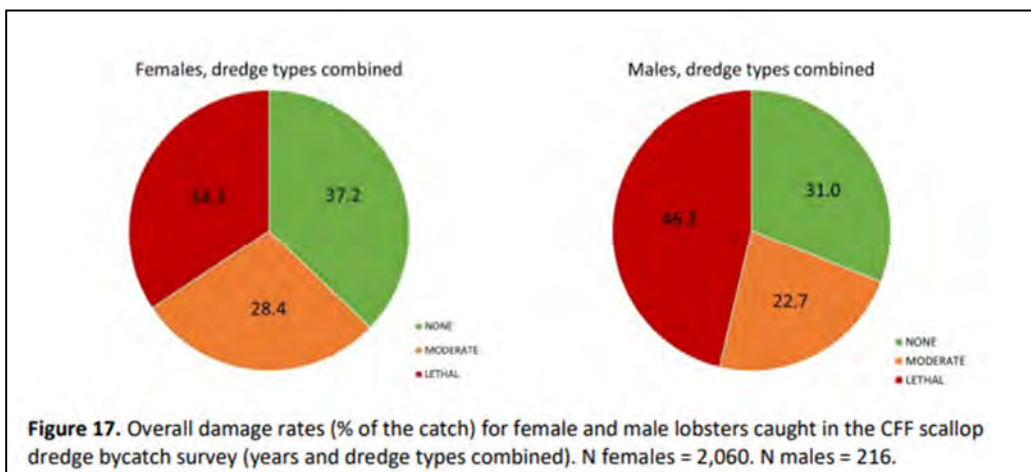
Re: Scallop gear access to the Closed Area II habitat protection area

Dear Chairman Reid,

The Atlantic Offshore Lobstermen's Association represents about 40 vessels fishing the majority of traps deployed in the offshore Lobster Conservation Area 3 (LCMA 3), which includes the Northern Edge of Georges Bank. The Massachusetts Lobstermen's Association's (1,800 members) includes hundreds of Massachusetts fishermen. We write jointly in opposition to opening this habitat area to scallop dredging because of the destructive nature of the gear to lobsters, and the related risk to lobster recruitment.

Scallop Dredge Gear Impacts on Live Lobster

In April, the ASMFC completed its Technical Report on Lobster Resource and Fishery Effort on the Northern Edge (TR) (<https://tinyurl.com/axum8xxc>). Page 16 of that report documents the damage that scallop dredging caused to lobsters in one study; lethal damage in red and moderate in orange:



The report also concluded that larger lobsters (greater than 110 mm carapace length (about 4.3 inches) were more likely to sustain damage (TR, p. 16). The resident population of lobsters on the Northern Edge is mostly at or above that size, and the report notes (TR, p. 17): “There are also good indications of large aggregations of egg-bearing females on top of the Bank, in and immediately south of the HMA in the late summer and fall.”

Lobster Habitat and Recruitment Considerations

The Technical Report notes this area is an important and favorable habitat area to lobsters (TR, p. 18):

- “...shoal areas with access to adjacent deep-water like Georges Bank appear to be particularly attractive to egg bearing lobsters, and aggregations have been reported throughout the species range in areas with these bathymetric characteristics.”
- “These areas are likely attractive due to warm shallow water in the spring/summer months to brood eggs, and nearby deep calm water in the colder months for overwintering.”

In 2023, the ASMFC implemented its Addendum XXVII to the lobster fishery management plan (<https://tinyurl.com/3ujar6zr>). Recent declines in biological reference points, including recruitment and SSB indicators (such as young of the year indices and trawl survey catch) triggered future requirements to increase minimum lobster sizes inshore, and reduce the maximum lobster size limit in the offshore LCMA 3.

For LCMA 3, the maximum size reduction is intended to reduce removals of fecund lobsters, providing for more egg production. Coupled with tagging data suggesting migration from the Georges Bank area to inshore grounds (TR, p. 11), there is hope that this will help increase lobster recruitment throughout the GOM/GB range.

The *Technical Report* is clear that ovigerous lobsters abound in this area (TR, p. 18):

- “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...”
- “...shoal areas with access to adjacent deep-water like Georges Bank appear to be particularly attractive to egg bearing lobsters, and aggregations have been reported throughout the species range in areas with these bathymetric characteristics...”
- “...the high abundance of large (> 100mm CL) highly fecund lobsters on Georges Bank removes any doubt of the importance of this segment of the population to continued sustainability of the resource.”

Nor are our concerns assuaged by longer-term cyclical annual scallop openings. Lobsters generally take 5-7 years from hatching to reach fecundity and the minimum legal size for fishery retention. Here, scallop dredges would damage important bottom habitat for juvenile lobster which the NEFMC acknowledges would take years to repair. Then, around the time the surviving population reached reproductive and harvestable ages, scallop dredges would return to both damage survivors, and scour the bottom habitat again. Rinse and repeat for each scallop access cycle.

Conclusion

In response to adverse abundance indicators, the ASMFC has taken action to reduce mortality and increase recruitment of the American lobster resource, stating: “Given the American lobster fishery is one of the largest and most valuable fisheries along the Atlantic coast, potential decreases in abundance and landings could result in vast economic and social consequences.” (Addendum XXVII, p. 1)

Opening the habitat management area on the northern edge of Georges Bank to scallop dredging runs counter to those conservation efforts. Most large lobsters evidently die or are severely injured when impacted by this gear. The proposed area is critical lobster habitat and highly populated by larger ovigerous females, a subpopulation the ASMFC specifically calls out for its importance to the overall health of the resource.

For these reasons, the undersigned Associations request the NEFMC place a high level of consideration on the ASMFC’s *Technical Report*, the Commission’s efforts to conserve the lobster resource and its habitat, and decline to allow scallop dredge access to the area at this time.

Thank you for your consideration,

Hank Soule

Hank Soule, Deputy Director

Atlantic Offshore
Lobstermen’s Association

Beth Casoni

Beth Casoni, Executive Director

Massachusetts
Lobstermen’s Association

cc: Atlantic States Marine Fisheries Commission

ASMFC American Lobster Board

Dear Board Members,

For those of you who don't know me, my name is Robert Nudd, most people know me as Bobby Nudd. I represent New Hampshire on the ASMFC's Lobster Advisory Panel and the LCMT. I have also served, from its inception, on the Large Whale Take Reduction Team and I have fished commercially for over 50 years. I have sat at the table in some capacity thru the formulation of ASMFC's Amendment 3 to the American lobster management plan and every addendum to that plan.

When asked for my input on Addendum 27 and after much thought I stood in favor, leaning to the future health of the resource. The data was very convincing although very limited in scope because the areas and methods of collection did not represent a true picture of today's lobster fishery. I was convinced that before the threshold was reached that the data, sampling sights and methods would be updated to reflect the current fishery. I was extremely disappointed that this was not done.

This is not your father's fishery. This fishery, as is the case with every fishery in the Gulf of Maine, has moved further away from shore. This movement has become more rapid and more pronounced in the past 10 years. For whatever reason, (I call it People Pollution) the lobster resource is no longer a near shore resource. The settlement, the nursery, the juvenile population has moved to deeper waters. Sampling in tidal pools and trap surveys in near shore waters alone no longer creates an adequate picture of the resource.

In my original consideration of this addendum I failed to consider the world wide complexities of this fishery. The snow ball effects of this addendum to economics in the lobster fishery could be catastrophic. Just one result might be the flooding of the world market with lobsters smaller than those caught in the US thus closing those markets to the US fishery. The price paid per fisherman in this scenario might be the exact opposite to what was described in the reasoning behind Addendum 27.

Next, I'm not sure if gauge increases in consecutive increments is a wise idea. I have been thru two gauge increases. From experience I can tell you that the first year could result in 30 to 40 per cent economic effect. In the second year that effect declines. It is not until the third year that the intended benefit is realized. Regardless of the size of the increase I believe the economic results are the same. Thus consecutive increases stretches the time before benefit is realized over a far longer period than necessary doubling the financial burden put on the fishermen.

As a member of the lobster advisory panel and a fisherman with 50 years of watching the lobster resource I am asking that you give serious consideration to postponing the implementation of Addendum 27 until its effects on the lobster fishery can be further examined.

Thank you for your consideration.

Sincerely,

Bobby Nudd



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

158 Shattuck Way, Newington, NH 03801 | 603-781-9718 | www.offshorelobster.org

July 11, 2024

Stacey M. Jensen and Christopher Laabs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

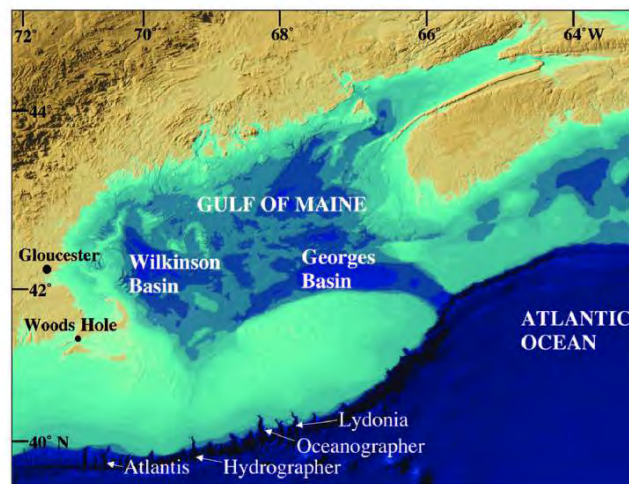
Dear Ms. Jensen and Mr. Laabs,

The Atlantic Offshore Lobstermen's Association (AOLA) is a fishing industry trade group representing dozens of lobster and crab trap fishing vessels harvesting crustaceans in the waters of the Gulf of Maine, Georges Bank, and southern New England. Our membership operates out of Maine, New Hampshire, Massachusetts and Rhode Island ports, as a subset of the \$500 million lobster fishery.

The Environmental Protection Agency has received an application from the Woods Hole Oceanographic Institution (WHOI) to disburse a 50% diluted concentration of sodium hydroxide into the Wilkinson Basin area in the Gulf of Maine during the summer of 2025. This experiment, named the LOC-NESS Project, should not be permitted by EPA until a far more robust analysis of its impact on marine life is completed.

LOC-NESS proposes to disburse "up to 200 metric tons of sodium hydroxide (added as 66,000 gallons of 50% solution in fresh water)¹." It will be released in Wilkinson Basin 1 to 2 meters below the surface of the water for up to 6 hours in an outward spiral pattern.

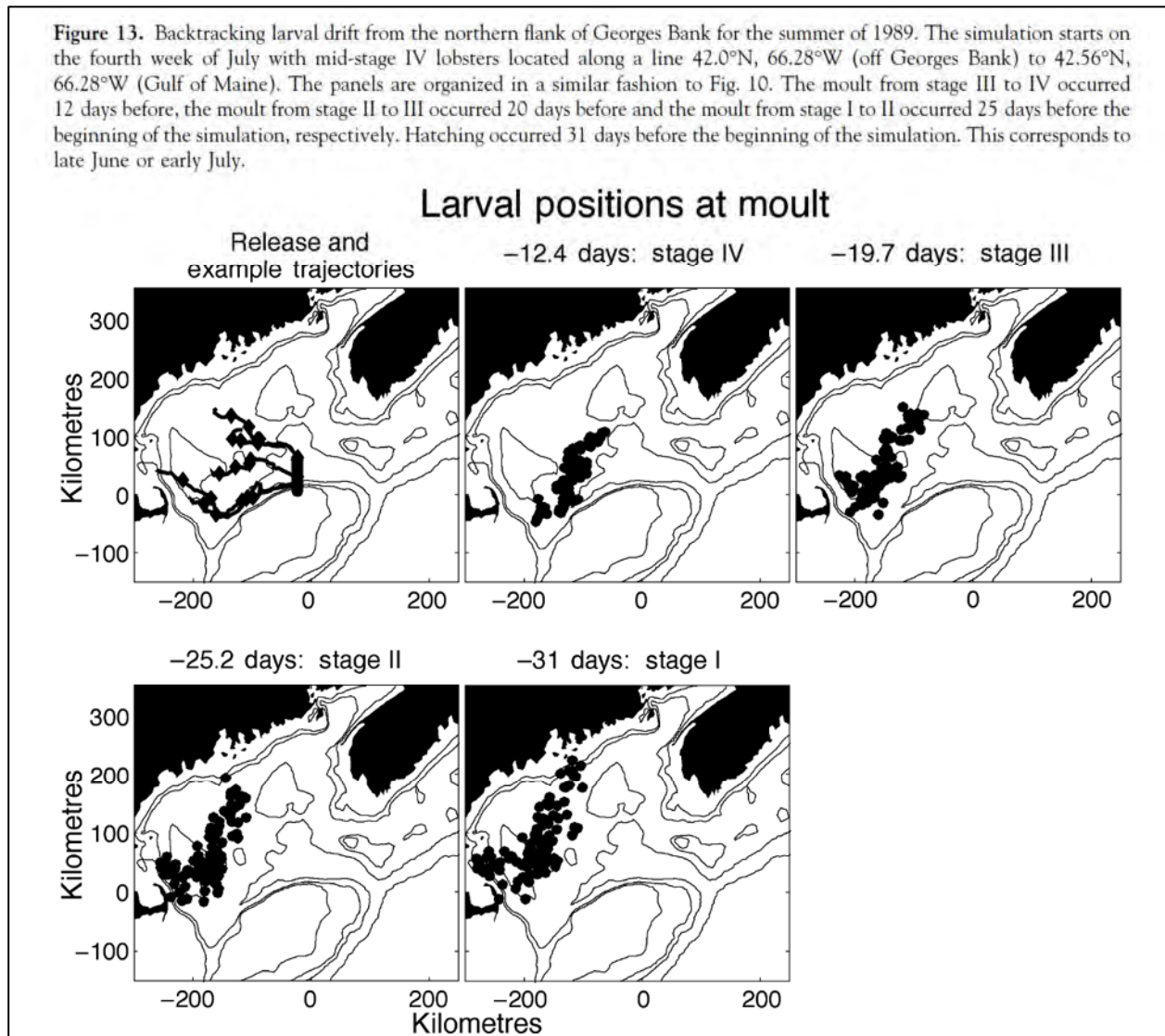
Figure 1: Location of Wilkinson Basin



¹ LOC-NESS project FAQ, <https://locness.whoi.edu/faqs/>, see "How much alkalinity is being disbursed?"

When baby lobsters are hatched, they float near the surface of the ocean for four larval stages before settling to the bottom of the ocean². Research has shown that the Wilkinson Basin area can a prime location for larval lobster distribution, such as:

Figure 2: Lobster Larval Positions, 1989³



Sodium hydroxide, also known as ‘lye,’ is a highly toxic substance which even at a diluted level is likely to cause instant death to any larvae (lobster or other) it touches. The LOC-NESS permit application mentions undefined ‘potential’ impacts to herring, butterfish and Atlantic mackerel larvae and eggs in the context of elevated alkalinity, but not in terms of contact with a corrosive chemical. The application is silent on the topic of impacts to the valuable lobster resource.

² <https://umaine.edu/lobsterinstitute/educational-resources/life-cycle-reproduction/>

³ Harding et al, “Larval lobster (*Homarus americanus*) distribution and drift in the vicinity of the Gulf of Maine offshore banks and their probable origins,” p. 21, available via <https://shorturl.at/T4ATM>

AOLA believes the LOC-NESS experiment should be at the very least tabled, until investigation the projected impacts on lobster larvae of injecting lye into the surface water layer. This research should include expected chemical dilution footprint and time. We would insist consultation should be held with NOAA's Northeast Fishery Science Center, which has scientific expertise in marine biology.

AOLA opposes dumping 200 metric tons of this caustic chemical into the ocean without a far more robust analysis of its effect on lobster larval (and other sea life) mortality, as well as impacts such as mortality rates and other health effects to the initial survivors. Absent such analysis, the application should be rejected.

Thank you for the opportunity to comment,

A handwritten signature in black ink, appearing to read 'Hank Soule', with a stylized, cursive script.

Hank Soule
Deputy Director

cc Atlantic States Marine Fisheries Commission
Maine Congressional delegation
New Hampshire Congressional delegation
Massachusetts Congressional delegation
Rhode Island Congressional delegation



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: Caitlin Starks, Senior Fishery Management Plan Coordinator
DATE: July 22, 2024
SUBJECT: Plan Development Team Report

In January 2024, the Commission's American Lobster Management Board (Board) tasked the Plan Development Team (PDT) with the following motion:

Move to have the Plan Development Team review the conservation measures originally set in Addenda XXI and XXII and make recommendations for alternate measures to achieve those reductions inclusive of the Lobster Conservation Management Team (LCMT) recommendations by the ASMFC Spring Meeting.

This task responds to industry concerns about the delayed federal implementation of Addendum XXI and XXII measures, including maximum trap and ownership caps, given significant changes in the fishery since the Addenda were approved in 2013.

The enclosed report includes the PDT's analyses to characterize the changes in the lobster fishery since 2013 and evaluate whether the goals of Addendum XXI and XXII have been achieved. The report also outlines possible management measures the Board could consider. The PDT's analyses and recommendations consider input from LCMTs 2 and 3, which met in April and June.

Enclosed: American Lobster Plan Development Team Report

American Lobster Plan Development Team Report

Changes in the Lobster Fishery and Alternative Measures to Addenda XXI and XXII

July 2024

Plan Development Team:

Allison Murphy, NOAA Fisheries

Josh Carloni, New Hampshire Fish and Game Department

Corinne Truesdale, Rhode Island Department of Environmental Management

Story Reed, Massachusetts Division of Marine Fisheries

Caitlin Starks, ASMFC

1. Background

In 2013, the Commission's American Lobster Management Board (Board) approved two addenda: Addenda XXI and XXII. These actions responded to the 2009 stock assessment finding that the Southern New England (SNE) stock status remained depleted. The Addenda, in conjunction with Addendum XXVIII, aimed to scale the SNE fishery to the size of the resource with an initial goal of reducing qualified trap allocation by at least 25 % over a five to ten year period of time. For LCMA 2, Addendum XXI established a single ownership trap cap of 1,600 traps, which would expire two years after the after the last trap reduction from Addendum XVIII, and return to 800 traps. This was to allow for businesses that were cut in the annual trap reductions to efficiently rebuild their business. It also established an aggregate ownership cap of 1,600 traps and 2 permits per entity, of which 800 maximum could be fished. For LCMA 3, Addendum XXI established a series of active trap cap reductions over five years, where the maximum number of traps allowed to be fished would be reduced by 5% per year from 2,000 traps to 1,548 traps. For LCMA 3, Addendum XXII established a schedule for single ownership caps to allow for the purchase and accumulation of traps over and above the active trap cap limit during the trap reduction period, and also an aggregate ownership cap limiting the number of traps a single company or entity could own to five times the active trap cap. The aggregate ownership cap was intended to prevent consolidation of the fishery.

The measures in Addenda XXI and XXII were implemented for state waters, however, complementary federal measures were not finalized until October 2023 and scheduled to be implemented on May 1, 2025. In the decade that passed since the Commission intended for complementary federal measures to be implemented, 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 have significantly changed the SNE lobster fishery. Given these changes, the industry and resource managers no longer support Addenda XXI and XXII measures. In response, the Commission recommended NOAA withdraw the rule implementing

the ownership caps and trap cap reduction measures. The Board tasked the Plan Development Team (PDT) to review the original goals and objectives of Addenda XXI and XXII and make recommendations for alternate measures to achieve those goals, considering recommendations from the LCMA 2 and 3 Lobster Conservation Management Teams (LCMTs). This report includes the analyses and recommendations developed by the PDT in response to the Board task.

2. Analysis

The LCMA 2 and 3 lobster fisheries have undergone substantial changes since Addenda XXI and XXII were adopted by the Board in 2013. The following section discusses changes to permits issued, trap allocations, the maximum number of traps fished, the number of latent traps, the distribution of landings in LCMA 3, and the emergence of the Jonah crab fishery. Where possible, State and federal data has been combined to depict the fullest possible picture of effort or activity. Available state and federal datasets did not always align and some data remain unavailable. In some cases, this necessitated displaying state and federal datasets separately. Missing or unavailable data will be noted.

a. Changes in Lobster Permits Issued and Location

To determine if there were any observable trends with the number of permits issued or the states from which vessels were fishing (based on principal port state reported on the federal vessel application), the PDT examined [publicly available federal permit data](#) for any trends for LCMA 2 and 3.

Federal data indicate that the total number of federal LCMA 2 permits issued to vessels has decreased substantially between 2014 and 2023, as depicted in Table 1. A relatively dramatic decrease is observable following the LCMA 2 sub-qualification program (between 2014 and 2015), with half of the permits being issued in 2015. Generally, slight decreases are observable in all states since, though both Maine and New York had increases in LCMA 2 permits issued since the area sub-qualification.

Table 1. Federal LCMA 2 Permits Issued by State, based on Principal Port State.

Year	ME	NH	MA	RI	CT	NY	NJ	VA	NC	Total
2014	7	7	130	130	19	20	27	1	2	343
2015	2	0	60	93	7	2	2	0	0	166
2016	3	0	63	89	7	2	1	0	0	165
2017	0	0	59	83	5	2	1	0	0	150
2017	0	0	58	81	6	2	1	0	0	148
2019	0	0	58	76	5	2	1	0	0	142
2020	1	0	60	78	3	2	1	0	0	145
2021	1	0	61	73	4	3	1	0	0	143
2022	2	0	61	69	4	5	1	0	0	142
2023	4	0	50	67	4	7	1	0	0	133

federal data indicate that the total number of federal LCMA 3 permits issued to vessels has also steadily decreased, from 105 permits in 2014 to 76 permits in 2023, as depicted in Table 2. Most states have seen a decrease in the number of federal LCMA 3 vessels, with the largest decrease occurring in Rhode Island. Notably, the number of permits issued to New Hampshire vessels increased, then decreased over the time period. The number of New Jersey vessels has remained relatively stable.

Table 2. Federal LCMA 3 Permits Issued by State, based on Principal Port State.

Year	ME	NH	MA	RI	NY	NJ	DE	MD	VA	Total
2014	4	16	37	33	6	6	1	1	1	105
2015	3	18	39	29	5	4	1	0	1	100
2016	2	20	37	28	5	5	0	0	1	98
2017	2	18	37	26	4	6	0	0	1	94
2018	3	19	36	25	3	4	0	0	1	91
2019	2	21	32	25	3	4	0	0	1	88
2020	1	22	34	21	3	4	0	0	2	87
2021	0	17	33	17	3	5	0	0	2	77
2022	2	16	33	18	2	5	0	0	0	76
2023	1	17	34	17	2	5	0	0	0	76

Comments received by Commission during its feedback session on NOAA Fisheries’ October 2023 interim final rule (for ownership caps and maximum trap cap reductions) suggested a possible northward migration of permits. The above data appear to show fewer permits being issued to states that may be more likely to fish on the Southern New England stock (Rhode Island to Virginia). This review did not examine individual ownership, which would be required to more closely examine the suggested northward movement trend of permits. Such a trend could be masked if permits moving northward are balanced by attrition of older permits in northern states. Additional time would be required to examine individual ownership of these permits over the time period.

The PDT also examined some state-level data. Commonwealth of Massachusetts data, depicted in Figure 1, shows a declining trend in active permits landing in Massachusetts between 2010 and 2022 for both LCMAs 2 and 3. The same pattern appears in Rhode Island, with declines in the number of active permits being more pronounced in LCMA 2.

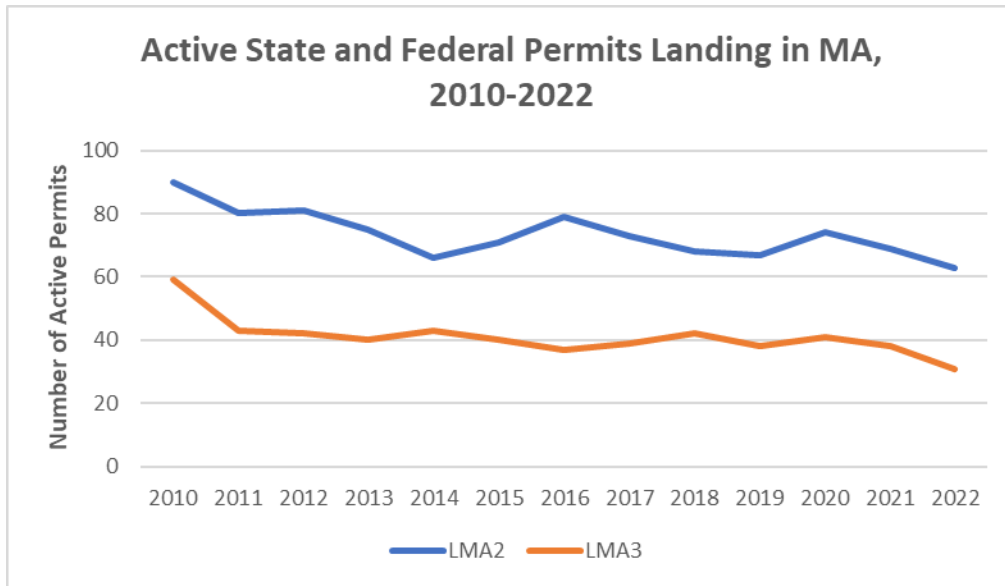


Figure 1. Active State and Federal Permits Landing in MA, 2010-2022

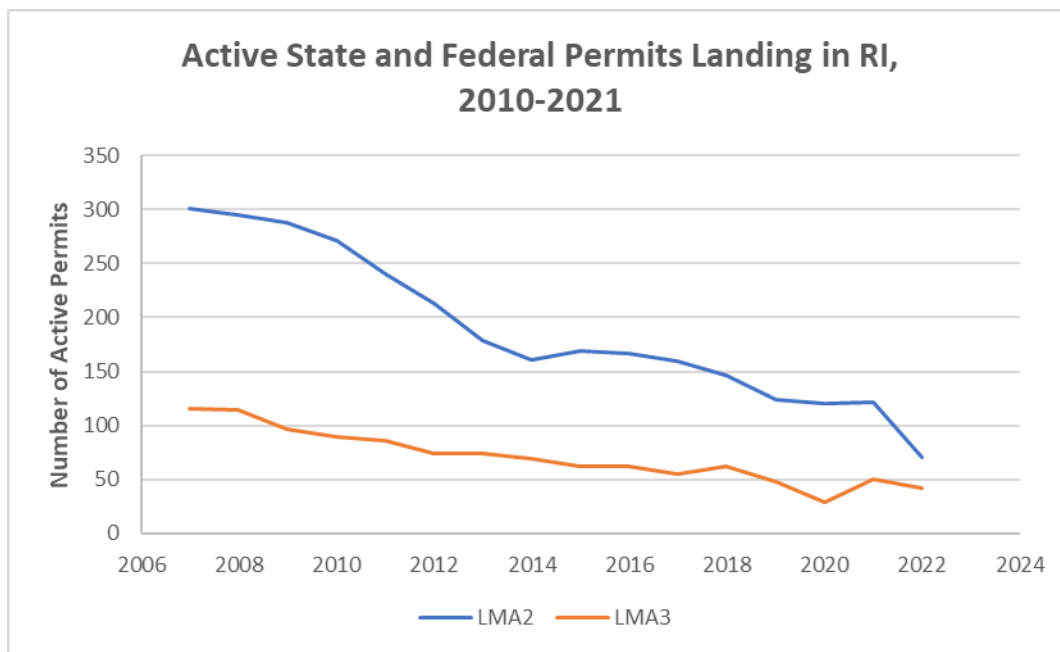


Figure 2. Active State and Federal permits landing in RI, 2010-2021

b. Changes in Trap Allocations

During the time period in question, LCMA 2 permit holders’ allocations were reduced by 25% in 2016, and then an additional 5% each year between 2017 and 2021. The trap transferability program went into effect at the same time, partly as a means for industry to right-size their fishing operations. The PDT investigated federal LCMA 2 permit holders’ responses to trap

reductions and transferability, displayed in Figure 3. Trap reductions clearly reduced allocations, increasing the mid-range trap bins (201-400 and 401-600). In addition, some permit holders took advantage of the trap transferability program to maintain a higher trap allocation.

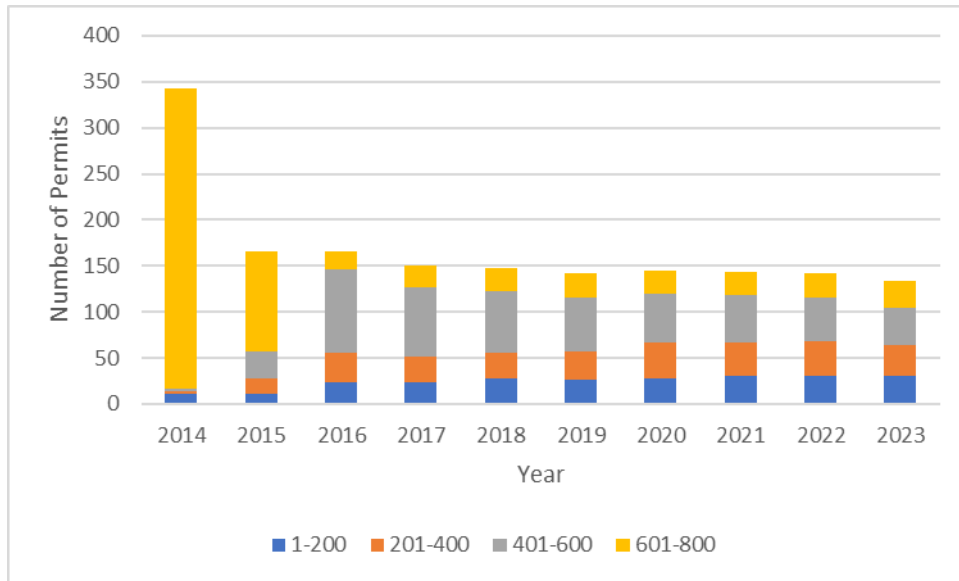


Figure 3. Number of Federal LCMA 2 Permits and their Trap Allocations by 200-trap bins, 2014-2023

Combined federal, Massachusetts-only, and Rhode Island-only LCMA 2 allocations show the reduction in trap allocation following the allocation reductions in Figure 4. Please note the time series for this data set is 2015-2023 because the PDT is currently missing Rhode Island state-only LCMA 2 allocation data for the years 2012 through 2014. Between 2015 and 2023 there was a 45.4% reduction, from 153,029 traps to 83,535 traps, in the combined state and federal LCMA 2 allocation.

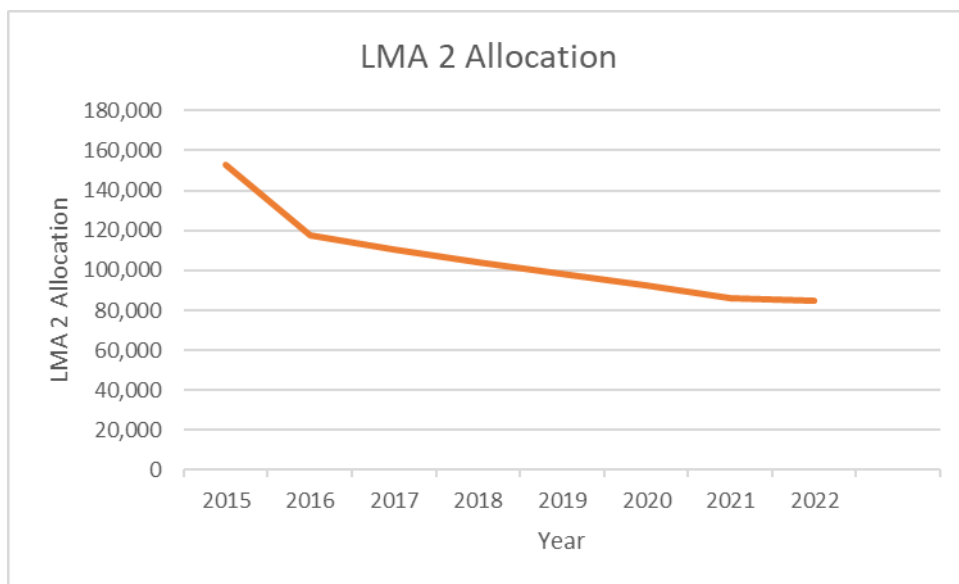


Figure 4. Combined federal, MA-only, RI-only, LCMA 2 allocations, 2015-2023

During the time period in question, LCMA 3 permit holders' allocations were reduced 5% each year over 5 years, from 2016 to 2020. The PDT similarly investigated LCMA 3 permit holders' responses to trap reductions and trap transferability, displayed in Figure 5. Federal LCMA 3 permit holder's trap allocations were binned into 500-trap bins. Prior to transferability (2014 and 2015), allocations were stable and fairly even distributed across the trap bins (with very few permits having 500 traps or fewer). With the start of trap reductions and transferability, it appears that permit holders transferred traps from permits with small or medium allocations to increase the number of permits with between 1,501 and 1,945 traps.

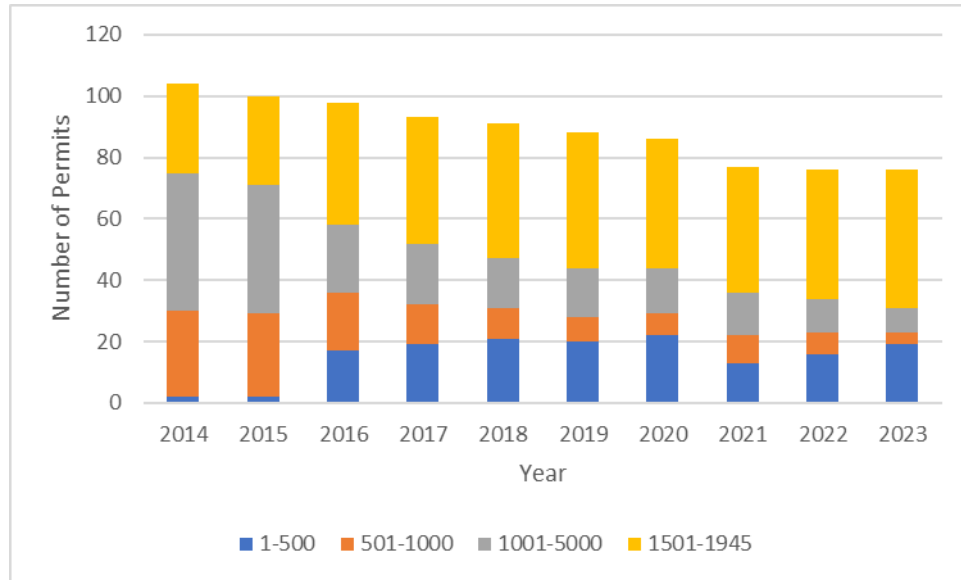


Figure 5. Number of Federal LCMA 3 Permits and their Trap Allocations by 500-trap bins, 2014-2023

Federal LCMA 3 allocation data reflect the 5% per year reduction over the 2016 to 2020 time period. The data show a 20.2% reduction, from 120,466 traps fished to 96,087 traps fished, from 2013 to 2023. The annual totals do not take into account any allocation held on a permit that was in Certification of Permit History (CPH) for that given year.

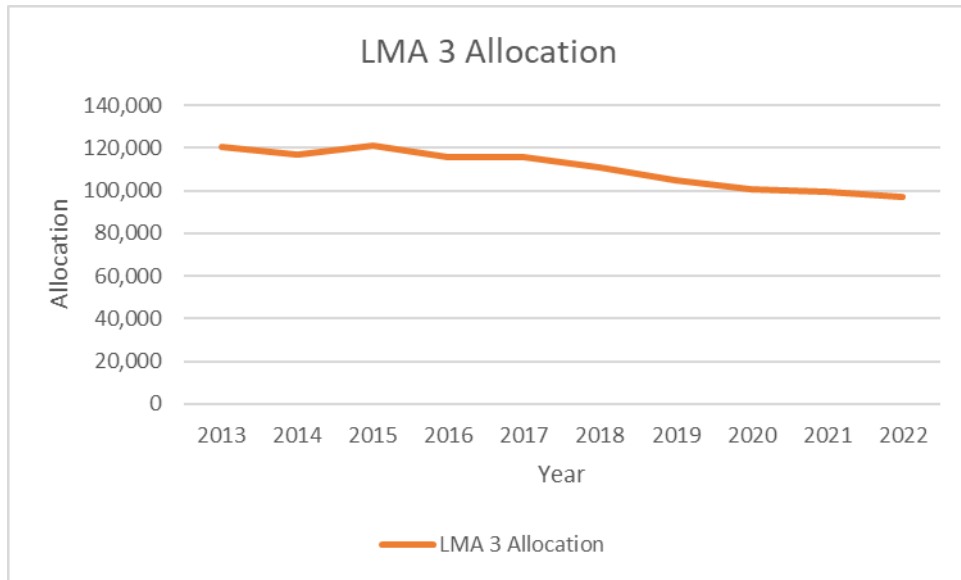


Figure 6. Federal LCMA 3 allocations, 2013-2023

c. Changes in Maximum Traps Fished

The PDT investigated changes to the maximum number of traps reported fished each year between 2013 and 2022. Data reported to NOAA Fisheries, Massachusetts, and Rhode Island were compiled to create a comprehensive data set for this analysis.

Similar to trap allocations, maximum traps fished has declined significantly in LCMA 2 over the past ten years. Figure 7 depicts a 39% reduction, from 69,875 traps fished to 42,846 traps fished, from 2013 to 2022.

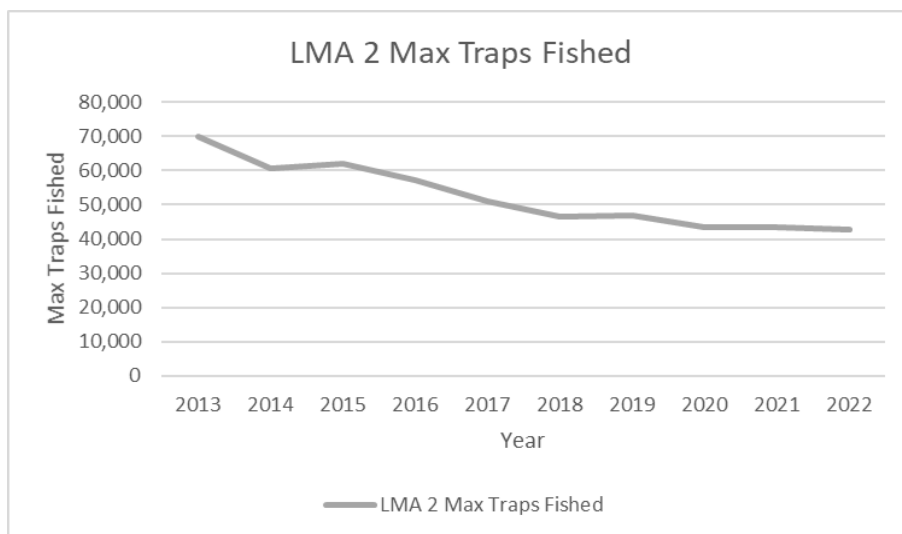


Figure 7. LCMA 2 maximum traps fished, 2013-2022

Despite the 20.2% reduction in allocation, maximum traps fished in LCMA 3 have been relatively stable over the past 10 years. Figure 3 depicts a 4.3% reduction from 2013 to 2022.

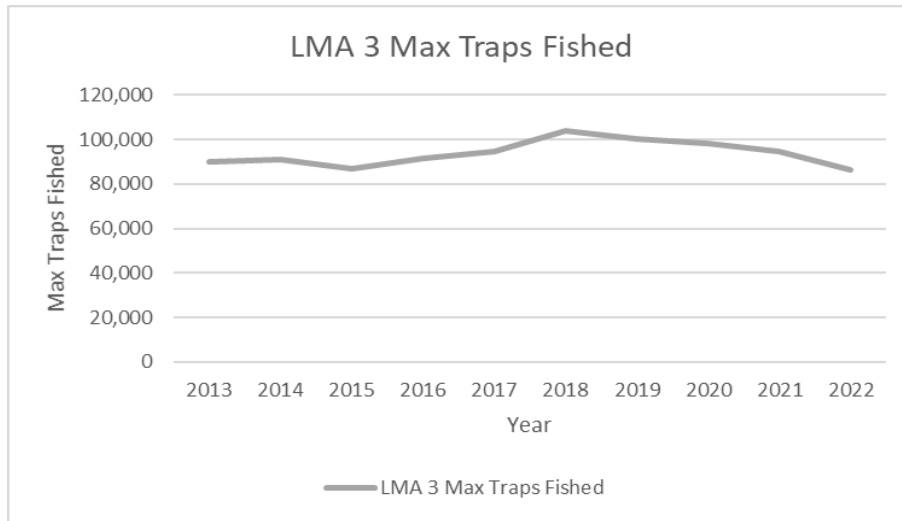


Figure 8. LCMA 3 maximum traps fished, 2013-2022

d. Changes in the number of Latent Traps

The PDT did comparisons between allocated and maximum traps fished in LCMA 2 and 3 to assess the number of latent traps in each area. For LCMA 2, this comparison covers the years 2015 to 2022 due to available data. Latent traps in LCMA 2 were reduced by 54%, from 91,001 traps to 41,802 traps, between 2015 and 2022 (Figure 9).

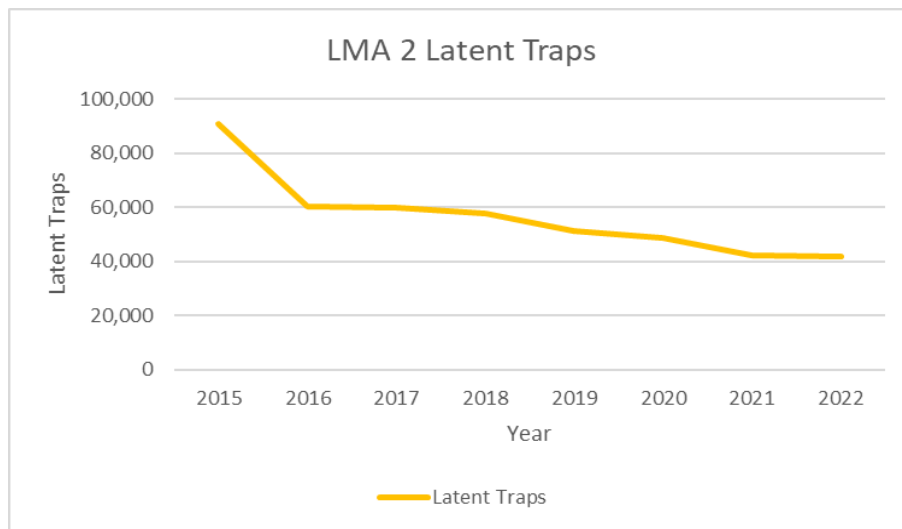


Figure 9. LCMA 2 latent traps, 2015-2022

Latent traps in LCMA 3 were reduced by 64%, from 30,301 to 10,931 traps, between 2013 and 2022. In 2020, the number of latent traps went down to the lowest amount in the time series, 2,190 (Figure 10). The data show that as LCMA 3 allocations were reduced beginning in 2016, the number of latent traps was reduced as well. Businesses used the trap transfer program to

acquire traps to remain “whole”. Many of these traps came from permits with smaller or latent trap allocations, as also discussed in the Changes to Trap Allocations section.

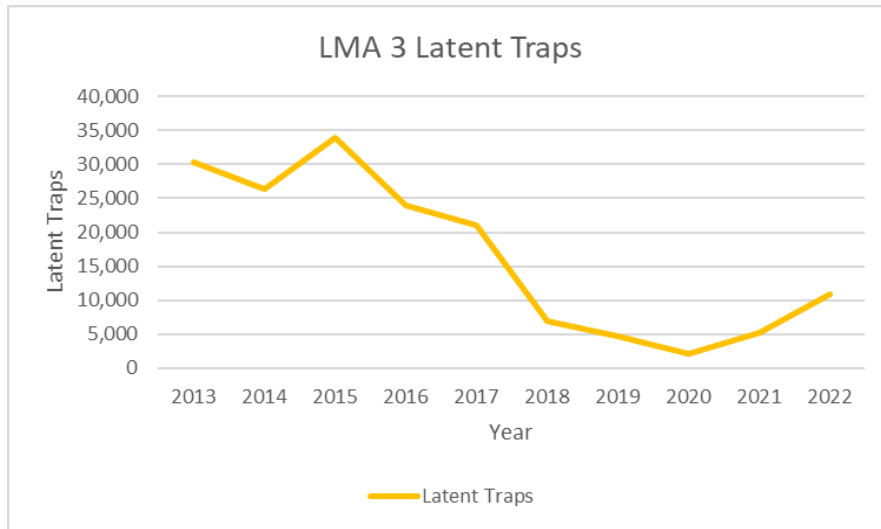


Figure 10. LCMA 3 latent traps, 2013-2022

It is important to reiterate that this analysis did not include federal permits in CPH. The traps associated with permits in CPH could be considered another source of latent traps.

e. Changes in Trips and Landings

Specific to LCMA 3, the PDT examined activity and landings of federal vessels between 2008 and 2023 to determine if an effort shift from the Southern New England stock to the Gulf of Maine/Georges Bank was apparent. First, the PDT examined the number of trips in each stock area. In the early part of the time series, the number of trips was fairly evenly distributed. By the end of the time series, nearly 70% of trips were in the Gulf of Maine/Georges Bank stock area. The overall number of trips in SNE has declined since 2008, while the number of trips occurring in the GOMGBK stock has been relatively stable.

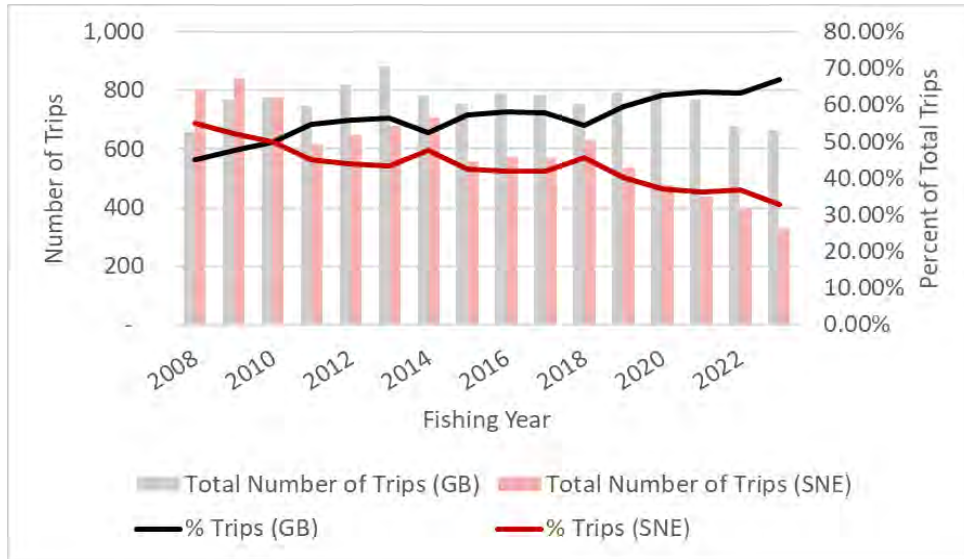


Figure 11. Trips by Stock Area for Federal LCMA 3 vessels, 2008-2023

Additionally, the PDT examined lobster landings in each stock area. While landings were historically skewed toward the Gulf of Maine/Georges Bank stock area, landings have shifted from approximately 30% from the Southern New England stock to less than 10%.

Prior to April 1, 2024, federal lobster-only permit holders were not required to submit vessel trip reports. Thus, activity and landings information presented above from federal data is not comprehensive. The PDT discussed how representative these data were of the LCMA 3 fleet. As depicted in Figure 13, approximately 80% of vessels have had a federal reporting requirement during the time series.

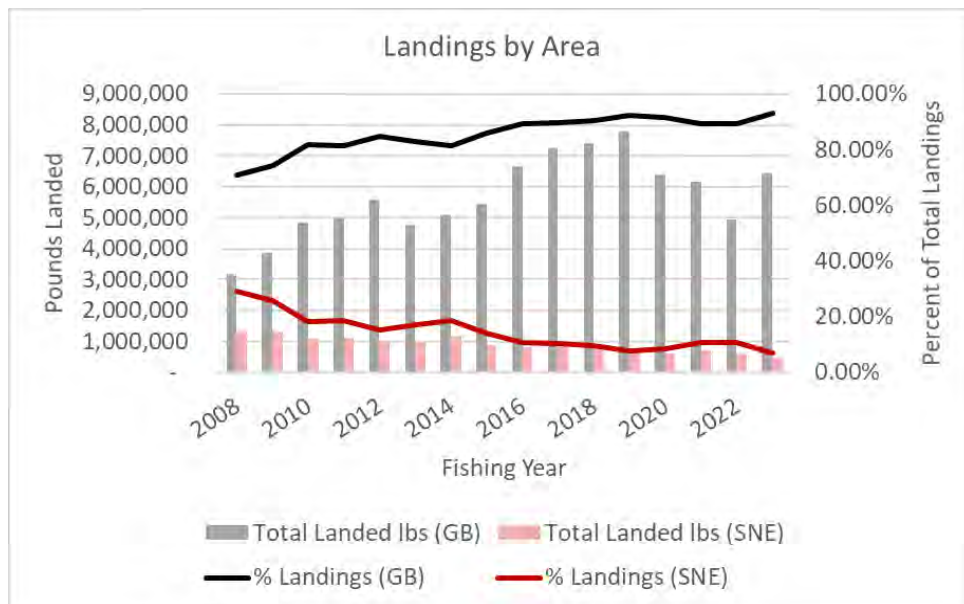


Figure 12. Trips by Stock Area for Federal LCMA 3 vessels, 2008-2023

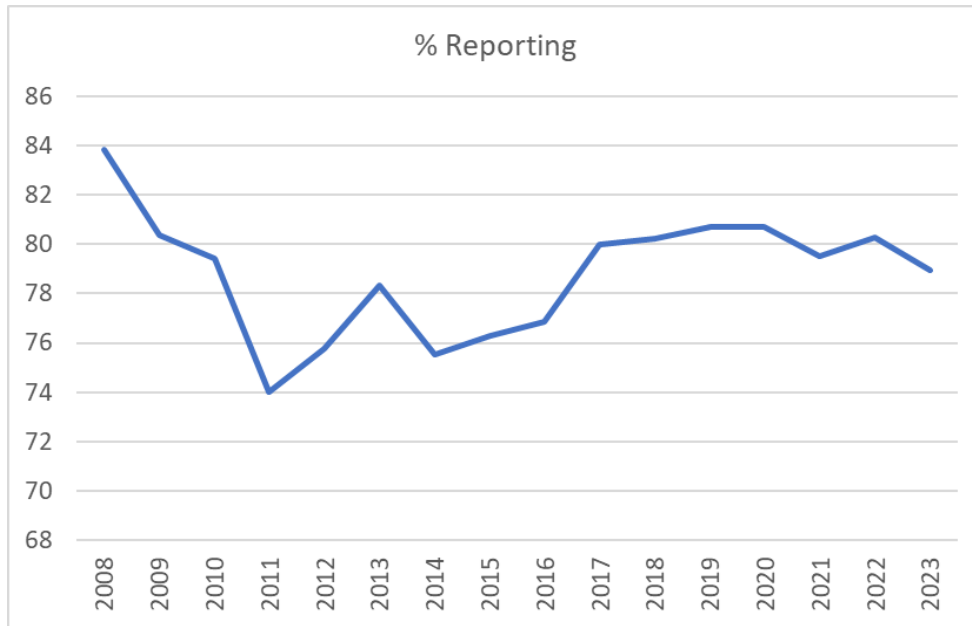


Figure 13. Percent of Federal LCMA 3 Vessel with VTR Requirement

LCMA 3 permit data were briefly reviewed during the June 25, 2024 PDT meeting. A number of LCMA 3 permits appeared to be issued to skiffs and, thus, are unlikely to be fishing in LCMA 3. There were some vessels based out of Massachusetts and Rhode Island without a federal reporting requirement that are likely active. Time did not allow the PDT to compare the activity of these vessels to federally reporting vessels.

Because the vast majority of LCMA 2 overlaps with the Southern New England stock, a similar analysis for LCMA 2 was not conducted.

f. Changes in the Jonah Crab Fishery

The development of the Jonah crab fishery is one component of the changes in the SNE lobster fishery since 2013. To better understand how the Jonah crab fishery has changed and how that relates to the lobster fishery, the PDT analyzed available data on Jonah crab landings and effort. There are several important caveats to this analysis. The first is that determining what trips should be considered directed Jonah crab trips is challenging due to the mixed-crustacean nature of the fishery where a single trip usually lands both lobster and Jonah crab. The PDT chose to categorize trips where Jonah crab landings were 80% or greater of the total landings of Jonah crab and lobster as directed Jonah crab trips. The second is that the Jonah crab fishery is heavily influenced by the market, which has been variable over the last several years. Industry members have commented that the Jonah crab landings in the late 2010s were abnormally high, and landings and trips landing Jonah crab have since declined significantly due to the lack of a market.

The PDT analysis shows that the majority of Jonah crab landings are caught in the SNE lobster stock area (Figure 14). The proportion of Jonah crab landings that come from the SNE stock

versus the GOM/GBK stock has not varied much, but shows a slightly decreasing trend since 2013 (Figure 15) .

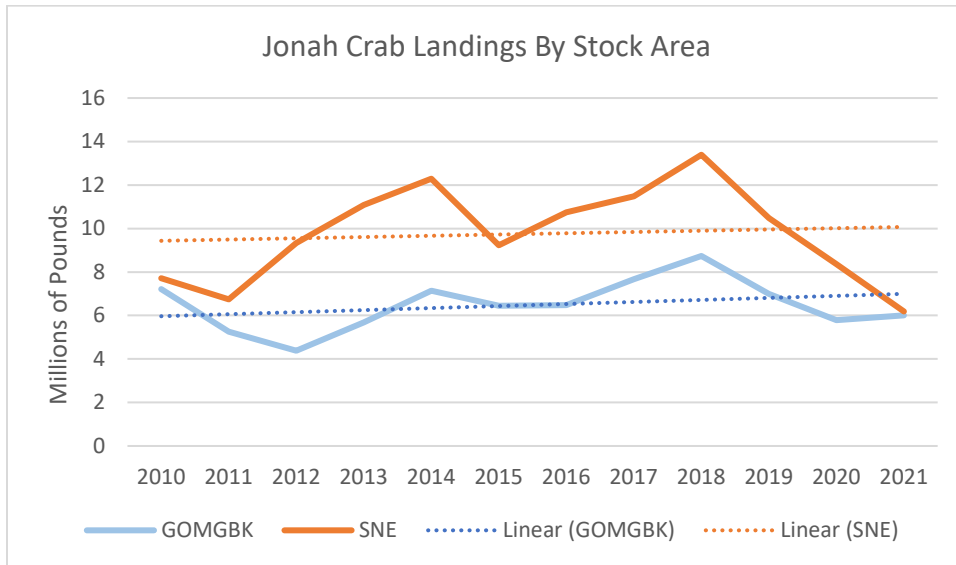


Figure 14. Jonah Crab Landings (in Pounds) by Lobster Stock Area

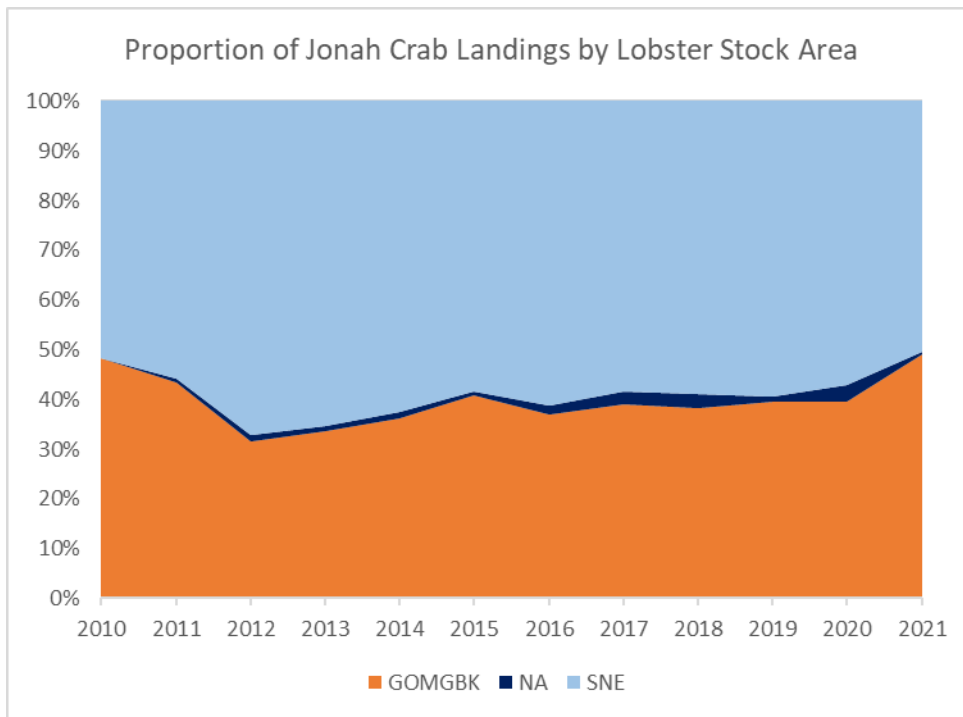


Figure 15. Proportion of Jonah Crab Landings by Lobster Stock Area

The number of trap/pot fishing trips landing any quantity of Jonah crab from the SNE lobster stock area increased from 2010 to around 2018, after which there has been a decline in the

number of trips landing Jonah crab (Figure 16). The number of trips landing Jonah crab from the GOM/GBK stock area has been variable: the highest number of trips occurred in 2010, declining thereafter until 2016, after which trips increased (with the exception of 2020).

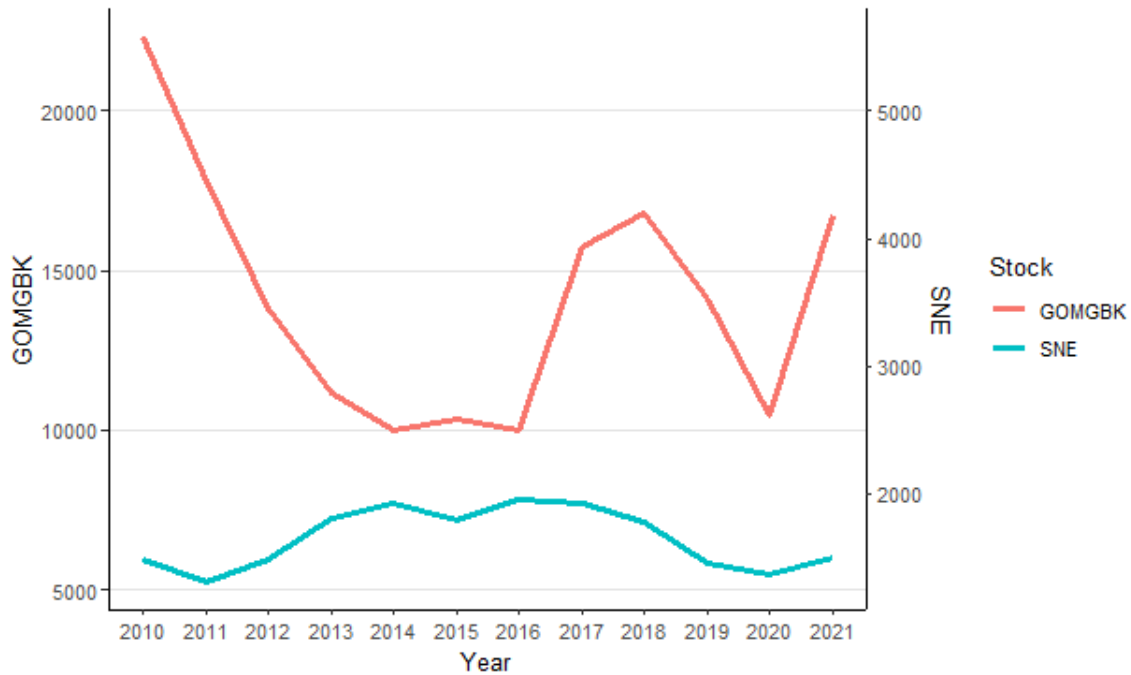


Figure 16. Number of trips per year landing Jonah crab in the SNE and GOM/GBK lobster stock areas. Data are limited to trips using Trap/Pot gear to land any quantity of Jonah crab, for ME, NH, MA, and RI. Massachusetts data are limited to statistical areas 526 and 537.

The number of directed Jonah crab trips (defined as trips where Jonah crab comprised $\geq 80\%$ of the landings) was highest from 2014 to 2018 in SNE and has been decreasing since. The number of directed Jonah crab trips in the GOM/GBK stock area has been variable but declining overall since 2010 (Figure 17). These patterns in Jonah crab fishing effort and catch reflect a recent period of high harvest and marketability in SNE from 2013-2019, followed by a market-driven decline in recent years, and a more variable Jonah crab fishery in the GOMGBK region. There is not a clear relationship between the decline in SNE and changes in effort and catch in the GOMGBK stock area in the most recent years, which may be due to independent market factors influencing Jonah crab effort.

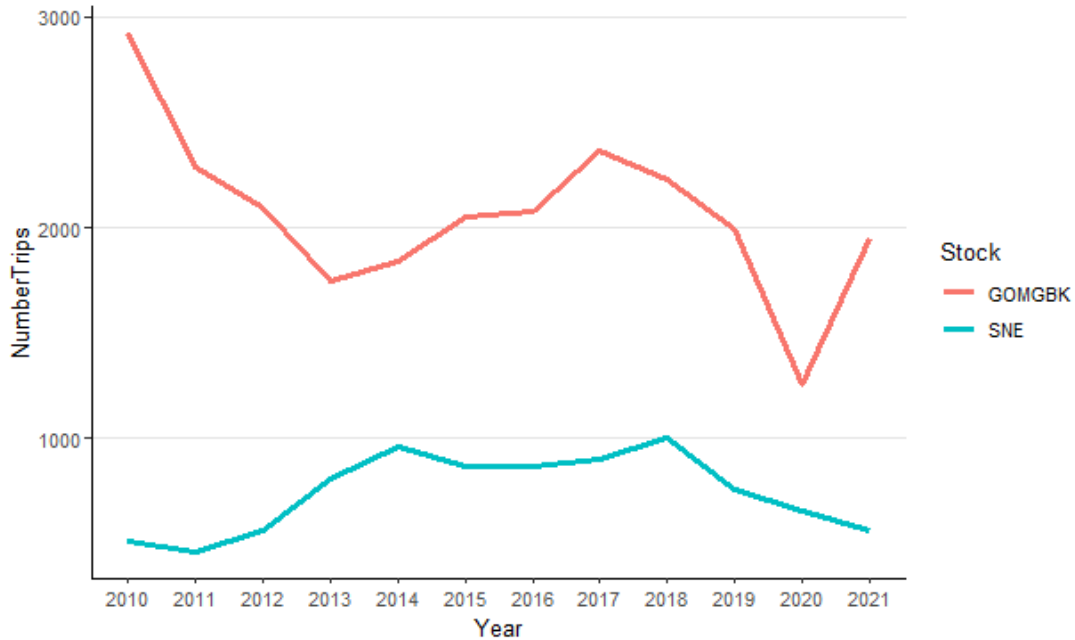


Figure 17. Number of directed Jonah crab trips made by vessels landing in ME, NH, MA, and RI (using 80% Jonah crab threshold), 2007-2021. Massachusetts data are limited to harvest occurring in statistical areas 537 and 526.

3. LCMT Input Considerations

Both of the LCMTs for LCMAs 2 and 3 met earlier this year to provide input to the Management Board on the implementation of the federal measures recommended in Addenda XXI and XXII. The LCMTs discussed the ways the fishery is different now than in 2013 when the addenda were approved, and the impacts the measures would have on the industry in the current context.

At the April 9, 2024 LCMT 2 meeting, it was noted that over the last several years, federal lobster permits have frequently been sold as part of other transactions that have resulted in the permits leaving the LCMA 2 fishery altogether, and this should reduce the concern that effort could increase above current levels in the future. The data assembled by the PDT indicates substantial declines in metrics for LCMA 2 (permits issued, traps permitted, maximum traps fished, and latent traps). The LCMT also recommended that the control date of May 1, 2022, as of which entities who exceeded the now-removed federal LCMA 2 ownership cap of 800-traps would be able to retain their trap allocations, should be revised or removed altogether. The PDT notes that creating a future control date (e.g., sometime in 2027) could cause speculation and an increase in effort if harvesters attempt to purchase more traps to bolster their allocations ahead of the date. If the Board does not wish to pursue ownership caps as part of its management strategy for LCMAs 2 and 3, no new control dates are necessary.

At the LCMT 3 meeting on June 20, 2024, the LCMT members stated that the SNE fishery has scaled itself back since 2013, with reduced effort also shifting east and moving to the Jonah

crab fishery. It was noted that logbook data would be able to show these shifts; the PDT did not have access to logbook data but agree with the LCMT that it would be helpful to look at these data. The LCMT recommended a survey be conducted to understand how much effort has moved out of the SNE stock and into GOM/GBK. They also stated that the ownership cap for LCMA 3 of five times the maximum trap cap is no longer needed because of how the fishery has changed, with consolidation already having occurred. The data assembled by the PDT indicate declines in most metrics analyzed, though notably a much smaller reduction in the maximum number of traps fished in LCMA 3 than observed in LCMA 2, and a recent increase in the number of latent traps in LCMA 3. In addition, data indicate a shift in effort and landings to the Gulf of Maine/Georges Bank portion of LCMA 3. The LCMT members also recommended analyzing the number of trap hauls occurring in SNE over time. To better understand the shift in effort away from lobster and toward Jonah crab, the LCMT recommended looking at the number of trips with landings that consist of 80% Jonah crab or greater. The PDT analysis using this method shows that trips with 80% Jonah crab landings or greater have declined since reaching a peak in SNE in 2018, and have declined overall in the GOM/GBK from 2010 to 2021.

4. Conclusions and Recommendations

a. Available tools/measures and caveats

The PDT reviewed a suite of input and output control measures that could be considered by the Board to reduce exploitation as an alternative to Addenda XXI and XXII measures. Each of these measures is accompanied by caveats related to the lobster fishery management structure and logistics, environmental and biological concerns, and economic concerns, as described below.

It is also noted that industry members have expressed the opinion that the SNE fishery has already been reduced sufficiently to respond to declines in the resource, and the measures outlined in Addenda XXI and XXII are not necessary given the status of the present-day fishery. Many of the measures presented below were also reviewed in Addendum XVII to Amendment 3 of the lobster FMP.

1. Seasonal and Spatial Closures

The use of seasonal or spatial closures has been identified as a tool for consideration to reduce exploitation on the SNE stock. Closures during the summer season could reduce landings during a period of high exploitation for SNE. However, previous discussions have noted the reliance of the industry on the summer tourist season along with safety concerns related to constricting fishing to the fall, winter, and spring months. Spatial closures might provide some conservation benefit to the lobster stock, but the extent to which harvesters would simply move their gear outside of the closure area is unknown, and the relationship between spatial closure extent and exploitation cannot be predicted.

2. V-notching

Mandatory v-notching has been previously discussed as a means to reduce exploitation in SNE. Currently, v-notching is mandatory for all legal-sized egg-bearing females in LCMA 2 and is not required in LCMA 3. During the development of Addendum XVIII, the PDT and TC opposed increased v-notching requirements due to concerns that doing so would exacerbate skewed sex ratios in certain areas of SNE, and to the potential for increased bacterial infections from injuring lobsters in increasingly warm waters. Additionally, both of these measures would increase regulatory discards, with the potential for increasing fishing effort through increased trap hauls.

3. Output Controls: Trip Limits, Quota Systems

Output controls, such as trip limits or quota-based management, were discussed as potential management measures to reduce exploitation on the SNE resource. While these measures might effectively reduce exploitation, they have historically garnered criticism because of the logistical difficulties in implementing and enforcing them. In a fishery managed using history-based trap allocations, trip limits could serve to nullify the trap allocation system under which the lobster fishery has been managed. It is also unclear how trip limits might be determined--considering the diversity in the size of lobster fishing operations--to allow for equity in reduced exploitation across harvesters. Compensatory behavior might also result from trip limits, causing an increase in trips taken. Quota-based management has also been proposed, under which individual harvesters would have an annual catch allowance. However, there are enforcement and compliance concerns related to managing the SNE stock with a quota, particularly if the GOM/GBK is not managed the same way. Additionally, the data management and reporting requirements needed to manage a quota for a fishery with a large number of small vessels who may sell directly to the consumer creates logistical challenges that would need to be addressed.

4. Reductions in Latent Effort

If the Board wishes to further reduce the potential for activation of latent effort, efforts could be undertaken to remove latent permits and/or traps from the fishery. Such action would likely require re-qualification of permits or limited entry programs based on documented recent fishing effort. While such efforts may prevent the activation of additional, future effort, the removal of inactive traps from the fishery is likely to do little to improve the condition of the SNE stock.

Area 3 Lobster Conservation Management Team (LCMT) Virtual Meeting Summary June 20, 2024

LCMT Member Attendees: Jonathan Shafmaster and Hank Soule (his alternate), Grant Moore, Joe Clancy, Dennis Colbert.

State, NMFS, and ASMFC Attendees: Caitlin Starks, Dan McKiernan, Tracy Pugh, Jared Silva, Megan Ware, Cheri Patterson, Josh Carloni, Corinne Truesdale, Alli Murphy, 2 NOAA Fisheries interns

Dan McKiernan chaired the meeting and welcomed the members. He noted that the LCMT has been reconstituted with input from state Directors from states with active permit holders.

Dan led the initial discussion on the background of Addenda XXI and XXII, which were adopted by ASMFC in 2013, to scale the Southern New England (SNE) fishery to the diminished size of the stock. Dan explained to the team that the Plan Development Team is working behind the scenes to analyze available data to determine whether the goals of Addendums 21 and 22 were met. He noted that the fishery has changed over the past 11 years and there are challenges in compiling and assessing data to describe those changes.

Caitlin went through a presentation on the Plan Development Team (PDT) Report from the April lobster board meeting. This presentation contains background information on Addenda XXI and XXII, the delayed implementation, board task for the PDT, preliminary data analysis by the PDT, and proposed NOAA Fisheries rule.

LCMT and meeting participants had a lengthy discussion raising several valuable points and areas for further analysis. The key points discussed included:

- It is important to consider transferred permits and the geographic location they operated in before and after the transfer. There is likely movement of activity between stock areas with a net migration of fishing operations moving east and north resulting in reduced effort in SNE.
- There was a lengthy discussion about the limitations of the data and challenges of data analysis for LMA 3. The issues include a historic lack of comprehensive reporting on federal VTRs and imprecise area reporting on VTRs for the time period in question. While eVTR's are now mandatory along with vessel trackers, these data are only available for the past year and cannot reveal decade long trends that are warranted to resolve the issues at hand. It was suggested that it might be useful and more accurate to survey the permit holders to get at some of the needed information (however anecdotal) on where fishing was occurring over time.
- Any data analysis should start with 2013 based on the approval time of Addenda XXI and XXII.
- There was a suggestion to quantify latent traps in LMA 3, particularly in the SNE stock area if possible.
- In addition to documenting the relative percent changes in effort both in traps and trips, it would be valuable to see the actual counts as well.
- It would be worthwhile to look at the lower trap allocations and see if they are being actively fished. It was suggested that many of these permits with small allocations are

permits that may be actively fishing in another inshore LMA (Area 1, OCC or Area 2, 4 or 5). If that is the case then the traps are not truly “latent”.

- Ownership caps that were designed to maintain an “owner operator” feature of many of the Area 3 fishing businesses are not necessary anymore as consolidation has already occurred.

Dan requested the team elect a chair at the next Area 3 LCMT meeting.

Summary prepared by Dan McKiernan and Story Reed, MA DMF



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board

FROM: Dr. Amanda R. Lindsay; Assistant Professor of Economics, Bates College

DATE: July 16, 2024

SUBJECT: Considerations of Addendum XXVII Analyses

I am writing to offer my expertise and assistance in the review and consideration of estimated impacts of Addendum XXVII. I am an assistant professor of economics at Bates College, and I specialize in bioeconomic modeling and management of marine fisheries. New to Maine, I have spent the past year learning about Maine's lobster fishery by attending Maine State level zone council meetings and the Maine Fishermen's Forum, and interviewing lobstermen and co-op management. I have not been involved in existing ex ante impact evaluations of Addendum XXVII, but rather, was approached by Commission staff to help contextualize and interpret existing analyses. In this memorandum, I have outlined my initial thoughts by emphasizing important methodological considerations, interpreting some of the noted limitations, and pointing to a few additional concerns.

Professor Michael Donihue, Colby College, performed a brief economic impact analysis of Addendum XXVII in April 2024. I have read that analysis carefully and additionally looked over publicly available materials related to his previous "Dollars to Lobsters" research. Given the expediency of this important policy question, his ability to perform a rigorous analysis was limited. He identified most of the limitations of his evaluation and I believe the brief statement adequately summarized the key points of a complex analysis.

Summarizing recent related work: In 2016, Professor Donihue collected economic data from a representative sample of lobster dealers across the state. Those data were used to estimate the economic impact and multipliers (standard macroeconomic indicators) associated with lobster distributors. The software used in this analysis (IMPLAN) is a widely used platform to carry out this type of analysis. It allows users to create customizable models of economies using an Input-Output framework. This same software was used in the 2023 Seafood Economic Accelerator for Maine report (of which he was not a contributor). Unlike Donihue's work, this newer study focused on the economic impact of harvesters. That is to say – the two studies used the same methods, with different data, to model different sectors of the lobster fishery and their contribution to Maine's economy.

His recent analysis of the impact of Addendum XXVII used the same modeling software used in the two prior reports. He focuses on the impact associated with harvesters and does not include the downstream enterprises (wholesalers, distributors, retail, restaurants). While it is not specified, I would guess the model uses data also used in one or both of these earlier analyses. To estimate the impact of the policy, he would have used the model, calibrated in one of these earlier studies, to serve as a baseline. Then he would have introduced a change to the model (a shock), mimicking the way addendum would affect the economy. The model would be asked to find a new equilibrium, and then compared to baseline conditions to estimate the impact of the policy.

He modeled the shock (approximating the impact of Addendum XXVII) would lead to an exogenous 10% reduction in landings value. This 10% reduction is an assumption. Professor Donihue notes that he does not know what the true reduction in value of lobster landings would be, but suggests this is a reasonable guess, based on DMR data from 2016-2021. Based on my understanding of the DMR data, I agree it is a reasonable guess.

Professor Donihue notes several caveats and limitations of his analysis, I want to draw attention to a few that I believe are particularly important:

1. His estimate does not include the likely negative impact Addendum XXVII felt by distributors and downstream sectors. While this sector was the focus of his 2016 study, changes in the industry since that analysis may affect the accuracy of estimates. I believe this is in part why his April 2024 analysis focuses on the impact to harvesters and the Maine economy. It would be reasonable to assume that the proposed policy would negatively impact downstream sectors, but it is difficult to estimate the magnitude of the impact without updated data.
2. His model does not include Canadian harvesters who draw from the same stock, compete in the same market, but are subject to different regulations. If Canadian harvesters are able to provide the desirable small lobsters to the market, it could magnify losses through declined demand for Maine lobster.
3. His model does not account for changes in fishing strategy (e.g. location, intensity, soak time). It is difficult to represent this type of behavioral response using his modeling framework, typically microeconomic methods would be used for this type of analysis.

There is another important limitation not mentioned in his analysis: his methods rely on a static model of the economy and cannot therefore estimate the dynamic impact of the regulation. His approach uses equilibrium “snapshots” of the economy and cannot tell us how long harvesters will endure decreased landings, or how harvester welfare changes with the health of the lobster stock. The model he uses for analysis is not designed to answer these salient questions.¹

The commission’s lobster technical committee also provided an analysis of Addendum XXVII on catch. To my understanding, they used a detailed population model, created using data from 2020 stock assessments, to find biological equilibriums under current and possible regulatory changes. From my understanding of their results, I believe the technical committee’s findings support Professor Donihue’s choice to model the policy impact as decreasing landings value by 10%.² Though in the discussion of their analysis, the technical committee’s report concludes that the reductions in catch immediately following the regulation will be made up for in gains from increased spawning stock biomass.³ Their analysis highlights that what lobstermen might lose in terms of the number of harvested lobsters will be made up for in weight and stock resiliency, but not the timeframe in which gains would be realized.

¹ The methods he uses are specifically designed to estimate macroeconomic impacts and summarize direct and indirect relationships in the economy. These are things that microeconomic models cannot do.

² The report notes that in LMAC1, “Increasing legal size would result in moderate to large decreases in exploitation as more of the stock becomes protected (Table 4) with exploitation decreasing by nearly 30% at a minimum legal size of 88mm”. (Page 31 of Draft Addendum XXVII 2022 Board Review)

³ “Thus, changes to minimum size would dramatically change the length composition of the catch. Increases in the minimum size will have temporarily but significantly depress landing in the years immediately after are implemented but the benefits to SSB would be similarly immediate.” (Page 34-35).

I do not think that the findings from the technical commission contradicts the analysis from Professor Donihue. There is reason to believe that the market may not be receptive to larger lobsters, and so that change in demographics of the harvest could have negative economic consequences. Given that lobsters take several years to reach commercial size, it is also not clear how long it would take for fishermen to benefit from improved spawning stock biomass.

Both of these analyses are estimating the impact of Addendum XXVII, focusing on very different aspects of the policy and the social ecological system. I think both are informed by the best available data.

However, that is not to say we have a clear and complete picture of the social ecological system. There are a lot of unknowns with respect to the regional and international markets, the behavior response of fishermen, and the linkage these economic systems have to the lobster stock. Because both analyses rely on equilibrium methods, neither answers important dynamic questions such as how long and how severely will this regulation impact fishermen and broader economies. These regulation changes could benefit the health and resiliency of the stock, but we do not know how quickly those benefits will manifest, and how those biological gains would affect the welfare of lobstermen. I believe these are very important policy questions which have not yet been considered.

I hope that this document illuminates the points made by others, and helps in your deliberations. Please do not hesitate to reach out with any questions or concerns, I am happy to engage in further conversation.



Economic Impact Analysis of an Increase in the Lobster Minimum Gauge Size on Maine's Economy

by
Michael Donihue, Ph.D.
Professor of Economics and Director of the
[Laboratory for Economic Studies at Colby College](#)

April 2024

In May 2023, the Atlantic States Marine Fisheries Commission ([ASMFC](#)) establishing a trigger protocol (Addendum XXVII) for the harvesting of lobsters in the Gulf of Maine and Georges Bank (GOM/GBK). The ASMFC regulation seeks to increase the harvestable lobster carapace gauge length and trap escape vent size with a goal of protecting the lobster spawning stock in these waters. The increased minimum gauge size was to go into effect on June 1, 2024. ASMFC's action was based on two key observations:¹

- ✓ Since the early 2000s, lobster harvests from the GOM/GBK waters have increased.
- ✓ Since 2012, surveys of the juvenile lobster population in the GOM suggest that the spawning stock has decreased.

There is considerable debate among harvesters and policy makers, particularly in Maine, as to the impact of the trigger protocol on the industry and the accuracy of the survey data on which the ASMFC Board's regulatory action was made. In October 2023, ASMFC delayed implementation of the trigger protocol until January 1, 2025 in response to concerns of harvesters and a request from Maine's DMR Commissioner Patrick Keliher. Of particular concern to Maine's lobster harvesters is the fact that the ASMFC regulations would not apply to Canadian harvesters.

Earlier this month, representatives from the New England Fishermen's Stewardship Association ([NEFSA](#)) and several Maine lobster dealers approached me about the feasibility of providing an update to my previous economic impact study of Maine's wholesale distribution network and an estimate of the potential impact of the ASMFC trigger protocol on the entire industry. My [Lobsters to Dollars](#) study was based on interviews and data from 2016 provided by a representative sample of lobster dealers across the state. I found that, at that time, the economic impacts of the lobster dealer wholesale distribution network in Maine totaled just under \$1 billion and supported approximately 5,600 jobs. My study was confined to just one segment of Maine's lobster industry supply chain and did not include the economic footprint of harvesters, nor the contributions attributable to 'downstream' enterprises in the value chain represented by processors, retailers, and restaurants.

A study of the State's entire commercial seafood industry prepared for the Seafood Economic Accelerator of Maine in January 2023² estimated the economic impact of Maine's lobster harvesters to be \$852.5 million in total value added while supporting more than 6,500 jobs. That study did not estimate impacts attributable to Maine's wholesale distribution network.

A comprehensive economic impact study of the ASMFC trigger protocol would require a careful assessment of the ways in which harvesters would react in terms of their fishing intensity, capital investments in traps and equipment, and how much of their harvest would be impacted by an increase

¹See: <http://www.asmfc.org/species/american-lobster>

²See: <https://www.seamaine.org/wp-content/uploads/2023/03/FINAL-SEAMaine-Economic-Impact-Analysis-Report-2.pdf>

in the legal carapace gauge length. Smaller lobsters may make up an important portion of total landings as one-pound “chicken lobsters” feature in the sales of many restaurants in Maine. Furthermore, there are more processors in the state than when I did my study and the impact of a significant reduction in this portion of the harvest is unknowable without conversations and field research that included these businesses.

Complicating the analysis, and presumably magnifying the negative externalities associated with the new regulation, is the fact that Canadian harvesters fish in the same waters as Maine lobstermen yet would not be subject to the ASMFC gauge length increase.

To get a sense for the multiplicative impact of a reduction in lobster landings that might result from ASMFC’s new trigger protocol I focused on just the ‘backward’ or ‘upstream’ linkages for harvesters along Maine’s lobster supply chain. I employed the same IMPLAN modeling environment that I used in my Lobsters to Dollars study and, coincidentally, also used for the January 2023 Maine commercial seafood industry impact report

The current minimum carapace gauge length for Maine lobsters is 83mm. Under the ASMFC trigger protocol, the minimum length would increase to 86mm (in two stages). Sampling data provided by Maine’s Department of Marine Resources for 2016-2021 indicate that just over 10 percent of the harvest measured 83mm over this period and would therefore be illegal with the gauge increase. More than a third of the sampled landings during this period had a carapace length measuring between 83mm and 86mm.

I estimate that a ten percent decrease in the value of lobster landings in 2022 would have resulted in a loss of just over 680 jobs and \$59.6 million to Maine’s economy. Again, these impacts apply just to the economic activity attributable to the harvesters and those upstream enterprises in the value chain. All of the negative impacts on the downstream portion of the supply chain – the wholesale distribution network, processors, retailers, and restaurants – would be *in addition* to my estimates.

The table below disaggregates the total impact of a 10 percent reduction in the value of landings in 2022 into the direct effect (10% of landings in 2022 equals \$39.2 million), indirect effects representing economic losses to upstream businesses from whom harvesters purchase equipment and services, and the induced effects of lost labor income on Maine’s economy.

**State-wide Economic Impacts of a
10% Reduction in the Value of Lobster Landings on Maine’s Economy**
(Millions of 2024 dollars)

Impact	Employment	Labor Income	Value Added	Output
Direct	-574	-\$22.7	-\$39.0	-\$39.2
Indirect	-1	-\$0.045	-\$0.085	-\$0.168
Induced	-112	-\$6.3	-\$12.1	-\$20.2
TOTAL	-686	-\$29.0	-\$51.2	-\$59.6



Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM XXX TO AMENDMENT 3 TO THE AMERICAN
LOBSTER FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT**

Foreign Import Minimum Size Recommendation



March 2024



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Public Comment Process and Proposed Timeline

In May 2023, the Board approved Addendum XXVII, which establishes a trigger mechanism to implement management measures – specifically gauge and escape vent sizes – to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass (SSB). Under Addendum XXVII, changes to the current gauge and escape vent sizes in Lobster Conservation Management Area (LCMA) 1 (inshore Gulf of Maine) will begin January 1, 2025, starting with an increase to the minimum gauge size in LCMA 1 from 3 ¼” to 3 5/16” followed by a second increase January 1, 2027, to 3 3/8”. With these changes the LCMA 1 minimum gauge size will be the smallest minimum gauge size in effect.

Draft Addendum XXX does not present a range of management alternatives. Rather, it is an administrative document that clarifies how the Commission will recommend to NOAA Fisheries the implementation of the change in the LCMA 1 minimum gauge size and the implication on imports per the Mitchell Provision of the Magnuson Steven Act (see section 2.1).

The public is encouraged to submit comments regarding the administrative intention in this document at any time during the addendum process. The final date comments will be accepted is **June 3, 2024 at 11:59 p.m. EST**. Comments may be submitted by mail, or email. If you have any questions or would like to submit comments, please use the contact information below.

Mail: Caitlin Starks
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200A-N
Arlington, VA 22201

Email: comments@asmfc.org
(Subject line: Lobster Draft Addendum XXX)

Date	Action
January 2024	Board initiated the Draft Addendum XXX
February 2024	Plan Development Team (PDT) developed Draft Addendum document
March 2024	Board review and approval of Draft Addendum XXX for public comment
March-June 2024	Public comment period
August 2024	Board reviews public comment, selects management measures, final approval of Addendum XXX

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1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) has coordinated the interstate management of American lobster (*Homarus americanus*) from 0-3 miles offshore since 1996. American lobster is currently managed under Amendment 3 and Addenda I-XXVI to the Fishery Management Plan (FMP). Management authority in the Exclusive Economic Zone (EEZ) from 3-200 miles from shore lies with NOAA Fisheries. The management unit includes all coastal migratory stocks between Maine and Virginia. Within the management unit there are seven lobster conservation management areas (LCMAs): Inshore and offshore GOM (Area 1), Inshore SNE (Area 2), Offshore Waters (Area 3), Inshore and offshore Northern Mid-Atlantic (Area 4), Inshore and offshore Southern Mid-Atlantic (Area 5), Long Island Sound (Area 6) and Outer Cape Cod (Figure 1). The Commission implements management measures (gauge sizes, vent size, trap limits, seasons, etc.) specific to each LCMA (Table 1). The FMP prohibits the minimum gauge size of any LCMA to be lower than 3 ¼ inches carapace length.

The Magnuson-Stevens Act (MSA) prohibits imports of whole live lobster smaller than the minimum possession size in effect at the time under the Commission's American lobster management program. This provision, referred to as the Mitchell Provision, was passed to prevent imports of lobster smaller than those harvested by United States (US) fishermen. The current minimum gauge size for LCMA 1 (inshore Gulf of Maine) is 3 ¼ inch, which is the smallest minimum size in effect for the US lobster fishery.

Under Addendum XXVII, changes to the current minimum size in LCMA 1 will begin January 1, 2025, starting with an increase from 3 ¼" to 3 5/16". Thus, starting in January 2025, 3 5/16" will be the smallest minimum size in effect.

The purpose of this addendum is to provide detail to the public on what the Commission's recommendation to NOAA fisheries will be regarding the smallest minimum size in effect and how it is interpreted under the Mitchell Provision as the minimum gauge size increases occur in LCMA 1 in 2025 and 2027.

2.0 Background

2.1 Mitchell Provision

The Mitchell Provision prohibits imports of whole live lobster smaller than the minimum possession size in effect at the time under the Commission's American lobster management program in order to prevent imports of lobster smaller than those that can be legally harvested by the US industry. Signed into law in 1989, it states "it is unlawful for any person to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species *Homarus americanus*, that is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan implemented under this title, or in the absence of any such plan, is smaller than the minimum possession size in effect at the time under a coastal fishery management plan for

American lobster adopted by the Atlantic States Marine Fisheries Commission under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA).”

In a final rule published December 6, 1999, NOAA Fisheries withdrew the approval for the federal American Lobster FMP because the majority of the lobster fishery takes place in state waters. The final rule transferred regulations for management of the lobster fishery under the MSA (50 CFR part 649) to the ACFCMA (50 CFR part 697). Therefore, the Mitchell Provision language means it is unlawful for any person to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster smaller than the minimum possession size in effect under the Commission’s FMP for American lobster.

The current LCMA 1 minimum gauge size of 3 ¼” is the smallest minimum gauge size in effect at this time (February 2024). Therefore, when the LCMA 1 minimum gauge size increases to 3 5/16” for January 1, 2025, the smallest minimum gauge size in effect will be 3 5/16”. On January 1, 2027 the LCMA 1 minimum size will increase to 3 3/8”, consistent with all other LCMA’s except LCMA 3; therefore, the smallest minimum size in effect will be 3 3/8”.

2.1.1 Enforcement Concerns

The Law Enforcement Committee (LEC) has commented that if imports were allowed to be smaller than the minimum gauge size in effect in the US, it would create additional challenges for enforcement. In particular, it would open up opportunities for the illegal sale of US caught lobster that are below the legal minimum size in the US. The LEC noted that enforcing the size differences when lobsters enter the United States from Canada at the Border is not as much of a challenge; however, once the lobster arrive to a dealer in the US, they are usually comingled for sale, and it would be difficult to maintain separation of US and non-US origin lobster.

3.0 Proposed Recommendation to NOAA Fisheries

It is the intention of the Commission to recommend to NOAA Fisheries that as changes to the minimum gauge size in LCMA 1 are required by Addendum XXVII, the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry. Therefore, the scheduled 2025 and 2027 changes in the minimum gauge size for LCMA 1 would impact size restrictions for imported lobster. Imports of whole live lobster smaller than 3 5/16” would be prohibited after January 1, 2025, and lobster smaller than 3 3/8” would be prohibited after January 1, 2027. This is consistent with the Mitchell Provision of the MSA. This recommendation would be forwarded to NOAA Fisheries after approval of the draft addendum.

4.0 References

Atlantic States Marine Fisheries Commission (ASMFC). 1997. [Amendment 3 to the Interstate Fishery Management Plan for American Lobster](#).

ASMFC. 2020. [American Lobster Benchmark Stock Assessment and Peer Review Report](#).

ASMFC. 2023. [Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster](#).

5.0 Tables and Figures

Table 1. Existing LCMA specific management measures.

Mgmt. Measure	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	OCC
Min Gauge Size	3 1/4"	3 3/8"	3 17/32 "	3 3/8"	3 3/8"	3 3/8"	3 3/8"
Vent Rect.	1 15/16 x 5 3/4"	2 x 5 3/4"	2 1/16 x 5 3/4"	2 x 5 3/4"	2 x 5 3/4"	2 x 5 3/4"	2 x 5 3/4"
Vent Cir.	2 7/16"	2 5/8"	2 11/16"	2 5/8"	2 5/8"	2 5/8"	2 5/8"
V-notch requirement	Mandatory for all eggers	Mandatory for all legal size eggers	Mandatory for all eggers above 42°30'	Mandatory for all eggers in federal waters. No V-notching in state waters.	Mandatory for all eggers	None	None
V-notch Definition ¹ (possession)	Zero Tolerance	1/8" with or w/out setal hairs ¹	1/8" with or w/out setal hairs ¹	1/8" with or w/out setal hairs ¹	1/8" with or w/out setal hairs ¹	1/8" with or w/out setal hairs ¹	State Permitted fisherman in state waters 1/4" without setal hairs Federal Permit holders 1/8" with or w/out setal hairs ¹
Max. Gauge (male & female)	5"	5 1/4"	6 3/4"	5 1/4"	5 1/4"	5 1/4"	State Waters none Federal Waters 6 3/4"
Season Closure				April 30-May 31 ²	February 1-March 31 ³	Sept 8-Nov 28	February 1-April 30

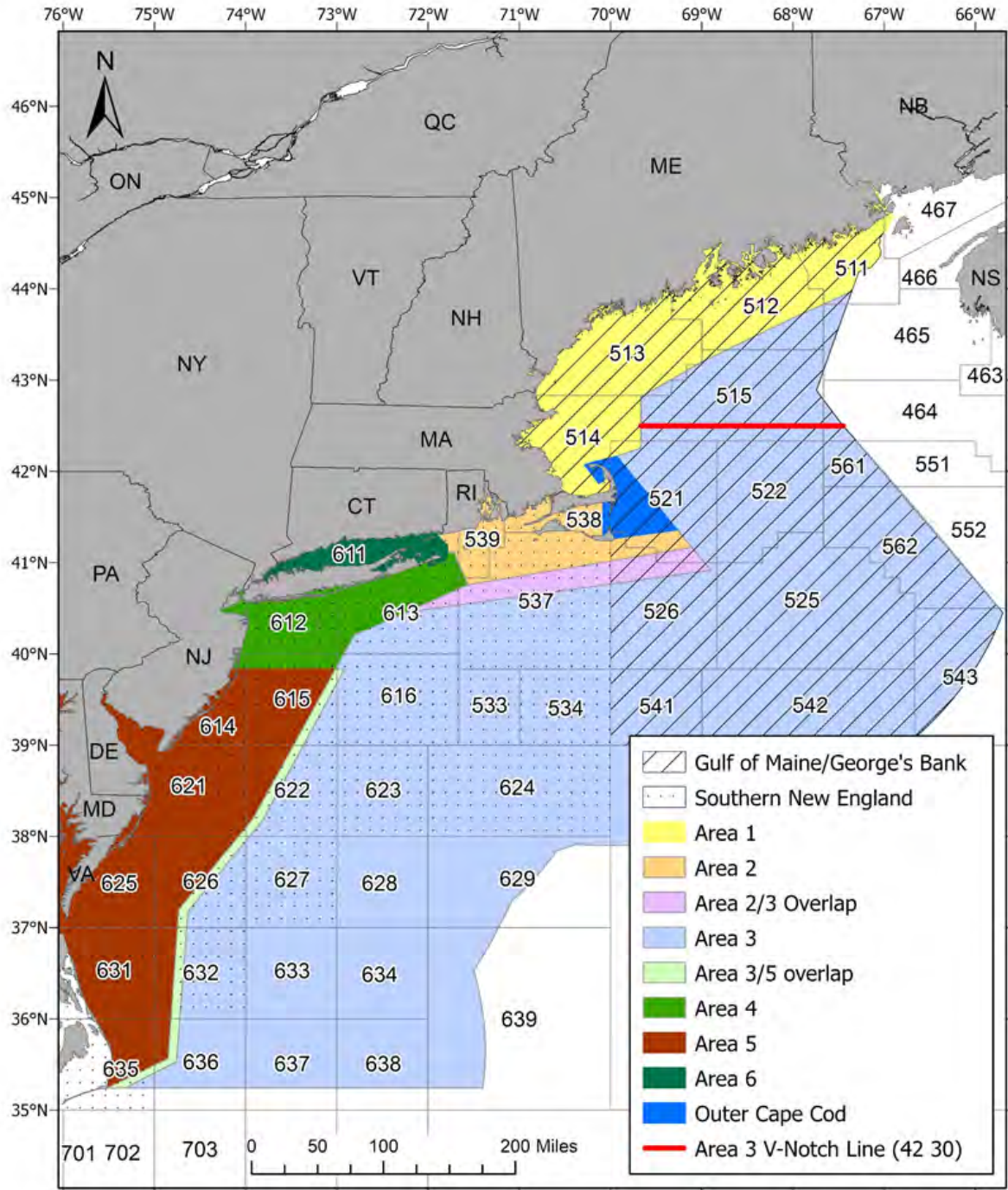


Figure 1. Lobster conservation management areas (LCMAs) in the American lobster fishery. LCMAs 1, 3, and OCC make of the majority of the GOM/GBK stock. The Area 3 V-Notch line is shown in red where v-notching is required north of the 42°30' line.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board

FROM: Caitlin Starks, Senior FMP Coordinator

DATE: July 24, 2024

SUBJECT: Public Comment on Draft Addendum XXX to Amendment 3 to the American Lobster Fishery Management Plan

The following pages represent a draft summary of all public comments received by ASMFC on American Lobster Draft Addendum XXX as of 11:59 PM (EST) on June 3, 2024 (closing deadline).

Comment totals for the Draft Addendum are provided in the table below, followed by summaries of the state public hearings, and written comments sent by organizations and individuals. A total of 117 written comments were received. These included 13 letters from organizations, and the remainder from individual stakeholders. Two virtual public hearings were held. The total public attendance across the hearings was 35, though some individuals attended multiple public hearings. Five public comments were provided during the public hearings.

The following tables are provided to give the Board an overview of the support for or opposition to the proposed action in Draft Addendum XXX. Additional comments that did not specify the position of the commenter are included in the public hearing summaries and written comments. Other comments unrelated to this action are counted in a separate “other” category. Prevailing themes from the comments are highlighted below, including general considerations and rationales for support or opposition.

Table 1. Total Written Comments Submitted to ASMFC

Total Comments Received	
Organization Letters	13
Individual Comments	104
Total Written Comments	117

Table 2. Comments on Draft Addendum XXX

Management Options	Public Hearings	Letters	Individual Comments	Total
Support Draft Addendum XXX	3	4	3	10
Oppose Draft Addendum XXX	0	5	1	6
Other	2	3	98	103

Rationales for Support of Addendum XXX

- Imports should be required to be the same size as US-caught lobster because if they are allowed to be smaller the lobstermen here would be at a huge disadvantage, would lose money and be put out of business.
- The increase in gauge size is already going to have economic impacts to the US lobster fishery, and allowing imports to be smaller than the new gauge size would make the impacts worse.

Rationales for Opposition to Addendum XXX

- More information is needed on economic impact of the minimum gauge size change for processors.
- Restricting foreign imports to the US minimum size would disincentivize processors from operating in the US. Canada and US should have the same gauge sizes.
- “Chick” lobster make up a large portion of processors’ business and this Addendum would take that away.
- The 3 ¼” “coastwide” minimum size should be used as the minimum size in effect that would apply to imports.
- Canadian dealers purchasing directly from fishermen lack the workforce and facilities to physically grade large volumes of lobsters for carapace length.
- U.S. processing plants now source lobsters directly from primary dealers in Newfoundland, Magdalene Islands, Quebec, Cape Breton, and Nova Scotia in May and June. They can thus operate their plants for 8-10 weeks before landings in the U.S. reach a economically feasible level.
 - It’s estimated that U.S. plants utilize 11-12,000,000 lbs of Canadian lobsters in May and June to support their processing operations.
- The North Atlantic Lobster Alliance (NALA) comments that Addendum XXX threatens to disrupt the current and necessary supply of Canadian lobsters, and threatens the continued existence of several of its members due to the significant adverse economic impacts.
 - NALA estimates US lobster processors and dealers would experience a 20M lb. reduction in imports of Canadian lobster, and a loss of \$128M attributed to the domestic industry.
- If US processing capacity is lost due to the reductions in supply during May-June, it will have long term negative consequences for the industry.
- The import restriction will cause supply to back up and value for US harvesters.

General Considerations

- Canada provided comments on the Addendum that seek clarification on several issues:
 - It is unclear whether the proposed import restriction is necessary to protect animal or plant life or health, the protection of the environment, or to address enforcement challenges within the US.
 - How and when will the Commission know whether the proposed import restriction is achieving its intended objective?
 - What alternatives has the US considered in the development of this proposal?
 - Will the proposed measure apply to lobster travelling in-bond?
- Canada also encourages the US to consider our mutual obligations under the Canada-United States-Mexico Agreement (CUSMA) and the Agreement on Technical Barriers to Trade, and to consider less restrictive trade measures that would achieve the policy objective.

Other Comments

- The minimum gauge size should change for Canada and the US at the same time.
- Lobstermen who catch lobster (at the 3 ¼" size) in the fall and hold them for sale until the following year should be allowed a waiver until April of 2025 to sell the lobster after the new gauge size is implemented.
- US fishermen should not have to throw back lobsters that Canadian fishermen can catch.
- Larger lobsters should be protected instead of sub-legals because they have higher fecundity.
- Restrictions on the size of imports of cooked lobsters should be considered.
- The lobster fishery is overfished and the trap limit should be reduced to 400.
- There should be a 600-trap limit instead of increasing the gauge.
- Previous gauge increases did not put people out of business, nor will this one.
- The 24/7 provision of the lobster vessel tracking requirement should be removed.
- The large majority of other comments expressed opposition to increasing the LCMA 1 minimum gauge size. A number of reasons for this view were given.
 - Harvesters are seeing more lobsters now than ever, especially undersize lobsters, and egg-bearing females.
 - Lobsters are moving offshore, the population is not decreasing.
 - The gauge increase will have significant impacts for processors.
 - Economic studies should be conducted to better understand impacts to the fishery.
 - It is frustrating that Canada can already catch lobster larger than the US allows.
 - Canada will take over the "chick" market if the US gauge size increases.

American Lobster Draft Addendum XXX Public Hearing

Webinar Hearing

April 9, 2024

23 Public Participants

Commissioners: David Borden (RI), Colleen Bouffard (CT), Ray Kane (MA), Pat Keliher (ME), Dan McKiernan (MA), Jason McNamee (RI), Nichola Meserve (MA), Megan Ware (ME)

ASMFC & State Staff: Caitlin Starks (ASMFC), Toni Kerns (ASMFC), Kerry Allard (MA), Justin Pellegrino (NY), Kathleen Reardon (ME), Chris Scott (NY), Allison Murphy (NOAA)

Hearing Overview

- No comments were provided.
- Questions were raised about enforcement of the minimum size in states without lobster fisheries, for example, non-coastal states. The general understanding is that the minimum size is enforced at the point of import.

Addendum XXX Hearing Attendance, April 9, 2024		
First Name	Last Name	Email Address
Kerry	Allard	kerry.allard@mass.gov
DAVID	BORDEN	LIZZY.2@CHARTER.NET
Andrew	Balser	cpinkham86@yahoo.com
Jeffrey	Bartlett	jbartlettmlafish@gmail.com
Colleen	Bouffard	colleen.bouffard@ct.gov
Curt	Brown	cbrown@readyseafood.com
Lori	Caron	loricaron3@aol.com
Chris	Cash	christina.cash@maine.edu
Beth	Casoni (MLA)	beth.casoni@gmail.com
Jeanne	Christie	jeanne.christie@mail.house.gov
Johnathan	Evanilla	jevanilla@bigelow.org
Chester	Hillier	hillier@fairpoint.net
Chip	Johnson	chipneta@comcast.net
00Raymond	Kane	ray@capecodfishermen.org
Pat	Keliher	patrick.keliher@maine.gov
Toni	Kerns	tkerns@asmfc.org
Marianne	LaCroix	mlacroix@lobsterfrommaine.com
Daniel	McKiernan	dan.mckiernan@mass.gov
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Justin	Pellegrino	justin.pellegrino@dec.ny.gov
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Christopher	Scott	christopher.scott@dec.ny.gov
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Stephen	Smith	stephens_7@comcast.net
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corrin	flora	corrin.flora@maine.gov
allison	murphy	allison.murphy@noaa.gov
hank	soule	hank@offshorelobster.org
john	whiteside	john@jwhiteside.com

American Lobster Draft Addendum XXX Public Hearing

Webinar Hearing

May 6, 2024

12 Public Participants

Commissioners: Cheri Patterson (NH), Doug Grout (NH), David Borden (RI)

ASMFC & State Staff: Caitlin Starks (ASMFC), Toni Kerns (ASMFC), Renee Zobel (NH), Allison Murphy (NOAA)

Hearing Overview

- Five comments were provided.
- Three comments agreed that the size of imports should be the same as the US minimum size for the industry, or else there will be negative effects for the US lobster harvesters.
- Two commented on the increase in the LCMA 1 minimum gauge size required under Addendum XXVII, stating that they oppose any change to the current gauge size.

Summary of Comments

Mike Flanigan

- Strongly opposes any change to the gauge size.
- Has been lobstering for 65 years and was one of the first ones from New Hampshire to go offshore.
- There are more lobsters now than ever. If the measure is increased the lobster harvesters are all done. The gauge of 3 ¼ inches works. Don't touch it. Some cannot afford the increase.
- The lobsters here do not stay here, they move and go offshore.

Eric Anderson

- Supports the previous comments from Mike.
- Agrees that Canada needs to cull their lobster to be the same size as the US, and imports should comply with the Mitchell provision.

Ellen Goethal

- We must keep imports same size as US Lobster. This is incredibly important because if imports are smaller, the lobstermen here will lose money and it will put them out of business.

Joshua Ford

- Restrictions on the size of imports of cooked lobsters should be considered.

Bobby Nudd

- Considering the economic impact the gauge increase will have on the US industry, it would be a disgrace to allow the import of sublegal size lobsters into the US.

American Lobster Addendum XXX Public Hearing Attendance (Online)		
First Name	Last Name	Email Address
David	Borden	lizzy.2@charter.net
Toni	Kerns	tkerns@asmfc.org
Jennifer	Loome	jennifer.loome@dfo-mpo.gc.ca
Bobby	Nudd	lobstaman@myfairpoint.net
Cheri	Patterson	cheri.patterson@wildlife.nh.gov
Lauren	Staples	laurenstaples8@gmail.com
Renee	Zobel	Renee.Zobel@wildlife.nh.gov

Lobster Addendum XXX Hybrid Public Hearing Portsmouth NH May 6, 2024

Name	Affiliation
G. Ritchie White	ACMFC
B. ANDERSON	NHCFR
P. Lehelan	NEFMC
Allison Murphy	UMFS
H Hank Scoble	AOLA
Joshua Reel	
JIM TITONE	YFC
B. Flanigan	Self
Ellen Gertzel	



June 3, 2024

USA WTO TBT Enquiry Point

Standards Coordination Office (SCO),

National Institute of Standards and Technology (NIST)

100 Bureau Drive, 2100 Gaithersburg, MD 20899

Tel: +(1 301) 975 2918/Email: usatbtep@nist.gov

Subject: Lobster Draft Addendum XXX, World Trade Organization (WTO) G/TBT/N/USA/2109

To whom it may concern:

Canada appreciates the opportunity to provide comments to the public consultation process on the Atlantic States Marine Fisheries Commission (ASMFC) Draft Addendum XXX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster, via G/TBT/N/USA/2109 on April 4, 2024. Canada's comments in this letter seek clarity from the United States (U.S.) on the potential trade impacts of the proposed measure.

In addition to the notified measure, Canada's comments are also based on the following additional reference documents:

- i) Addendum XXVII to amendment 3 to the Interstate Fishery Management Plan for American Lobster (hereafter referred to as "**Addendum XXVII**").
- ii) CUFTA, Panel Report - *Lobsters from Canada*, USA 89-1807-01, May 25, 1990.

Canada and the U.S both harvest American lobster (*Homarus Americanus*) within our respective jurisdictions. The same species is also traded extensively between our two countries. This has led to an integration of the Canada-U.S. lobster sectors. The U.S. International Trade Commission noted in its report "*Integrated through Free Trade: A Case Study of the U.S. and Canadian Lobster Industries*" (2022) that the extent of this integrated lobster sector has created "a distinctive environment that enables both countries to develop competitive advantages and use a North American platform to establish global competitiveness".

As close trading partners, Canada and the U.S share the objective of promoting the long-term conservation of fish stocks and the implementation of effective enforcement and management measures. We also recognize the importance of promoting and facilitating trade in sustainably and legally harvested fish and fish products. While measures may vary, our fishery management practices are adaptable and designed to support our shared objectives. Notably, American lobster stocks in Canadian fisheries waters are healthy and measures are in place to ensure their long-term sustainability. There continues to be regular dialogue between Canadian and U.S officials, and industry representatives on science and approaches to lobster management. Keeping our shared objectives in mind, Canada is seeking to clarify certain aspects of this proposed measure. We are also seeking the opportunity to work cooperatively with you to find less trade-restrictive approaches to achieve these common objectives while respecting different management approaches. In support of this, we note the following.

Firstly, **Addendum XXVII** notes that the lobster stock in the Gulf of Maine/Georges Bank (GOM/GBK) is neither depleted nor is it being overfished. In fact, **Addendum XXVII** notes that between 2018-2020



the lobster abundance was greater than the industry exploitation target. We note concern that there are some ‘troubling indicators’ regarding spawning stock biomass and fishery recruitment indicating a potential future decline in abundance. From this, while the rule under **Addendum XXVII** may be driven by certain conservation objectives, it also appears to be a proactive management measure with the aim to meet certain social and economic objectives when the stock is considered healthy, i.e., it aims to improve the economic sustainability of the fishery despite the stock not currently being at risk.

Secondly, to advance the conservation and socio-economic objectives outlined in **Addendum XXVII**, draft **Addendum XXX** proposes to apply the **Addendum XXVII** minimum size increase to the possession of American lobster (within the U.S.). Under the *Magnuson-Stevens Act*, Canada understands this to mean that the smallest minimum size for imports of foreign American lobster into the U.S. (i.e., including Canadian harvested American lobster) would need to match the smallest minimum size in effect for American lobster harvested in the U.S.

Thirdly, G/TBT/N/USA/2109 indicates that the objective of this measure is related to the protection of animal or plant life or health, and the protection of the environment. Canada understands that the measures in **Addendum XXVII** (i.e., increasing minimum carapace size) are related to domestic concerns. For example, draft **Addendum XXX** presents a concern noted by the ASMFC’s Law Enforcement Committee (LEC) in that allowing the import of Canadian lobster smaller than the proposed gauge size changes would “create opportunities for the sale of U.S caught lobster that are below the legal minimum size in the U.S”. The LEC has also noted that “enforcing the size difference when lobsters enter the United States from Canada at the border is not much of a challenge; however, once the lobster arrive to a dealer in the U.S, they are usually comingled for sale, and it would be difficult to maintain separation of U.S and non-U.S origin lobster”. It is unclear whether the proposed import restriction is necessary to protect animal or plant life or health, the protection of the environment, or to address enforcement challenges within the U.S. It is also not clear how enforcing the measure at the border on foreign imported lobster will address such issues within the U.S. Accordingly, we are seeking clarity on the following:

- 1) How will enforcing the minimum lobster carapace size requirement at the United States’ border on foreign *American lobster* contribute to addressing the U.S.’ stated objectives?
- 2) Recognizing the LEC has noted that enforcing the size difference at the US border is not much of a challenge, could the US clarify why the proposed import restriction is required if it may lead to discrimination against foreign *American lobster* imports, especially those harvested in compliance with the management measures in said foreign jurisdictions (i.e., Canada)?
- 3) How and when will the ASMFC know whether the proposed import restriction is achieving its intended objective(s)? If domestic objectives have been met, would the gauge size limit and the proposed import restriction be lifted?
- 4) What alternatives has the U.S considered in the development of this proposal?

In terms of a separate, yet related issue, we also note the following. In 1990, during presentations to Canada-US Free Trade Agreement (CUFTA) Panel in response to panel questions, the United States indicated that the phrase “in interstate or foreign commerce” was inserted into Section 307(1)(J) of the *Magnuson-Stevens Fishery and Conservation Management Act*, due to US constitutional law reasons, as it signals the invocation of the regulatory authority conferred on Congress by the Commerce clause in the Constitution of the United States¹, and averred to the panel that it was not the federal government’s

¹ CUFTA, Panel Report - *Lobsters from Canada*, USA 89-1807-01, May 25, 1990, para. 7.5.1



intention to enforce the minimum size requirement at the border². We understand that this has been the practice since the NAFTA panel decision.

Accordingly, we are also seeking clarity from the U.S on the following:

- 5) Will the proposed measure apply to lobster travelling in-bond? If so, how?
- 6) Does the United States stand by this interpretation of the phrase “in interstate or foreign commerce,” and the subsequent decision not to enforce the minimum size requirement at the border?

Thank you for the opportunity to share these preliminary views on the proposed measure and related documents. Considering the U.S.’ and Canada’s close trading relationship, our shared conservation objectives, and the significance of our bilateral American lobster trade, we encourage the U.S to reflect upon the questions and comments presented by Canada, especially when the potential impacts may not yet be fully understood within our integrated lobster sector. Furthermore, we encourage the U.S to consider such measures in line with our mutual obligations under the *Canada-United States-Mexico Agreement* (CUSMA) and the *Agreement on Technical Barriers to Trade*. Finally, we would also look to the U.S to consider less trade restrictive alternative measures that could make an equivalent contribution to the policy objective being pursued.

Regards,

Callie Stewart

Director, Technical Barriers and Regulations Division

Global Affairs Canada

² Ibid., para. 7.6.1.



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

158 Shattuck Way, Newington, NH 03801 | 603-781-9718 | www.offshorelobster.org

April 26, 2024

Atlantic States Marine Fisheries Commission
American Lobster Management Board
1050 N. Highland St.
Arlington, VA 22201

RE: Addenda XXVII and XXX to the Lobster FMP

Dear Lobster Management Board members,

The Atlantic Offshore Lobstermen's Association (AOLA) represents several dozen lobster vessels fishing throughout the range of LCMA 3. We write to support delaying implementation of Addendum XXVII pending analysis of its and related Addendum XXX's economic impacts on supply, ex-vessel prices, and United States lobster processors.

AOLA's concern is that the combination of a U.S. gauge increase coupled with a prohibition on Canadian imports below the new minimum size could have dramatic impacts on lobstermen and processors alike. There appears to be virtually no economic analysis of possible downstream effects of a ban on millions of pounds of lobster imports to the U.S. For example:

- If this subset of Canadian product could no longer be imported and processed, much could be routed to other international destinations in the live trade, thus competing with U.S. exports and likely depressing returns to U.S. fishermen.
- Canadian imports make up the bulk of raw material for U.S. lobster processors in the spring and early summer. If a substantial fraction of those imports are no longer available, our processors may simply close their doors for that period due to lack of supply, with concomitant impacts on jobs and economic activity.
- The price of lobster in the spring is largely determined by Nova Scotia landings and exports. Huge volumes of those exports are sent to the U.S. as 'crate run,' meaning ungraded lobster – including what would now be sublegal lobsters.

There is simply not enough time for the Canadian shoreside industry to sort the crate run for sublegals. As a result, the Canadian domestic market could be backlogged with millions of pounds of lobster, depressing ex-vessel prices throughout the region.

Here AOLA does not object to Addenda XXVII and XXX *per se*, but rather because without analysis of their impacts in tandem, it is impossible to understand the potential repercussions. Therefore we request the ASMFC engage in that analysis, allowing the public to opine and the Board to vote in a reasonably informed manner.

We also request the Board consider delaying action on gauge size increases until its Lobster Technical Committee is able to report on the most current status of the indices used to trigger those increases, which could also help inform the Board's deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hank Soule', with a stylized, cursive script.

Hank Soule, Deputy Director
Atlantic Offshore Lobstermen's Association



6/3/27

Caitlin Starks
Senior FMP Coordinator
1050 N. Highland Street
Suite 200 A-N
Arlington, Virginia 22201

Dear Ms. Starks,

This letter is to express Ready Seafood's opposition to Addendum XXX. Addendum XXX would have devastating negative consequences for Ready Seafood and other lobster processors and dealers in Maine. Additionally, it would pit harvesters and dealers against one another at a time when unity throughout our industry is so important.

As our public comments at the April 30, 2024 ASMFC meeting expressed, our opposition to Addendum XXX stems mostly from our opposition to Addendum XXVII. We feel very strongly that given the proactive nature of Addendum XXVII, it would be in the best interest of all involved to pause implementation of Addendum XXVII.

A pause would allow necessary time for cross-border communication. Given the billions of dollars as well as the reliance both the US and Canada have on each other when it comes to lobster, it only stands to reason that serious time is dedicated to important conversations around management to stave off economic hardship.

Additionally, a pause would also provide time to collect another year of data from important monitoring programs. We have seen ups and downs at different life stages over the years. 2023 was an encouraging year from early life stage monitoring programs. Before we take the drastic and irreversible step of increasing the gauge in the US, we should do our best to learn if last year's uptick was an anomaly or the beginning of a positive trend.

We are grateful to ASMFC for taking the time to consider these important issues.

Sincerely,

Curt Brown
Marine Biologist, Ready Seafood



June 1, 2024

ASFMC Lobster Board:

Susan Collins, US senator Maine

Jared Golden, US House Maine

Janet Mills, Governor Maine

To the entire Lobster board of ASMFC:

My name is Hugh Reynolds, and I am the owner of Greenhead Lobster, a full-service Lobster company with over 150 employees.

Thank you for taking the time to hear my concerns with addendum XXVII on April 30, 2024. Today I am asking for your time to read our Company's concerns with Addendum XXX. Anyone who is aware of the current North American lobster supply conditions on this first day of June 2024 would also understand how destructive the implementation of Addendum XXX would be.

Addendum XXX will reduce Canadian Imports by a number that is far greater than anyone realizes. The most important thing to realize about different measures is that there is not a feasible way to gauge every lobster before it comes to the U.S. We currently experience this obstacle when shipping Maine Lobsters to Connecticut and New York. Because measuring the carapace is too onerous and expensive, we grade them by weight instead. Grading by weight is not accurate. For us to be compliant with the laws in Southern States, we err on the side of caution in our size grading process. As a result of this process, 40% of our lobsters are ineligible for Southern New England rather than the actual estimated 20% by industry experts. The result will be similar if Canada must measure all its lobsters before shipping to the US. Consequently, Imports will drop by 30-40% immediately. That percentage will surge when many suppliers stop doing this process altogether. A Prime example of this is the Fishing Area

around PEI that has a shorter gauge than the current US minimum. We have asked them to measure the lobsters and take the ones that are too small for the US out and export the remaining balance. We have been trying for over 25 years and yet to have any success. More simply put, measuring the carapace works on the harvester level but it does not work on the dealer and processor level. .

In 2012 our state government made an initiative to develop more instate processing due to a glut of lobsters that year. Our company followed the direction of our leaders and invested eight million dollars in a new facility. Unfortunately, we have very low landings here in the state during the months of May and June. During these months we use Canadian imports to run our factory before the Maine Season begins in July This Seasonal importing is essential to keep our workforce occupied and our company viable against our Canadian Counterparts. If we were to lose this, we would not survive and would have to move our processing to Canada

A massive reduction in Canadian Imports will not only result in adverse consequences to dealers and processor but to our independent harvesters here in New England as well. Currently this day June 1, 2024, Canada is experiencing strong landings that are overwhelming the existing processing capacity. The industry cannot afford to lose any more processing capacity. A loss in processing capacity will impact the harvester. Ostensibly, If the New England Dealer Network cannot participate in moving Canadian Supply during the spring, the supply will back up resulting in lower prices for New England harvesters.,

Thank you for reading our concerns with addendum XXX. In Summary it is impossible to comply with efficiently and any effort to comply would devastate the industry. . One should take note of the current situation where Alaska has lost processing capacity and fish prices have fallen to unworkable levels for the harvesters.

I hold my prior opinion that the best way for ASMC to manage this potential destruction of a very valuable North American Trade between Us and Canada is to put a pause on addendum XXVII and consider other ways for sustainable resiliency

Hugh Reynolds
Its President
Greenhead Lobster LLC

A handwritten signature in black ink, appearing to be 'HR', written over the text 'Greenhead Lobster LLC'.

Bob Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N Highland St #200
Arlington, VA 22201

Via Email

Comments Regarding Addendums 27 & 30 to the Atlantic Lobster Management Plan

Dear Bob,

My name is John Norton. I am the President and Founder of Cozy Harbor Seafood (CHS), a primary seafood processor located in Portland, Maine. CHS was founded in 1980 and has been processing lobster since 1993. It is the most experienced lobster processor in the U.S.

I take this opportunity to comment on the devastating impact that the combination of Addendums 30 and 27 if implemented, would have on Cozy Harbor, on the U.S. lobster processing industry as a whole, and on the financial health and stability of the entire U.S. lobster industry. Cozy Harbor and the whole of the U.S. processing industry require Canadian lobsters in May and June for production. Similarly, we need robust May and June production to cover our substantial annual overhead expenses.

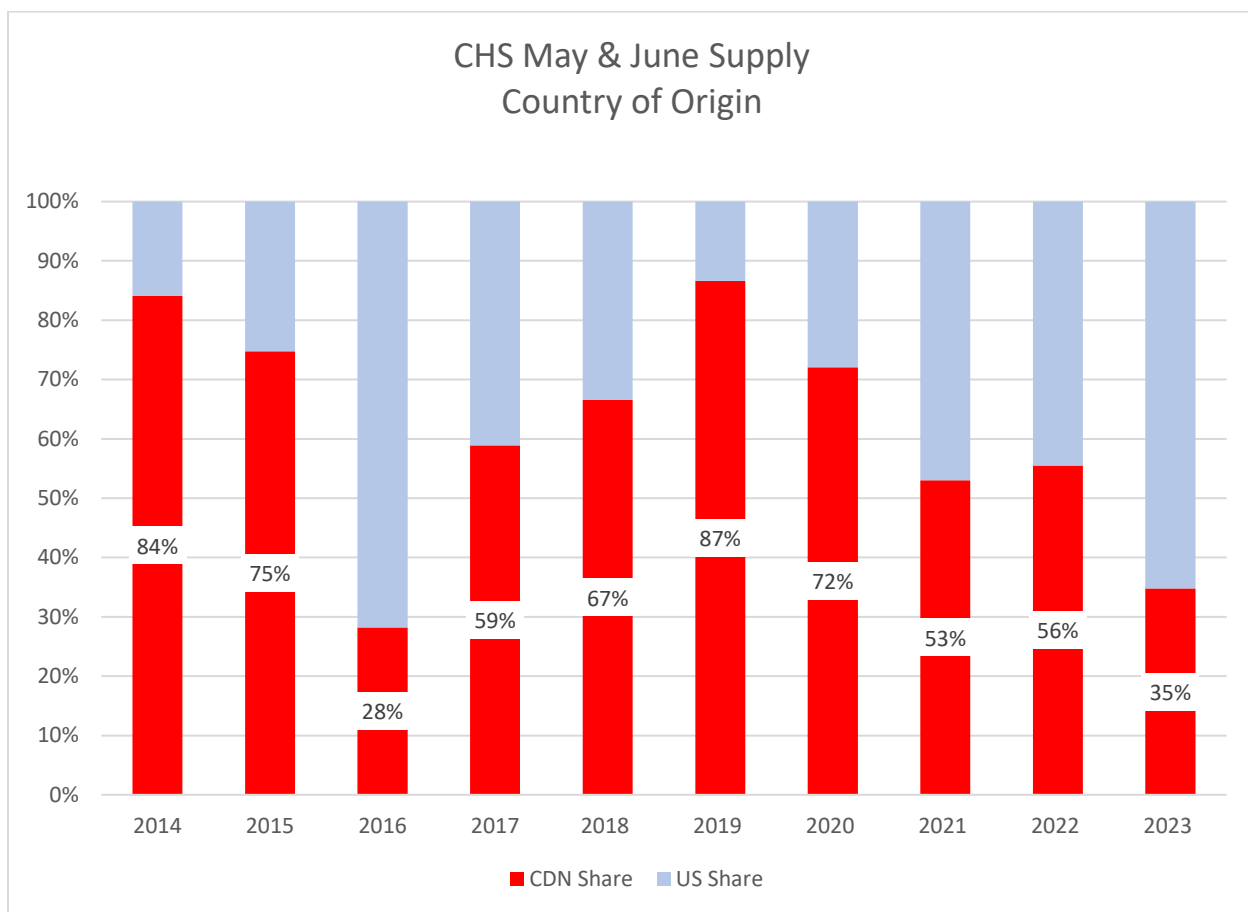
Implementation of Addendums 27 and 30 combined would cause a severe contraction in the supply of Canadian lobsters into Cozy Harbor and other U.S. processing plants during the months of May and June for the following reasons:

- Primary Canadian dealers (those purchasing directly from fishermen) lack the workforce and facilities to physically grade large volumes of lobsters for carapace length. They perform the Herculean task of supplying bait & supplies, unloading, and shipping 100,000,000 lbs of lobster in 8-10 weeks (it takes 52 weeks for Maine to produce that volume). That flood of lobster doesn't allow non-essential work at the primary dealer level.
- The capacity of secondary Canadian dealers possessing the facilities and staffing required to length-grade lobsters is inadequate to meet U.S. processing needs. That grading process adds so much cost (\$.50 to \$1.00 per lb) that U.S. processors would be uncompetitive against Canadian processors on both the supply and market sides.
- The best approximation of the impact A27/30 limits would have on total Canadian supply is the current situation in Prince Edward Island and New Brunswick which allow lobsters less than 3 1/4" carapace to be landed. U.S. processors are unable to reliably source PEI and N.B. lobsters in quantity because it is far easier and less costly for the Canadian primary dealers to sell all their lobsters to Canadian processors and shippers. We are shut out of the PEI / NB supply due to the difference in gauge size and will be similarly impacted in the other supply areas if A27 gauge increases are applied to all Canadian lobsters.
- U.S. plants now source lobsters directly from primary dealers in Newfoundland, Magdalene Islands, Quebec, Cape Breton, and Nova Scotia in May and June. They can thus operate their plants for 8-10 weeks before landings in the U.S. reach an economically feasible level. It's estimated that U.S. plants utilize 11-12,000,000 lbs of Canadian lobsters in May and June to support their processing operations. In the event A27 & 30 gauge limits are implemented and enforced, U.S. plants would be at a severe

disadvantage to Canadian processors in sourcing from those provinces because of the extra work and cost required to sell to the U.S. Some lobsters would still be available but at such a high premium that U.S. processors would be uncompetitively priced for the frozen market.

Cozy Harbor is dependent on Canadian-origin lobsters for spring production. Over the last ten years (see chart below), Canadian-origin lobsters have constituted 65% of the total lobsters we processed in May and June. This share has ranged from 87% Canadian in 2019 on the high side to 28% in 2016 on the low side. The U.S. harvest and timing of the Maine lobster shed determine that share. The Canadian share is lower in early-shed years and higher in late-shed years. We don't prefer Canadian but the Canadian supply is critical to our production during May and June before U.S. landings are of sufficient volume to reliably support processing. A significant contraction of Canadian lobsters at that time would simply make processing unfeasible.

The processing of lobsters during these two crucial months contributes, on average, 22.5% of our total annual revenue. This period is not just financially significant but also critical in covering our operation's annual overhead. The potential loss of this revenue would not just devastate our lobster processing business, but also pose a significant threat to the entire industry. We are all dependent on Canadian lobsters to sustain our operations.



I believe the implementation of 27 & 30 would threaten not just Cozy Harbor but the entire industry. The U.S. lobster processing industry now comprises seven dedicated lobster plants capable of processing 3,300,000 lbs of lobsters per week at full capacity. In 2012, there were two plants in the U.S. with a combined weekly capacity of 600,000 lbs. This five-fold increase in U.S. capacity was driven by the 2012 U.S. lobster market collapse caused

by an unprecedented early shed and increase in supply. In 2012, the live market could not (and can't now) absorb the entire U.S. supply from July to December, and the Canadian processors had a near-monopoly on the frozen lobster market. Canadian plants chose to support their Canadian boats and suppliers at the expense of the U.S. supply. This combination resulted in a race to the bottom on lobster prices at a terrible cost to the U.S. industry. In response to that collapse, policymakers and stakeholders advocated the expansion of U.S. processing capacity to gain more local control of the fortunes of the U.S. lobster industry. Since 2013 nine U.S. companies (two have since closed) have invested in excess of \$100,000,000 in processing plants, infrastructure, and equipment in Maine and Massachusetts.

U.S. capacity is now an effective counterweight to the subsidized Canadian monopoly and was a significant factor in the ability of the industry to thrive during the COVID-19 pandemic. In addition to providing worldwide market for the harvest of U.S. lobstermen, U.S. processors also support the live lobster shipping sector by providing a profitable outlet for lobsters that live shippers can't sell. The U.S. live business depends on the support of the processing sector to maintain quality and rotation of its inventory from July through December.

This kind of capability comes at a cost. Lobster processing is a capital-intensive, low-margin seasonal business that is highly regulated and very different from the live lobster business. Frozen lobster processing requires tens of millions of dollars to finance the necessary investment in plant, processing equipment, and inventory to satisfy food safety regulations and market demands. These required investments make lobster processing a very high overhead business. Plants need to spread those costs over large volumes of lobster to drive efficiency and cover the overhead necessary to compete in a market dominated by large subsidized Canadian lobster processors.

Processing frozen lobster is feasible only during the prime harvesting months of May to January. Processors have 185 days (minus weather days) over eight months to cover twelve months of overhead, mortgage, and equipment loans. Implementation of Addendums 27 & 30 directly threatens the survival of U.S. lobster processors by denying plants the volume and sizes necessary to be competitive against Canadian processors. A healthy U.S. processing industry is an essential component of a healthy U.S. lobster industry.

Sincerely,

John Norton
President
Cozy Harbor Seafood, Inc
75 St. John Street
Portland, ME 04102





MAINE

Lobstermen's Association, Inc.

2 Storer St, Ste 203 * Kennebunk, ME 04043
207-967-4555 * 866-407-3770 * www.maine lobstermen.org

Atlantic States Marine Fisheries Commission
Caitlin Starks
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

Transmitted Via email

June 3, 2024

Dear Ms. Starks:

The Maine Lobstermen's Association (MLA) strongly supports the Atlantic States Marine Fisheries Commission's (ASMFC) recommendation to NOAA Fisheries proposed in Addendum XXX "that as changes to the minimum gauge size in LCMA 1 are required by Addendum XXVII, the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry."

MLA has raised concern with ASMFC through previous comments and letters that the lack of clarity in Addendum XXVII regarding the the import of undersize lobster from Canada smaller than the minimum possession size has created significant confusion and angst amongst Maine lobstermen who worry that the import these lobsters would have a significant negative impact on the U.S. boat price.

Maine lobstermen remain very concerned that Downeast lobstermen will be forced to throw back lobsters that could then be caught and landed by Canadian lobstermen fishing in shared waters only to be sold back to the U.S.

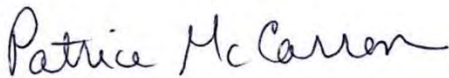
The MLA also reiterates its position that the need for Addendum XXX would be eliminated if ASMFC delayed the schedule of gauge increases for LMA 1. The MLA does not believe that a gauge increase is necessary at this time for several reasons which were described in detail in our April 2024 letter:

- The reference period of 2016-2018 and the percent trigger decline are overly precautionary.

- The three-year average for the trigger is too short to smooth out extremes coming off historic highs and unexpectedly triggered the schedule of gauge increases with the addition of only one year of data. The decline of 23% jumped to 39% decline compared to a 23% with the addition of 2022 data.
- Lobstermen continue to report observing high numbers of undersize lobster and eggers in their traps and survey data show the number of eggers and v-notch lobsters remain stable at historic highs.
- The ventless trap survey index has not exceeded the trigger index and the results of Maine's 2023 lobster surveys show improvement.
- Lobstermen remain concerned that lobster surveys may be underestimating settlement and juvenile lobsters due to a shift in lobster distribution.

The MLA continues to urge ASMFC to delay increasing the LMA 1 gauge to allow the time necessary to address the concerns raised by the MLA and for ASMFC to work with Canada to resolve trade impacts if the U.S. minimum gauge is increased. If and when the scheduled gauge increases are required, the MLA supports ASMFC's recommendation to NOAA described in Addendum XXX that lobster smaller than the minimum possession size in effect under the Commission's FMP for American lobster continue to be illegal for import to the U.S.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Patrice McCarron".

Patrice McCarron
Acting Chief Operating Officer



Massachusetts Lobstermen's Association

8 Otis Place ~ Scituate, MA 02066
781.545.6984

May 16, 2024

Caitlin Starks
Atlantic States Marine Fisheries Commission
Suite 200 A-N
Arlington, VA 22201

Email: comments@asmfc.org

RE: Lobster Draft Addendum XXX

Dear Ms. Starks,

The Massachusetts Lobstermen's Association (MLA) submits this letter of comment and great concern on behalf of its' 1800 members on the: Atlantic States Marine Fisheries Commission (ASMFC) Draft Addendum XXX (Add. XXX) and recommendations for the delay on the implementation on Addendum XXVII (Add. AAVII) to the Amendment 3 to the American Lobster Fishery Management Plan for Increasing Protection of the Gulf of Maine/Georges Bank Spawning Stock (GOM/GBNK SS). The MLA SUPPORTS Draft Addendum XXX should Addendum XXVII is implemented. The MLA ENCOURAGES the DELAY of implementing Add. XXVII.

While Draft Add. XXX is purely an administrative measure driven by the implementation of Add. XXVII would collectively have significant negative economic impacts on everyone in the lobster industry from the harvesters to the lobster dealers alike. Draft Add. XXX would not be needed if Add. XXVII did not take the overly cautious and worst-case scenario route to get to this point. This is the same route that the Atlantic Large Whale Take Reduction Team took when developing its' Biological Opinion. We have since learned, through the courts, that the overly cautious and worst case scenario route is unlawful and was over turned.

Regrettably, the ASMFC used the reference period of 2016-2018 to develop Add. XXVII which included extraordinarily high data as the lobster fishery in Maine was having abnormally high landings. The MLA strongly encourages the ASMFC to develop a current data set with a new reference period to compare it against the current reference period 2016-2018. We strongly believe that the newly developed data set will present a more current and realistic picture of the overall healthy GOM/GBNK SS.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The membership is comprised of fishermen from Maryland to Canada and encompasses a wide variety of gear types from fixed gear and mobile gear alike. The MLA continues to work conscientiously through the management process with the Massachusetts Division of Marine Fisheries (MADMF), Atlantic States Marine Fisheries, Atlantic Large Whale Take Reduction Team, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the resources in which our commercial fishermen are engaged in.

During the Add. XXVII numerous commercial lobstermen commented on several critically important data sets that were missing from Add. XXVII from; the lack of data sets for Outer Cape Cod and Eastern Cape Cod Bay areas to the countless number of egg bearing females they are seeing in their traps. These areas are highly productive for lobster landings and these critically important data sets MUST be filled and included before Draft Add. XXX is approved and Add. XXVII is implemented.

Once again, Massachusetts has already gone through the public process of rulemaking to get Add. XXVII ready for implementation on January 1, 2025. This leaves Massachusetts commercial lobstermen riddled with apprehension as other states may get a delay or an outright pass due to the economic harm these Addendums will cause. The economic harm will be felt by everyone in the commercial lobster industry and any implementation of Add. XXVII or Add. XXX MUST be for every state.

In closing, the MLA strongly recommends putting Addendum XXVII and Draft Addendum XXX on hold until ALL the data is updated and data gaps are filled to give us a more current and realistic of the overall health of the GOM/GBNK SS.

The Massachusetts Lobstermen's Association strongly believes that the newly developed data set and review would ultimately negate the need for either, Addendum XXVII or Draft Addendum XXX to go any further. Thank you for your thoughtful deliberation and consideration of our comments.

Sincerely,

Beth Casoni

MLA, Executive Director



Drew Minkiewicz
Attorney at Law
Black Point Maritime
Law PLLC
202 870 4013

Bob Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N Highland St #200
Arlington, VA 22201

Via Email

Comments Regarding Addendum XXX to the Atlantic Lobster Management Plan

Dear Bob:

I am writing on behalf of the North Atlantic Lobster Alliance (NALA) regarding Addendum XXX to the American Lobster Fishery Management Plan (the Plan). NALA is comprised of the majority of the lobster dealers and processors that operate within the New England states. As dealers and processors of lobster, NALA's membership relies on a consistent source of lobsters in order to operate profitably. Addendum XXX threatens to disrupt the current and necessary supply of Canadian lobsters and threatens the continued existence of several of NALA's members due to the significant adverse economic impacts it would have on NALA member business. For the numerous reasons that NALA will outline below, NALA respectfully requests the Commission to take no action on Addendum XXX, as it is contrary to the law and not supported by a rational basis.

Addendum XXX is contrary to the Mitchell Provision

Addendum XXX purports to ask the NMFS to implement regulations that will comply with the so-called Mitchell provision in the Magnuson Stevens Act. Unfortunately, that is not the case, and the law clearly states that the current regulations on importation of lobsters from Canada shall remain in place.

The Mitchell provision reads as follows:

Sec. 307 Prohibited Acts

It is unlawful . . .

(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species *Homarus americanus*, that—

(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan implemented under this title, or in the absence of any such plan, is smaller than the minimum possession size in effect at the time under a coastal fishery management plan for American lobster adopted by the Atlantic States Marine Fisheries Commission under the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.);
16 U.S.C. 1857 (emphasis added)

Currently in the Plan as implemented under Amendment 3 to the Plan, there is a coastwide minimum size of 3 ¼” in effect. Addendum XXVII, the alleged reason for Addendum XXX, does not modify the coastwide minimum standard, it modifies the minimum standard for LCMA 1, among other provisions. While after the implementation of Addendum XXVII all the LCMAs may have a minimum size that is greater than the coastwide minimum, the coastwide minimum size limitation is still in effect in the Plan. Therefore, a plain reading of the provision dictates that the standard for what dealers and processors may or may not import from Canada is the 3 ¼” standard, and no new regulations are justified as there was no change to the minimum size in effect under the Plan.

No Rational Basis to Justify a Change in the Regulations

Looking beyond the plain language of the law, if the Commission were to pass Addendum XXX and the NMFS were to pursue a rulemaking to change the minimum size of lobsters that NALA members may import into the country, then the agency must have a rational basis to do so. With regards to Addendum XXX there is no rational basis to move forward. In the documentation supporting Addendum XXX the Commission puts forward no conservation rationale for the necessity of the regulations. Nor can NALA members discern any possible conservation rationale for the proposed regulations, as there is no conservation benefit to banning the trade of an animal that is already harvested legally and sustainably by fishermen in their home country and can easily enter international commerce from its country of origin. NALA notes that both national standard four and five of the Magnuson-Stevens Act require a conservation rationale for the implementation of regulations. 16 USC 1851 (a)(4-5).

The public hearing document puts forward an attempted rational basis for the regulations, citing enforcement concerns. Using enforcement concerns as justification for these new regulations is not plausible, because we sit here today with three different minimum sizes and three different maximum sizes in effect. It is not believable that a difference in size between Canadian lobsters and US lobsters is the straw that breaks the camel's back, when enforcement is currently operating under a system that allows the comingling of lobsters from different LCMAs with different size requirements. At the May 1st enforcement committee meeting, enforcement representatives gave numerous examples of the difficulty of enforcing the current regulations. And for the record, Addendum XXVII does not eliminate these difficulties as multiple minimum and maximum sizes will remain after its implementation. To cite the difference in Canadian lobsters as the rationale for a rule making, while ignoring the existing domestic differences is an arbitrary and capricious action that does not support a rational basis for rulemaking.

At the May 1st enforcement committee meeting another possible, but flawed rationale was put forward, the issue of supposed equity. The example given was that of fishermen in the Gray zone catching a 3 ¼" lobster, having to throw it back and then that same lobster is harvested legally by a Canadian vessel and then trucked past the lobstermen's home on its way to a processor in the United States. One, that same scenario exists today for oversize and v-notched lobsters, yet there is no addendum to ban the importation of those lobsters. Also, equity is a matter of the eye of the beholder. NALA would argue that is not equitable to disallow its members to purchase and then sell a lobster that is legally and sustainably harvested. Political expediency and the inability of the United States to resolve a long-standing border dispute is not a rational basis for rule making, especially when it is inconsistently applied. Once again, using equity concerns as a rationale would represent an arbitrary application of the law and is an unlawful approach to rulemaking.

Significant Economic Impacts

Updated import number for 2022 show that the United States imported over 50M lbs. of American Lobster (*Homarus Americanus*) from Canada. NALA estimates that US processors imported half of the imports for processing into various product forms and sale. The import value of live wholesale lobsters fluctuates from year to year due to market conditions, but NALA members expect to pay around \$6.50 lb for live imports this year for processing. After the product is imported, then wholesalers will sell the product to distributors where it is then sold to retail and restaurants outlets. The economic value generated in these domestic supply chains after importation is represented by markups of these products from the time of import to the retail sale to the consumer. By establishing anticipated reductions in import volumes due to the proposed Addendum XXX NALA has estimated significant impacts on the domestic lobster industry.

Given the potential significant constraints in trade associated with the proposed Addendum, NALA estimates that the US lobster processors and dealers would experience a 20M lb. reduction in imports of Canadian lobster. These estimates are conservative considering the challenges Canadian producers will face trying to hand cull and ship these lobsters. Even if the Canadian companies adapt and use mechanical graders the overall cull loss due to poor accuracy with graders will be around 35%. Historically, the Canadian companies that ship lobsters from New Brunswick and PEI in the early season do not have the capacity to cull these lobsters and if they do decide to cull and ship them it is estimated they will need to charge over \$1 a lb. in additional labor to ship to the US market. This increase in raw material cost alone on US processors will eliminate NALA's membership ability to compete in an already competitive market and potentially shut down the domestic processing industry.

Using the above assumptions and simple markups for each level in the domestic supply chain NALA can estimate the loss attributed to the domestic industry at \$128M. If imports are reduced by 20M lbs. the effects of the loss can be calculated at each node of the supply chain. At the wholesale level this represents a loss of \$26M, at the distributor level this represents a loss of \$23.4M and at the retail level this represents a loss of \$89 M. This is a basic representation of the impacts that NALA anticipates but it encourages the Commission and staff carry out a full economic impact analysis to ensure an adequate understanding of the potential impacts of Addendum XXX.

Alternative Conservation Measures

NALA recognizes that these are comments on Addendum XXX and that the commission has taken final action on Addendum XXVII but is considering an out of sequence meeting regarding possible changes to the required conservation measures in LCMA 1. NALA would like to take this opportunity to strongly support the Commission holding a meeting in June or July to consider new conservation measures. Adjusting the minimum size is but one of several options before the Commission for achieving conservation goals and increasing resiliency in the lobster fishery. However, increasing the minimum size of lobsters is the only conservation measure that has the potential to upend international trade and force a divide between lobster harvesters and lobster dealers. For instance, increasing the vent size on lobster traps will have a conservation benefit, but it will not raise the prospect of all the extensive collateral impacts that may occur with a minimum size increase.

Conclusion

NALA asks the Commission to not move forward on Addendum XXX, recognizing that it is neither in accordance with the law nor is there a rational basis to do so. Instead, NALA wants to work with the Commission to strengthen the resiliency in the lobster fishery in a manner that does not have the potential to upset the extensive and necessary trade patterns in the lobster fishery. Moving forward with Addendum XXX could lead to extensive economic harm to the entire lobster industry. NALA appreciates your consideration of its comments.

Sincerely,

Drew Minkiewicz
Attorney for NALA



Mortillaro Lobster Inc.

60 Commercial Street, Gloucester, MA 01930

PH: 978-281-0959 / FX: 978-281-0579

mortillarolobster@gmail.com

Atlantic States Marine Fisheries Commission
Robert Beal, Executive Director
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

April 23, 2024

Dear Commissioner,

On behalf of Mortillaro Lobster Inc., I am writing to you to express the severe unease that is felt amongst the waterfront all throughout Massachusetts, New Hampshire and Maine from both fishermen and dealers over the implementation of Addendum 27. I have a unique understanding of the potential harmful effect that could be felt on all sides of the industry. I own and operate a wholesale lobster company in Gloucester, Ma. We source product from surrounding local areas as well as Canada and Maine. I talk to stakeholders from all parts of the industry and there is one overall concern that both dealers and fishermen will not survive the implementation of Addendum 27.

I understand Addendum 27 was developed and passed to preserve the lobster stock when and if the trigger was hit. It came as a shock to most people in the industry when this trigger was hit so quickly after Addendum 27 was passed. I feel as though the science being used is not reflective of what is truly going on in areas of the ocean where no proper research is being done. I hear from fishermen who fish inshore, offshore, on hard bottom, mud, gravel, and sand and who fish from 5 fathoms to 90 fathoms, and they all say the same things. Where there used to be lobsters there is no longer as many and the biomass has shifted. The juvenile lobsters are no longer in shoal water and are now out in 100 fathoms or more. Since draggers have stopped fishing in certain areas due to closures, the lobsters go to where the gear is in the smooth bottom, similar to a bird feeder. Fishermen have been seeing this year after year. There are less predators such as cod in these deeper waters and more predators such as seals and bass inshore, so they simply do not behave as they used to. The trawl surveys and ventless trap surveys being used to study settlements and juveniles in Massachusetts as well as Maine are not reflective of the behavior change in lobsters seen in the past 10 years. I have a degree in Biology and understand how these surveys work. It is imperative the lobster industry takes the

next 1-2 years to collect proper data on what is truly going on with the North Atlantic Lobster and learns where and when they are reproducing because as it currently stands, I feel as though we do not truthfully know.

Addendum 27 would hurt the shoreside dealers like myself in a catastrophic way. The "Chix" lobster accounts for 20%+ of our current business. We have gained wholesale customers because of this size lobster. Shoreside dealer operations operate at extremely high fixed costs year round in seasonal fishery that has been regulated more and more in the past few years. There is a point for all of us where this economically will not make sense. If you cut our supply both as live dealers and processors by 30% there is no way any of us will be able to survive during the long winter months. We will also lose all our live markets to Canada and processor outlets who we need to survive during the summer, and they need the product to operate. The effects on all sides of the market will make it hard for any of us to rebound especially with less than a year to make a strategic plan.

Addendum 27 would also be devastating to many of the state water fishermen who rely on a short season close to shore in small boats to make a living. These fishermen rely on being able to catch a Chix lobster. If you cut 10-20% of what they are catching they simply will no longer be able to pay for bait and fuel and will be out of business overnight.

As the owner of Mortillaro Lobster Inc. I simply ask that the Atlantic States Marine Fisheries Commission considers and passes a 1 year delay in the implementation date of the minimum gauge increase in LMA1. This will allow all stakeholders involved to come up with a plan both strategically and scientifically to allow the current North Atlantic Lobster population to continue to thrive as well as help support fishermen and dealers along the coast continue to operate in a profitable manner and support the thousands of families and communities this industry currently employees.

Thank you,

Vincent Mortillaro

Owner Mortillaro Lobster Inc.



New England Fishermen's Stewardship Association

500 Southborough Dr. Suite 204

South Portland, ME 04106

June 3, 2024

Atlantic States Marine Fisheries Commission
Robert Beal, Executive Director
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

Dear Commissioner,

On behalf of the New England Fishermen's Stewardship Association (NEFSA), I am writing in support of Addendum XXX to Amendment 3 to the American Lobster Fishery Management Plan. The NEFSA Board of Directors, composed strictly of fishermen from around New England, voted unanimously to support Addendum XXX which would restrict the import of live lobster from foreign countries that are smaller than the lowest established minimum gauge size in the United States.

With over 1,000 active members, the New England Fishermen's Stewardship Association is the fastest growing fishing advocacy platform in New England. Established in May 2023 and guided by fishermen at the helm, NEFSA is rooted in Maine and has a board of directors comprising of fishermen from all over New England. Our mission statement reads:

“NEFSA is an alliance of the wild harvesters of the waters off of New England, dedicated to educating the public about how best to manage our seafood resources through sound science and best practices at conservation used by fishermen, with a view toward economic well-being, ecosystem sustainability and US food security.”

Addendum XXX was created in response to one of many possible problems caused by Addendum XXVII. If lobstermen are forced to increase their minimum gauge size, it will be profoundly inequitable and nonsensical to allow neighboring Canadian vessels to catch the same lobster the United States lobstermen throw back into the ocean and then ship that lobster back into the United States. Addendum XXVII, as it currently stands, gives the upper hand to Canada and further punishes American Lobstermen who are providing sustainably caught seafood to consumers during a time of high food insecurity in the United States.

The New England Fishermen's Stewardship Association recognizes that American dealers and processing plants need access to Canadian product to operate during the slower landing periods in the United States, but we do not think this burden should fall directly on the backs of the harvesters. Dealers and harvesters rely heavily on one another to get wild caught lobster to consumers across the world. Because of problems stemming from Addendum XXVII, Addendum XXX was initiated—putting harvesters and dealers at odds with one another.

NEFSA believes there may not be a need for Addendum XXX if Addendum XXVII is re-examined and adjusted to alleviate the complexities created regarding trade between the United States and Canada. As we addressed in our previous comments from the April 30, 2024 meeting of the Lobster Board, changes regarding minimum size requirements for the North Atlantic Lobster MUST be made in lock step with our Canadian counterparts to avoid further problems and angst between fishermen, dealers, and regulators on both sides of the border.

There is little doubt that harvesters and dealers are at odds on Addendum XXX, but if we must take a position, NEFSA ultimately stands with the fishermen and opposes the import of Canadian product smaller than the lowest minimum gauge size. Our suggestion, however, is that the Lobster Board considers further modifications to Addendum XXVII, including a delay in implementation to allow for future conversations with Canada, to address scientific protocols, and to seek a better understanding of what fishermen are seeing day in and day out on the water.

Sincerely,

Dustin W. Delano
Chief Operating Officer
New England Fishermen's Stewardship Association



New England Fishermen's Stewardship Association
500 Southborough Dr. Suite 204
South Portland, ME 04106

April 23, 2024

Atlantic States Marine Fisheries Commission
Robert Beal, Executive Director
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

Dear Commissioner,

On behalf of the New England Fishermen's Stewardship Association (NEFSA), I am writing today to express great concern over Addendum 27 which passed ASMFC nearly one year ago. To the surprise of fishermen, dealers, and regulators—the trigger was reached shortly after the addendum passed. With this letter, NEFSA, along with several other New England fishing associations, harvesters, and dealers is asking for a one year delay in implementation to further study the serious market implications, the significant inequity and penalty placed on American lobstermen within the gray zone, and the scientific surveys used in the trigger index.

NEFSA was very grateful for the 7 month delay proposed by Commissioner Keliher last fall and understands the complexity surrounding another major request of the commission. However, we find it crucially important that the commission considers our ask in order to alleviate serious economic risks that will likely result in many harvesters, dealers, and processors going out of business. The American Lobster Fishery operates in lock step with its Canadian Counterparts and more time is needed to work out the changes as a result of an increase in the minimum gauge.

Unfortunately, NEFSA does not have comments on the record in opposition to Addendum 27. When the addendum passed ASMFC in May of 2023, NEFSA was just being formed. With over 900 active members, the New England Fishermen's Stewardship Association is the fastest growing fishing advocacy group in New England. Guided by fishermen at the helm, NEFSA is rooted in Maine and has a board of directors compiled of fishermen from all over New England. Our mission statement reads:

“NEFSA is an alliance of the wild harvesters of the waters off of New England, dedicated to educating the public about how best to manage our seafood resources through sound science and best practices at conservation used by fishermen, with a view toward economic well-being, ecosystem sustainability and US food security.”

Market Implications

According to many lobster dealers, the expected market implications as a result of the decrease in supply from a gauge increase will be catastrophic. Each and every dealer has a different focus and business model, however, all dealers rely on a steady supply. After the early shed and glut experienced in 2012,

expanding processing within the US became a priority and has increased on a large scale since then. Processors require a steady supply and high volume of lobsters to operate.

Beyond that, the “chick” lobster is of vital importance to many dealers and processors. Three to four ounce tails are one of the most sought after products from many processors which are distributed throughout the United States, to foreign countries, and heavily sought after by cruise lines. Within the live market, many consumers also prioritize a “chick” lobster when purchasing from seafood markets and restaurants in order to enjoy the sweet succulence of North Atlantic lobster at a reasonable price point. Addendum 27 has the real potential of removing many consumers from an already volatile market.

Gray Zone Inequity

One of the most unique fishing territories in all of New England is located off the Eastern Coast of Maine and is known as the *Gray zone*. It's within those waters that American and Canadian fishermen mix together with already difficult hurdles and inequities. Biologists have suggested that with each increase in the minimum gauge, a reduction of about 10% in landings can be expected, but should be made up in the following year. While it doesn't take an economist to realize that a 10% reduction in landings equates to a far greater reduction in the bottom line to harvesters who will still have the same amount of expenses, American lobstermen within the gray zone will suffer far more than lobstermen in other areas. American vessels will be required to throw back smaller lobsters and will not receive any benefit toward increased egg production because Canadian lobstermen will continue to catch and bring to market the smaller size lobster.

American Gray Zone lobstermen are expected to take two 10% hits to their landings as a result of the 1/8” gauge increase and they will not get that back as long as Canadian lobstermen continue to use a 3.25” gauge. Washington County in Eastern Maine is home to a majority of American gray zone lobstermen and overwhelmingly relies on the lobster fishery to be economically sustainable. Addendum 27 as written, will pose a serious threat that many Washington County residents may not be able to overcome.

Science

The New England Fishermen's Stewardship Association would also like to express concern with only two indices being used within the trigger index of Addendum 27. First off, for the last decade or more, lobstermen have been able to fish year around in deeper waters further off the coast. As a result of changing environmental conditions, it would appear to fishermen that lobsters have expanded beyond their traditional habitat into deeper waters. The ventless trap survey is a very important study used to record the number of juveniles within the population, however, the maximum depth for the survey is only 32 fathoms. Deeper water ventless surveys need to be prioritized in the future to get a better grasp on lobster resiliency in expanded habitats in greater depths.

Secondly, (in Maine) the trawl survey is the only study to drop below the 35% trigger. Also in Maine, landings are still at astronomical levels which were never anticipated just over a decade ago with 2023 landings coming in at a whopping 94 million pounds of lobster landed. The record landings which exceeded 130 million pounds likely forced lobsters out of their preferred cobblestone and hard bottom habitat and onto mud bottom. As landings have moved to more sustainable levels, it's likely that lobsters are less prevalent in non-preferred habitat which could have caused an overdramatized reduction in numbers from the trawl survey which is conducted on the soft bottom.

It's also important to mention that peer-reviewed studies show egg production is currently at an all time high. Furthermore, 2023 lobster settlement surveys have shown record improvements and data from the

deepwater lobster settlement project off the coast of Maine with some of the largest settlement observed in the deepest depth strata. In 2023, many lobstermen expressed their observation of an increase in the amount of undersized lobsters in their traps, especially in deeper water.

The New England Fishermen's Stewardship Association would also like to urge the technical committee to present the 2023 survey data during the summer meeting. With the first minimum gauge change in LMA1 scheduled for January 1, 2025, it is imperative that commissioners are able to review the available survey data as soon as possible—especially if any major changes were observed.

Conclusion

The North Atlantic Lobster Fishery is one of the biggest fisheries in New England and has been articulately and successfully managed by fishermen, scientists, and regulators for decades. Addendum 27 was created to be a proactive approach at stabilizing the stock and continuing to enable the production of high landings for future years. While ASMFC is not required to consider economics within its management practices, in the case of a proactive rather than reactive approach, studying the economics is incredibly important and should be considered in situations of this magnitude. Michael Donihue, Ph.D. Professor of Economics and Director of the Laboratory for Economic Studies at Colby College conducted a very brief economic impact analysis of an increase in the minimum gauge on Maine's Economy. Donihue estimated that a ten percent decrease in the value of lobster landings in 2022 (for example) would have resulted in a loss of just over 680 jobs and nearly 60 million dollars to the economy in just Maine alone (see attached analysis). 2022 saw a drastic drop off in revenue from 2021 and applying the ten percent decrease to that particular year will show a very conservative number as a comparison.

Again, the New England Fishermen's Stewardship Association urges you to consider a one year pause on the implementation date for the minimum gauge increase in LMA1. Harvesters, dealers, and scientists need adequate time to iron out the complications that will arise from Addendum 27 and come up with a plan of how to address the serious and currently unknown market implications, the inequity to gray zone fishermen, and the data used in the scientific surveys.

Thank you,

Dustin W. Delano
Chief Operating Officer
New England Fishermen's Stewardship Association



Economic Impact Analysis of an Increase in the Lobster Minimum Gauge Size on Maine's Economy

by
Michael Donihue, Ph.D.
Professor of Economics and Director of the
Laboratory for Economic Studies at Colby College

April 2024

In May 2023, the Atlantic States Marine Fisheries Commission (ASMFC) establishing a trigger protocol (Addendum XXVII) for the harvesting of lobsters in the Gulf of Maine and Georges Bank (GOM/GBK). The ASMFC regulation seeks to increase the harvestable lobster carapace gauge length and trap escape vent size with a goal of protecting the lobster spawning stock in these waters. The increased minimum gauge size was to go into effect on June 1, 2024. ASMFC's action was based on two key observations:¹

- ✓ Since the early 2000s, lobster harvests from the GOM/GBK waters have increased.
- ✓ Since 2012, surveys of the juvenile lobster population in the GOM suggest that the spawning stock has decreased.

There is considerable debate among harvesters and policy makers, particularly in Maine, as to the impact of the trigger protocol on the industry and the accuracy of the survey data on which the ASMFC Board's regulatory action was made. In October 2023, ASMFC delayed implementation of the trigger protocol until January 1, 2025 in response to concerns of harvesters and a request from Maine's DMR Commissioner Patrick Keliher. Of particular concern to Maine's lobster harvesters is the fact that the ASMFC regulations would not apply to Canadian harvesters.

Earlier this month, representatives from the New England Fishermen's Stewardship Association (NEFSA) and several Maine lobster dealers approached me about the feasibility of providing an update to my previous economic impact study of Maine's wholesale distribution network and an estimate of the potential impact of the ASMFC trigger protocol on the entire industry. My *Lobsters to Dollars* study was based on interviews and data from 2016 provided by a representative sample of lobster dealers across the state. I found that, at that time, the economic impacts of the lobster dealer wholesale distribution network in Maine totaled just under \$1 billion and supported approximately 5,600 jobs. My study was confined to just one segment of Maine's lobster industry supply chain and did not include the economic footprint of harvesters, nor the contributions attributable to 'downstream' enterprises in the value chain represented by processors, retailers, and restaurants.

A study of the State's entire commercial seafood industry prepared for the Seafood Economic Accelerator of Maine in January 2023² estimated the economic impact of Maine's lobster harvesters to be \$852.5 million in total value added while supporting more than 6,500 jobs. That study did not estimate impacts attributable to Maine's wholesale distribution network.

A comprehensive economic impact study of the ASMFC trigger protocol would require a careful assessment of the ways in which harvesters would react in terms of their fishing intensity, capital investments in traps and equipment, and how much of their harvest would be impacted by an increase

¹See: <http://www.asmfc.org/species/american-lobster>

²See: <https://www.seafoods.org/wp-content/uploads/2023/03/FINAL-SEAMaine-Economic-Impact-Analysis-Report-5.pdf>

in the legal carapace gauge length. Smaller lobsters may make up an important portion of total landings as one-pound “chicken lobsters” feature in the sales of many restaurants in Maine. Furthermore, there are more processors in the state than when I did my study and the impact of a significant reduction in this portion of the harvest is unknowable without conversations and field research that included these businesses.

Complicating the analysis, and presumably magnifying the negative externalities associated with the new regulation, is the fact that Canadian harvesters fish in the same waters as Maine lobstermen yet would not be subject to the ASMFC gauge length increase.

To get a sense for the multiplicative impact of a reduction in lobster landings that might result from ASMFC’s new trigger protocol I focused on just the ‘backward’ or ‘upstream’ linkages for harvesters along Maine’s lobster supply chain. I employed the same IMPLAN modeling environment that I used in my Lobsters to Dollars study and, coincidentally, also used for the January 2023 Maine commercial seafood industry impact report

The current minimum carapace gauge length for Maine lobsters is 83mm. Under the ASMFC trigger protocol, the minimum length would increase to 86mm (in two stages). Sampling data provided by Maine’s Department of Marine Resources for 2016-2021 indicate that just over 10 percent of the harvest measured 83mm over this period and would therefore be illegal with the gauge increase. More than a third of the sampled landings during this period had a carapace length measuring between 83mm and 86mm.

I estimate that a ten percent decrease in the value of lobster landings in 2022 would have resulted in a loss of just over 680 jobs and \$59.6 million to Maine’s economy. Again, these impacts apply just to the economic activity attributable to the harvesters and those upstream enterprises in the value chain. All of the negative impacts on the downstream portion of the supply chain – the wholesale distribution network, processors, retailers, and restaurants – would be *in addition* to my estimates.

The table below disaggregates the total impact of a 10 percent reduction in the value of landings in 2022 into the direct effect (10% of landings in 2022 equals \$39.2 million), indirect effects representing economic losses to upstream businesses from whom harvesters purchase equipment and services, and the induced effects of lost labor income on Maine’s economy.

**State-wide Economic Impacts of a
10% Reduction in the Value of Lobster Landings on Maine’s Economy**
(Millions of 2024 dollars)

Impact	Employment	Labor Income	Value Added	Output
Direct	-574	-\$22.7	-\$39.0	-\$39.2
Indirect	-1	-\$0.045	-\$0.085	-\$0.168
Induced	-112	-\$6.3	-\$12.1	-\$20.2
TOTAL	-686	-\$29.0	-\$51.2	-\$59.6





MAINE LOBSTERING UNION LOCAL 207



Atlantic States Marine Fisheries Commission Robert
Beal, Executive Director
1050 N Highland St, Suite 200 A-N Arlington,
VA 22201

Dear Commissioner,

The Maine Lobstering Union is writing today to again voice our concerns about the upcoming gauge increase for lobsters in the state of Maine.

Last year, The Atlantic States Marine Fisheries Commission (ASMFC) Lobster Board passed Addendum 27, implementing a gauge increase in the minimum measure of lobster in the state of Maine. Largely due to a reported 35% decrease in juvenile lobsters. It was intended to be a proactive measure to improve lobster stock in the Gulf of Maine.

The Lobster Industry in Maine supports an average of 18,000 jobs and produces on average \$464 million of revenue each year. It supplies 90% of the country's lobster, and 80% of these lobsters come from Knox, Washington, and Hancock counties. In some of Maine's coastal communities 85% of the household income comes directly from the lobstering industry. Yet, the fishermen that support the state and its economy have little to no representation on the commissions that regulate our industry.

The Lobstermen of Maine consider themselves to be stewards of the sea, they pride themselves in protecting the sustainability of the waters that they fish. The Maine lobstermen have been v-notching the egg-bearing females for years, along with past measure increases when warranted, long before any others.

It is our belief that the groups that are charged with overseeing and regulating this industry are doing so while overlooking both the men/women who work in this industry as well as the communities that it serves.

When this gauge increase was proposed in 2017, it was halted due to the issues around the North Atlantic Right Whale. Restrictions were placed on lobstermen at that time, even though there was no scientific evidence to support that any NARW had been killed by Maine lobster gear at that time.

In 2021, the addendum was revised to add a trigger mechanism that would measure gauge and vent size. This was based on the increase of lobsters measuring 71-80mm. This information was obtained by using a trawl survey that stated the stock levels dropped below the 2014-2018 average.

We would like to state on record that we disagree with the findings of the stock assessments that were done by DMR. These trawl surveys were conducted in an area determined by computers, in areas that were productive 15 years ago. No current data is being used to determine the stock assessments. Furthermore, some studies were completely excluded and their findings were not considered.

In 2020, Wood Hole scientists conducted a study on the effects that sonar used in offshore wind had on the lobster population. This study's findings were published in 2021 showing that the noise produced by the windmills is the same frequency (hertz) 100-200 that lobsters use to mate, move and interact with other male lobsters. This was detrimental to the lobster larvae study points off of Boothbay and would have had an effect on the low lobster population reported in 2021 and 2022.

This gauge increase is being brought on without all available science being considered. For the past few years we have observed lobsters spawning in deeper waters, not where they are trawling and setting ventless traps.

We have been working the bottom and observing the movement of lobsters for our entire lives. We know our industry, yet our knowledge and input is not considered and disregarded. Over the past ten years the cost of lobstering has increased greatly. Prices on boats, boat repairs, bait, and fuel have all gone through the roof. Recent years have brought storms with ocean surges unlike any ever recorded in the state. The most recent, which the President declared the state a disaster area, many communities have yet to rebuild from.

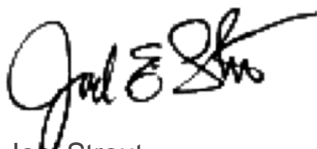
Maine lobstermen are being forced to abide by this new measure while Canadian lobstermen will have no changes to face. This will, without a doubt, have catastrophic consequences for the lobstermen, the communities they serve, and the State of Maine.

The Maine lobstermen will have no way to address the inequity of this measure and face at least a 10% reduction in their catch. They would no longer have the ability to service the lobster processors, as they would not only not have the quantity of lobsters, they also would no longer have the desired sized lobster (the Chick).

Canada will be in a position to service these processors and sell lobsters back to the US. They will have both the desired size, and the quantities, and in doing so keep the Maine lobster prices lower.

Again, we are asking that the commission only use current data when designing these restrictions. You must consider the consequences that these restrictions/regulations will have on the men/women who are up at dawn, actually working in the waters you are restricting. They will be devastating to the entire industry and the entire state of Maine.

Thank you,

A handwritten signature in black ink, appearing to read "Joe Strout". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joe Strout

President, Maine Lobstering Union, Local 207



MAINE LOBSTERING UNION LOCAL 207



Atlantic States Marine Fisheries Commission
Robert Beal, Executive Director
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

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The Lobstermen of Maine consider themselves to be stewards of the sea, they pride themselves in protecting the sustainability of the waters that they fish. It is our belief that the groups that are charged with overseeing and regulating this industry are doing so while overlooking both the men/women who work in this industry as well as the communities that it serves.

When this gauge increase was proposed in 2017, it was halted due to the issues around the North Atlantic Right Whale. Restrictions were placed on lobstermen at that time, even though there was no scientific evidence to support that any NARW had been killed by Maine lobster gear at that time.

In 2021, the addendum was revised to add a trigger mechanism that would measure gauge and vent size. This was based on the increase of lobsters measuring 71-80mm. This information was obtained by using a trawl survey that stated the stock levels dropped below the 2014-2018 average.

Did this survey factor into the equation changes in climate over the last years? Recent years have brought storms with ocean surges unlike any ever recorded in the state. The most recent, which the President declared the state a disaster area, many communities have yet to rebuild from. Have these surveys considered that these changes and storms force the lobsters to settle in deeper waters?

Maine lobstermen are being forced to abide by this new measure while Canadian lobstermen will have no changes to face. This will, without a doubt, have catastrophic consequences for the lobstermen, the communities they serve, and the State of Maine.

The lobstermen will have no way to address the inequity of this measure. Maine lobstermen would face at least a 10% reduction in their catch. They would no longer have the ability service the lobster processors, as they would not only not have the quantity of lobsters, they also would no longer have the desired sized lobster (the Chick).

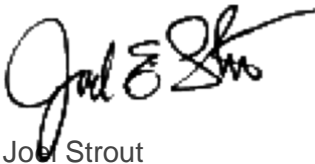
Canada will be in a position to service these processors and sell lobsters back to the US. They will have both the desired size, and the quantities, and in doing so keep the Maine lobster prices lower.

The Lobster Industry in Maine supports an average of 18,000 jobs and produces on average \$464 million of revenue each year. It supplies 90% of the country's lobster, and 80% of these lobsters comes from Knox, Washington, and Hancock counties. In some of Maine's coastal communities 85% of the household income comes directly from the lobstering industry. Was there a study that took this into consideration? Has it been considered how many people would become unemployed, with very little hope of finding a new job an industry that is all they have ever known?

In recent years the Lobster Industry has faced many challenges, many restrictions, and regulation changes. What has not been considered is the human element, and the consequences that these restrictions/regulations have on the men/women who are up at dawn, actually working in the waters you are restricting.

People all over the country are dealing with high fuels costs and inflated living costs. Lobstermen of Maine will have to navigate all of these now with (a minimum of) 10% reduction in their incomes. We ask that **all** of the factors are considered prior to imposing restrictions, and that **all** science is used to do so, not just the science that supports one part of the equation. We ask that the gauge increase please be paused until further studies or assessments are able to be conducted.

Thank you,

A handwritten signature in black ink, appearing to read "Joel Strout". The signature is fluid and cursive, with a large initial "J" and "S".

Joel Strout

President, Maine Lobstering Union, Local 207

150 Bar Harbor Rd

Trenton, ME 04605



Rocky Neck Lobster Co II Inc. dba Cape Ann Lobstermen
111 E. Main St
Gloucester, Ma 01930

Atlantic States Marine Fisheries Commission
Robert Beal, Executive Director
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

April 23, 2024

Dear Commissioner,

On behalf of Rocky Neck Lobster CO II Inc dba Cape Ann Lobstermen, I am writing to you to express the severe unease that is felt amongst the waterfront all throughout Massachusetts, New Hampshire and Maine from both fishermen and dealers over the implementation of Addendum 27. I have a unique understanding of the potential harmful effect that could be felt on all sides of the industry. I own and operate a wholesale lobster, bait, and seafood operation as well as a seafood restaurant and retail market in Gloucester, Ma. We source product from surrounding local areas as well as New Hampshire, Maine, and Rhode Island. I am also married to a full time commercial lobstermen who fishes both offshore and inshore year round. I talk to stakeholders from all parts of the industry and there is one overall concern that both dealers and fishermen will not survive the implementation of Addendum 27.

I understand Addendum 27 was developed and passed to preserve the lobster stock, when and if the trigger was hit. It came as a shock to most people in the industry when this trigger was hit so quickly after Addendum 27 was passed. I feel as though the science being used is not reflective of what is truly going on in areas of the ocean where no proper research is being done. I hear from fishermen who fish inshore, offshore, on hard bottom, mud, gravel, and sand and who fish from 5 fathoms to 90 fathoms, and they all say the same things. Where there used to be lobsters there is no longer as many and the biomass has shifted. The juvenile lobsters are no longer in shoal water and are now out in 100 fathoms or more. Since draggers have stopped fishing in certain areas due to closures, the lobsters go to where the gear is in the smooth bottom, like a bird feeder. Fishermen have been seeing this year after year. There are

less predators such as cod in these deeper waters and more predators such as seals and bass inshore, so they simply do not behave as they used to. Lobster have been adapting for over 100 million years according to some records and will continue too in order to survive. The trawl surveys and ventless trap surveys being used to study settlements and juveniles in Massachusetts as well as Maine are not reflective of the behavior changes in lobsters observed in the past 10 years. I have a degree in Biology and understand how these surveys work. It is imperative the lobster industry takes the next 1-2 years to collect proper data on what is truly going on with the North Atlantic Lobster and learns where and when they are reproducing because as it currently stands, I feel as though we do not truthfully know.

Addendum 27 would hurt the shoreside dealers like myself in a catastrophic way. The "Chix" lobster accounts for 30%+ of our current business. We have gained wholesale customers because of this size lobster. My restaurant serves twin Chix at an affordable price during summer months to allow consumers to experience what a real New England lobster tastes like, and my retail operation serves bundles of 10 Chix at an affordable price that people drive hours to pick up and enjoy with their families. Shoreside dealer operations operate at extremely high fixed costs year round in seasonal fishery that has been regulated more and more in the past few years. There is a point for all of us where this economically will not make sense. If you cut our supply both as live dealers and processors by 30% there is no way any of us will be able to survive during the long winter months. We will also lose all our live markets to Canada and our processor outlets who we need to survive during the summer. These processors in turn need our product to operate. The effects on all sides of the market will make it hard for any of us to rebound especially with less than a year to make a strategic plan.

Addendum 27 would also be devastating to many of the state water fishermen who rely on a short season close to shore, who fish on small boats to make a living. These fishermen rely on being able to catch a Chix lobster. If you cut 10-20% of what they are catching they simply will no longer be able to pay for bait and fuel and will be out of business overnight.

As the owner of Rocky Neck Lobster Co II who currently employs over 100+ people, and who does business with over 150+ boat owners and interacts with and talks to over 250 fishermen between crew and owners simply asks that the Atlantic States Marine Fisheries Commission considers and passes a 1 year delay in the implementation date of the minimum gauge increase in LMA1. This will allow all stakeholders involved to come up with a plan both strategically and scientifically to allow the current North Atlantic Lobster population to continue to thrive as well as help support fishermen and dealers along the coast continue to operate in a profitable manner and support the thousands of families and communities this industry currently employees.

Thank you,

Tessa Browne
Owner
Rocky Neck Lobster CO II Inc dba Cape Ann Lobstermen

Caitlin Starks

From: Caitlin Starks
Sent: Friday, April 26, 2024 9:41 AM
To: Comments
Subject: Fwd: [External] Two Great Concerns from DELA

----- Original Message -----

Subject: [External] Two Great Concerns from DELA
Date: 2024-04-26 09:39
From: Sheila Dassatt <dassatt711@yahoo.com>
To: "rbeal@asmfc.org" <rbeal@asmfc.org>, "cstarks@asmfc.org" <cstarks@asmfc.org>

Dear Robert and Caitlin,

We are the Downeast Lobstermen's Association, established in Jonesport, Maine in 1991. This letter is in support of the two letters that MLA has sent to you concerning the trackers and asking if ASMFC will remove the provision.

We are also asking for you to initiate a new addendum to make that change.

We are all representing our lobster industry and are supporting one another in this endeavor.

We are also asking for ASMFC to delay the implementation of the schedule of the gauge increases, and to run the updated trigger index for the summer meeting. This was scheduled to happen at the October meeting.

These are all very important to our lobster industry and we stand in support of one another with these issues. Please take these requests into your consideration. We stand together with MLA, NEFSA, MLU, MCFA, and our lobster dealers.

Thank you,
Sheila H. Dassatt
Executive Director
Downeast Lobstermen's Association
Stonington, ME 04681

dassatt711@yahoo.com
207 322-1924

Caitlin Starks

From: Wayne Delano <fwishfulthinkin@gmail.com>
Sent: Monday, June 3, 2024 5:44 PM
To: Comments
Subject: [External]

Dear Commissioner.

I would like to speak in favor of addendum xxx amendment 3. Because of addendum xxvll we are looking at a huge disadvantage with possibly Canadian small lobsters being shipped to Maine. If we could revisit #xxv11 there wouldnt be a need for addendum xxx. With xxxv11 our Guage will increase and Canadians will be allowed to keep what we can not. Please consider approval of addendum xxx without this we will be at an extreme disadvantage in the industry. My personal opinion is the state of Maine did not think this guage change through. We need addendum xxx to be approved, unless we do not have the Guage increase. I've been Lobster fishing for nearly 40 years please help us out.

Thank you

Wayne Delano

Friendship me. Lobster fishermen.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caitlin Starks

From: John Drouin <jpdjmd@gmail.com>
Sent: Monday, June 3, 2024 5:53 PM
To: Comments
Subject: [External] Lobster Draft Addendum XXX

To the Lobster Board:

Addendum XXX absolutely needs to be passed on the heels of Addendum XXVII.

There are countless laws that are there to protect an American citizen.

For ASMFC to pass Addendum XXVII, which will limit American fishermen, and then not give the protection of Addendum XXX would be atrocious to the fishermen.

It would be hypocritical of ASMFC to allow other American Citizens to go purchase a product that no one in the United States can go get on their own. If one citizen is prohibited, then all should be!

To allow "dealers" to purchase product that you yourselves, ASMFC, say are needed to help keep the lobster stocks healthy and stable, is ludicrous to say the least. You should be pushing for Canada to protect these same very lobsters...and I do mean same, as we have American and Canadian fishermen fishing side by side in the "gray zone" in the downeast waters of Maine. What good is it doing to have the Americans that fish that area throw lobsters back to then have Canadian fishermen catch same said lobster and to add insult to injury, have an American dealer purchase that lobster that you, ASMFC, told the American they can not catch!

Think when you pass these rules and regulations as to what the consequences are!

I urge you to pass Addendum XXX...if not, go back to the drawing board and erase Addendum XXVII, because both of these addendums go hand in hand.

Thank you,
John Drouin
Cutler, Maine fisherman

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caitlin Starks

From: Travis Fifield <travis@fifielddfisheries.com>
Sent: Thursday, March 28, 2024 12:09 PM
To: Comments
Subject: [External] Lobster Draft Addendum XXX

To whom it may concern,

Maine already has very few lobster processors compared to the Canadian Maritime provinces— a problem we know leads to lower prices for Maine wharves and fishermen. Addendum XXX would further disincentivize processors from opening and operating on this side of the border because of the increased difficulty in importing sufficient live product in the off-season to keep their processing lines going. Making our Maine-based processors less competitive is not the direction the industry needs to move in. Unless Maine and The Maritimes intend to harmonize their legal lobster sizes, this import restriction will only put our Maine processors at a significant disadvantage, or even worse, incentivize them to move across the border, while doing nothing to protect the lobster stock in the Gulf.

Travis Fifield
Fifieldd Lobster Co.
Stonington, Maine

Caitlin Starks

From: Bill Keefer <billkeefer8@gmail.com>
Sent: Tuesday, March 26, 2024 3:22 PM
To: Comments
Subject: [External] Draft Addendum XXX

From the conservation view it is a great idea and I didn't know different regions had different requirements.

Of course having this apply to imported lobsters creates a level playing field. The biggest issue is enforcement. Why don't you consider hiring retired folks who could be flexible and provide you with experienced workers. It would have to be random visits to dealers.

Thank you

Bill Keefer
Portland, Maine

Caitlin Starks

From: Thomas Bell <thomas.bell1280@gmail.com>
Sent: Thursday, May 30, 2024 5:20 PM
To: Comments
Subject: [External] Lobster Draft Addendum XXX

Hello,

The lobster gauge and trap vent size changes should not take place. There has been nowhere near enough research on the real cause of juvenile lobster decline in the GOM and taking broad actions that will greatly impact the lobster harvest are not in the best interest of anyone. There could be any number of causes that have nothing to do with harvest (predation changes, biomass migration that affects survey data, etc.)

With that being said, if such changes do occur then minimum sizes on foreign imports should match US regulations.

Thank you.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caitlin Starks

From: Matthew Huntley <lobster211@hotmail.com>
Sent: Friday, April 26, 2024 8:13 AM
To: Comments
Subject: [External] Lobster gauge increase

I've made my living the greyzone in zone A since 2003. I have seen many changes since then. The amount of shorts was on the rise for years along with personal landings. Now it's back on its cycle back the other way. And if you based your assessment on any of last years data, I found that lobsters were congregated abnormally in certain areas and stayed that way for months and months. While other areas usually plentiful eventually were barren most of the year. So I can see how if dmrs ventless traps weren't in the specific areas then the data would not show good numbers. Whereas if they were in these certain areas then the numbers would have been off the charts. Your data does not cover enough time nor does it cover enough area. I am also very worried that if you increase our measure and Canada does not do the same, both in the greyzone and any zones along the US line, it is likely to start a very expensive trap war between the US and Canada. We CANNOT throw back lobsters and have Canada taking those same lobster to market. That is not conservation. It will completely devastate ZONE A fishermen. Ive lived in machiasport for 40 years. I have 6 children to support ages 3 to 16. I will have to leave here to another zone if this happens or give up fishing all together. It WILL NOT be profitable at all to fish here anymore.

Sent from my iPhone

Caitlin Starks

From: Chip Johnson <chipneta@comcast.net>
Sent: Saturday, April 27, 2024 7:50 AM
To: Comments
Subject: [External] Maine lobster measure increase.

Hello.

I am not involved in politics but I know something of how this country was intended to be run. There is laws in place to curb actions just as this attempted action. A non-elected out of state non profit group dictating regulations based on manipulable data? Things are changing for sure, and yes temps are rising somewhat depending on where you look. But the changes lobster migration, we will eventually find in the end of all this, is more due to chemical runoff than anything else. I do not support the meddling of non-profit organizations with back-door agendas in our centuries old business.

--

Chip Johnson
C W Johnson Inc
www.cwjohansoninc.com
207-833-6443

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Any unauthorized (by the original sender) use is unlawful.

Caitlin Starks

From: Dicky Wallace <wallacedicky@gmail.com>
Sent: Thursday, April 25, 2024 5:27 PM
To: Comments
Subject: [External]

This measurement increase is not going to work because we don't catch many big lobsters that being said it wouldn't be worth me fishing anymore

Caitlin Starks

From: charlie look <cbl124@hotmail.com>
Sent: Sunday, March 31, 2024 2:18 PM
To: Comments
Subject: [External] lobster draft addendum xxx

As a lobster fisherman who catches lobster in fall of the year then pounds (held in storage)lobster, for sale until late winter early spring of following year, be allow a wavier for first year 2025. (until april 15 2025)

Restated:

If lobsters are caught in fall of 2024 (using the 3 ¼ mearsure) and held in storage (lobster catch will be reported on vesl app as carried) be allowed to be sold by april15 2025 (requesting 3.5 month wavier for first year)

Thanks
Charlie Look
85 snare creek ln
Jonesport,Me 04649

ph 207 598 5621

Caitlin Starks

From: Alex Benner <rocknroll3986@yahoo.com>
Sent: Friday, April 26, 2024 9:54 AM
To: Comments
Subject: [External] Lobster measure gauge increase Maine

I'm from Maine and I have seen an excess of small lobsters the trap surveys are wrong, they were not placed in good spots where small lobsters would be. The measure increase would be detrimental to the Maine fishery and is completely uncalled for and would be detrimental to the fishery.

Alex benner Maine lobster fisherman

Caitlin Starks

From: alex hutchins <fvsonnyboy@yahoo.com>
Sent: Thursday, April 25, 2024 7:59 PM
To: Comments
Subject: [External] Lobster gauge

The gauge increases need's to be stopped ! We have more shorts and v tail lobsters than ever before! Baby lobsters are up and have been for several years we had one bad year that could have been a combination of many things such as high bait prices so guys fished fewer days or more guys getting out of the business or all the rain and storm water run off full of chemicals but non of it is from lack of lobsters of any size

Alex hutchins

[Sent from Yahoo Mail for iPhone](#)

Caitlin Starks

From: Maine Reset <mainereset@gmail.com>
Sent: Friday, April 26, 2024 8:31 AM
To: Comments
Subject: [External] Comment on Addendum 27

To the Atlantic States Marine Fisheries Commission,

My name is Andrew Joyce. As the son of an eighth-generation Maine lobsterman and a former lobster license holder in Maine, I have many ties to the lobster fishery whose proper management has been a credit to the Commission. It is with this legacy of management excellence in view that I would like the record to show that I have enormous reservations about the minimum gauge increase forthcoming from Addendum 27.

The available scientific evidence for categorizing the lobster stock in the affected area as being in a state of decline is, at best, inconclusive. I have no doubt that others will point this out in greater detail. But I would implore you to consider delaying the implementation of this gauge increase until expanded research efforts can shed more light on this issue. I would also ask that the Commission consider the importance of allowing time for an economic impact study to be conducted, as the gauge increase would distribute enough financial setbacks throughout the lobster industry to further destabilize an industry that is already saddled with a variety of challenges.

I hope the Commission will be able to consider these factors when fine-tuning the management of the American Lobster Fishery to ensure that the thousands of businesses dependent upon it can continue to subsist off of this iconic and sustainable product.

With best regards,
Andrew Joyce
Palmer, Massachusetts

Caitlin Starks

From: KIM KMS <sasi6552002@yahoo.com>
Sent: Friday, April 26, 2024 7:51 AM
To: Comments
Subject: [External] Lobster gauge increase

We strongly oppose the flawed assessment. We have never seen so many juvenile lobsters in the water and there is absolutely no reason for the gauge increases.

This will be detrimental to our business. and all based on more flawed assumptions.

Andrew & Kimberly Smith
Frenchboro ME

[Sent from Yahoo Mail for iPhone](#)

Caitlin Starks

From: Arnold Francis <arnoldfrancis2@gmail.com>
Sent: Friday, April 26, 2024 7:58 AM
To: Comments
Subject: [External] I oppose the gauge increase

I am a commercial lobsterman in Maine, and this gauge increase is going to hurt my business tremendously and it's gonna hurt a lot of dealers as well. If we can't sell the smaller lobsters they will just get them out of Canada. I hope we can delay the gauge increase until we all do a lot more research and can all get on the same page so Canada, Maine, Massachusetts and New Hampshire are all on the same size gauge.

Thanks,
Arnold Francis

Sent from my iPhone

Caitlin Starks

From: Ben Oakes Boynton <spacer236@hotmail.com>
Sent: Friday, April 26, 2024 6:45 AM
To: Comments
Subject: [External] NO NEED FOR LOBSTER MEASURE INCREASE

Hello my name is Ben Oakes and I'm a lobster fisherman from owls head, Maine. As your aware there is a planned lobster measure increase that is going to affect a lot of different things. First and most important is the fact that the lobster population is thriving and I have never seen more small and female lobsters. We get multiple runs a year where there are 10 females in every trap we own. One thing super bothersome is a lot of this info is collected from land? Go out there and look with your own eyes! Second thing is people don't even want to eat large lobsters! The size they are is perfect for the meat consistency! No one wants chewy big lobsters. Please let the fisherman just fish. This is out of hand at this point! I'm not trying to be mean or sound aggressive! I just love lobstering and am very aware this will only end up hurting lobster fishing as a whole. Thank you if you've got this far I appreciate it a lot! Have a great day - Ben

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Caitlin Starks

From: Brandon Wyman <brandon.wyman@gmail.com>
Sent: Friday, April 26, 2024 12:04 AM
To: Comments
Subject: [External] any comment to you is a waste

All of you should be ashamed of yourself. People died for this country and some of your relatives they are rolling over. None of any of you that sit on asmfc have ever been commercial fishing for a living. How would you like to be stalked everyday? You all need a reality check, you literally know nothing about any fishery. You are paid off, money is everything to you people, money will not buy you life. My greats, and my grandfathers and uncles fought for this so called free country, im a 6th generation fishermen. Not only lobster, shrimp, herring, pogies, groundfish you name it. Your commision is useless and has ruined every fishery, last on the list is the lobster fishery, congratulations you have regulated yourself out of a job. One of my good friends worked for NOAA on the bigalow, i know all your crooked shit to fit any agenda you get funded for. You morons dont even know how to tow a net or to find fish, it takes decades of experience and dedicated and sacrificing your family to understand the cylces of fish. Someday your whole commision will run out of funding, and you will get whats coming to you.

A gauge increase? Im really glad you all sleep well at night, come fishing for a day with me or other fishermen that go hard to provide, you have never talked to the actual fishermen because you wont find them, theyre fishing.

Sincerely,
Thanks for killing the american dream.

Brandon

Caitlin Starks

From: Brian Pennell <bpennell415@gmail.com>
Sent: Thursday, April 25, 2024 3:09 PM
To: Comments
Subject: [External] Gauge increase

As a third generation maine lobsterman I believe the gauge increase scheduled to take place in January of 2025 is wrong. I believe more time is needed to study the impacts this will have on our fishery.
Sent from my iPhone

Caitlin Starks

From: B A <bridgettealley5@gmail.com>
Sent: Thursday, April 25, 2024 6:06 PM
To: Comments
Subject: [External] GUAGE CHANGE

To whom this may concern, I am writing today urging the commissioners to delay the guage change. While this change may seem necessary to your agenda's timeline, keep in mind it is also necessary for our industry that a full analysis be conducted prior to any changes. A change such as this potentially has severe and likely negative outcomes for our industries market.

As you are well aware, the lobster industry has been under increasingly strict regulations for many years and we have remained in compliance.

Lobster fishermen deserve a break and a fair chance to work the job we know best. Lobsterfishing is not a an easy job but it's the job we all grew up learning how to do!

Please consider this request, as our future depends on critical thinking on all levels.

Thanks for your time,

Bridgette Alley 🦞

Caitlin Starks

From: Caitlin Trafton <caitlintrafton@yahoo.com>
Sent: Friday, April 26, 2024 5:31 AM
To: Comments
Subject: [External] Delay Lobster Gauge Change

Dear Respected ASMFC,

My name is Caitlin Trafton and I have worked on lobster boats for nearly 20 years on and around Swan's Island, Maine.

In recent years, I have attended most meetings to be informed about this fishery. At these meetings it is apparent to me that the lobstermen and staff that study lobsters have different ideas about the health of the lobster fishery. Lobstermen time and time again are saying that surveys are not being done where lobsters are. What I have seen, is that lobstermen are being ignored and disregarded despite their experience and interest in the American Lobster.

I will add that my experience shows a ebb and flow of lobster stock like any natural resource, I have seen no decline. Some years are better than others. Please consider giving lobstermen an opportunity to show that.

Please postpone the gauge change until more diverse and long-standing data is shown. I also would like to reiterate that more input from lobstermen would prove useful; as we are the ones that are on the water day in and out for the majority of our days.

Thank you for reading this letter. I am grateful for this opportunity to speak on a matter that my life and future depends upon.

Caitlin Trafton
Swan's Island, Maine

[Sent from Yahoo Mail for iPhone](#)

Caitlin Starks

From: caleb hale <calebhale1989@yahoo.com>
Sent: Friday, April 26, 2024 11:28 AM
To: Comments
Subject: [External] Gauge increase

A gauge increase would be severely detrimental to the lobstering community as a whole. Less catch and the low prices will make it near impossible to make a living lobstering. It will not only cause financial harm to the lobstermen, but will also have the same effect on deckhands dock workers boat builder lobster dealers and so on. There are other ways to help the lobster population that certain people feel is on a decline other than a gauge increase such as lobster hatcheries and further studies. I am opposed to this increase just as many other lobstermen and lobster women are in fishing communities.

Caitlin Starks

From: Cassie Pinkham <cpinkham86@yahoo.com>
Sent: Friday, April 26, 2024 5:21 PM
To: Comments
Subject: [External] Lobster measure increase

I am a Lobster fisherman from Maine. The lobster measure increase will not only hurt the Maine fishing community but is also not needed. There is a lot of juvenile lobsters in the Gulf of Maine. The surveys go to the same places year after year and do not move to deeper water where lobsters have now thrived. Please do not increase the measure, it could cripple the whole Maine fishing community.

[Yahoo Mail: Search, Organize, Conquer](#)

Caitlin Starks

From: Charlie Smith <charliesmith196395@yahoo.com>
Sent: Thursday, April 25, 2024 5:33 PM
To: Comments
Subject: [External] Comments on gauge change . To start with the State of Maine should never be part of an organization that can out vote us and we catch close to 90 % of the lobsters that are caught in the US . Secondly I am a 40 year fishermen in Maine and ...

[Yahoo Mail: Search, Organize, Conquer](#)

Caitlin Starks

From: Cheryl Yeaton <cherylstarr.7@icloud.com>
Sent: Friday, April 26, 2024 9:18 AM
To: Comments
Subject: [External] Re: Maine lobster measure concerns

Sent from my iPad

> On Apr 26, 2024, at 3:26 AM, Cheryl Yeaton <cherylstarr.7@icloud.com> wrote:

>

>

> Dear Commissioner,

> The proposed change to lobster measure size is not based on facts supported by catch data or direct insight by the Maine men and women who honestly and proactively fully understand and protect the species and thus their livelihood. Lobstemen are the professionals in this industry and would be the best advocates to be on advisory committees to partner in further truth and understanding with lawmakers. Successful business people prioritizing excellent compliant resource protection of their work environment should not be penalized for doing so. Let's keep the industry functioning well in what Maine stands for in providing sustained employment in difficult times with an industry providing a dependable and favored food source and let's also refrain from docking the income from those whose ethics are represented by the Maine Lobstering families, their successful protecting of the species in our case for six generations of lobstering.

>

> With Regards,

> Cheryl Yeaton

> Sent from my iPad

Caitlin Starks

From: Chris Wood <woodc365@gmail.com>
Sent: Friday, April 26, 2024 4:42 AM
To: Comments
Subject: [External]

To whom it may concern.

My name is Chris wood. I have worked on boats since I was 10 years old. At the age of 30 2020 I decided to buy my first boat just befor covid. Since then I have seen a record number in my eyes of under the measure lobster. Especially in the past 3 years. I got numerous pictures that back this information. Traps half full trap after trap to measure them all some obviously way under to get 1 maybe 2 keepers. With the was costs of fishing have risen so much over the past few years I fear many in this lively hood including myself will not be able to make a living or keep going with a measure increase. I feel like befor you make this decision for the entire industry you should think of the repercussions this will have on everyone that is tied into the industry not just the fisherman. Possibly maybe do a survey in the summer or speak to fisherman from the different zones on when the lobsters are in fact in the area and survey then not in the fall when they hardly move or in the middle of the slump that occurs at different times up and down the coast. I feel as if your numbers and science on this topic are far from right as do many others. Maybe listen to the fisherman for once and take the input of us whom are out there daily that there is absolutely no need for a increase there is more undersized lobsters now then I've seen in my life.

Thank you for the opportunity to give my incite on this topic.

Caitlin Starks

From: Clint Libby <libbylobsterpound@gmail.com>
Sent: Friday, April 26, 2024 9:52 AM
To: Comments
Subject: [External] Stop the increase

A measure increase would be great hardship for many family. It also would hurt my lobster buying station and the fishermen who sell to us.

Many of our fishermen fish the gray zone, and it's very frustrating that the Canadian fishermen can sell oversized lobsters and we have to toss them back to have them crawl into their traps to be sold in Canada.

They have a huge advantage already and with a measure increase it would strike us yet again causing a serious decrease for American fishermen in the future.

Caitlin Starks

From: collin lamprey <warriorsfbal72@gmail.com>
Sent: Thursday, April 25, 2024 6:34 PM
To: Comments
Subject: [External] I OPPOSE THE GAUGE INCREASE

The gauge should stay at 3 1/4!!!

Sent from my iPhone

Caitlin Starks

From: Dakota Dunphy <dangerdun@icloud.com>
Sent: Thursday, April 25, 2024 6:27 PM
To: Comments
Subject: [External] GAUGE DISPUTE

Good evening, to whom it may concern.

My name is Dakota Dunphy, and I am emailing this comment in regards to the Lobster gauge raise. This gauge raise is fueled by misinformation and needs much much more concentration before something This drastic is decided for our industry. It is no surprise that a raise in our measure is being considered, due to the recent wins in our battle against the north Atlantic, right whale conservation. Our industry is under a steady fire. We need a break, we need for the people we voted for to battle for us in this decision. we are extremely over regulated on every piece of equipment we operate with. We are a massive influence on New England's economy. This measure is simply another ploy, to dismantle our way of life.

Sent from the sea

Caitlin Starks

From: Dave Johnson <quahaug@comcast.net>
Sent: Thursday, April 25, 2024 5:01 PM
To: Comments
Subject: [External] Maine lobster gauge change

Dear commissioners,

Please reconsider addendum 27. More time is needed to determine what appear to be severe market disruptions due to the gauge change. We don't have enough information to implement this change.

Respectfully

Dave Johnson
12 Skywatch Lane
Harswell ME 04079

Sent from my iPhone

Caitlin Starks

From: Donald Wotton <wottondonald@gmail.com>
Sent: Thursday, April 25, 2024 6:01 PM
To: Comments
Subject: [External] Addendum 27

I am writing in opposition to the guage increase.

I have been lobstering for over 50 years and do not agree with how the surveys are conducted. It is impossible to get a fair and accurate assessment when Lobsters are spread out from 0 to 80 fathom at the same time.

The current measure puts brute stock back in the water and the brute stock is the best its ever been.

Donald Wotton
F/V REDLADY
New Harbor, ME

Caitlin Starks

From: DOUG MAXFIELD <dougmaxfield@comcast.net>
Sent: Thursday, April 25, 2024 7:25 PM
To: Comments
Subject: [External] no gauge increase

once again over-reaching management, who's main concern is self-preservation, is creating a problem where there is none. Find another way to justify you existence and leave the gauge alone.

Caitlin Starks

From: Doug.Laura McLennan <lobstarz@hotmail.com>
Sent: Thursday, April 25, 2024 8:58 PM
To: Comments
Subject: [External] American Lobster Gauge Increase

To the members of ASMFC,

My name is Douglas McLennan. I am a 12 generation fisherman from Maine, and have been a lobster zone council member for over 20 years, representing Zone D, district 7, Spruce Head, South Thomaston Maine. I feel as a group of fisherman, along with the 6 zones, that we were not heard or taken under consideration with the measure increase that has been implemented on the American Lobster fishery. I feel the science used by the state is flawed, and the state didn't listen to the people who live the industry. If the state is worried about the settlement of lobster, they should be using the large lobsters to produce more settlement, than trying to do so with the small measure. Using the juvenile stock to rebuild settlement isn't the scientific method, when a larger lobster will produce 5 times the reproduction than a juvenile lobster. We have area 3 boats from out of state fishing on the area 1 and 3 line all the way up the coast in the winter, taking big females that migrate off the coast for the winter. This practice has become more popular over the last 15 years. We as a zone council have made this clear to the DMR of Maine. Our Maine lobster industry lands 90% of the lobster on the East Coast. Maine has the most restrictive rules for conservation, as you are aware of. As fishermen, we are not represented well at the Atlantic States Commission. We rely on our Commissioner, Pat Keliher, and a member of the Marine Resources Committee for our voice. I feel that voice is not what the industry is saying. There is a huge disconnect between industry and regulators at a state and federal level. Maine has been using the same lobster measure since 1989. The industry has seen 2 huge spikes in landings, and we have had a good, strong industry. The problem is not the resource, it is regulation from NOAA, and ASMFC. By having our Commissioner present the measure increase to ASMFC as a problem facing the resource is truly a false situation of our resource. By doing so, and having the trigger met, setting off a double increase, we have now created a secondary problem with the international market with Canada, involving the Mitchell Act, of Mugnuson Stevens. There is no way to determine what Canada will do either way with the trade if the Mitchell is up held or repealed. Either decision could cause a huge problem for trade. If we do not allow them to export smaller than our gauge lobsters into the USA, they may refuse our lobster for trade during our peak production. If we do allow the change, and Canada can fill the void in market caused by the measure increase, it will put USA dealers, and harvesters at a huge disadvantage on the global lobster market. All this trouble caused by flawed science from Maines DMR. Did anyone do an economic study of the results caused by this measure increase? Is there not a law a study must be conducted before any major rule changes are implemented? What about a social impact study? This could cause a huge economic hardship in our industry, which is already at a tipping point in today's economy, forever changing the coastal towns in Maine, where lobstering is the economic driver for many people, and supporting businesses. There were many meetings held with fishermen over the last 18 months about the measure increase, and all 7 zones showed ZERO support for the DMR regulation change. The entire industry feels that we have no say in regulation, and that our Commissioner is using ASMFC to implement regulation that couldn't be accomplished at a state level. The collapse of Southern New England is being used as a driving point behind this regulation. Fishermen were paid off settlements from pesticide spraying in Long Island Sound, and the collapse wasn't caused by the lobster industry. If it is climate change that is a concern, the measure increase isn't going to stop that any more than installing wind turbines in the ocean will. This measure increase needs to be revisited, using better science, on more than just the resource, but the economic and social results considered. 35 years under the same measure is a solid record to dispute as being a problem in the industry. The lobster dealers, and harvesters will feel the economic hardship this will create, by losing the small "chick" market. The impending hardship on the 2028 horizon with whale regulations is coming fast, and will surely be an effort reduction. There is no pause button in the current regulation. People start to lose their boats and houses and fall into economic hardships over bad science would be devastation to the coastal communities.

Thank You, Douglas McLennan

Caitlin Starks

From: Dwight Chandler <chandler8397@gmail.com>
Sent: Thursday, April 25, 2024 8:06 PM
To: Comments
Subject: [External] Lobster gauge increase

I urge the commission to delay and reconsider the gauge increase.
Sent from my iPhone

Caitlin Starks

From: Elew Mompittseh <elewmompittseh@yahoo.com>
Sent: Friday, April 26, 2024 8:30 AM
To: Comments
Subject: [External] Addendum 27 comment

Hello,

I'm writing you today to address Addendum 27.

We need to delay the gauge change long enough to conduct a full analysis on the severe market implications expected as a result of the trigger.

Hindsight is not an option when tampering with such a large part of local economy, food sources, and lives. We need short and long term full analysis before any changes are made.

I grew up on the lower Cape, when there was a 50 boat fishing fleet and an active ice house on the wharf in P-town. In the 80s Georges Banks was closed which left our fishermen traveling much further to fish. In Hindsight, this cost Lives. We lost family members on the Victory II, and they were not the only boat to go down directly related to having to go too far out, or into unfamiliar areas due to Georges Banks restrictions.

Our small commercial boats were never the cause of depleted fish in the banks, but all the while massive foreign fishing vessels were allowed to sweep the area.

In Hindsight, directly related to the closing of Georges Banks, there is no longer a fishing fleet on the lower Cape, instead of 50 boats and an active Ice House, we have 5-7 boats and flower pot benches on the wharf.

Now I live in Maine and see the same pattern starting again. Please listen to the fishermen this time, please please do a full analysis...because hindsight is deadly in too many ways.

Thank you,
Aurelia

Caitlin Starks

From: Elijah Brice <briceboatworks@gmail.com>
Sent: Friday, April 26, 2024 10:02 AM
To: Comments
Subject: [External] Maine Guatemalan Increase

As a commercial lobsterman, and boat builder, I do not support the gauge increase.

It will not be beneficial to our industry, it will continue to feed the divide between the Canadian and US commercial fishery, and it will cause financial harm to all fishermen and related business.

I operate a fishing business on the Canadian border in Eastport, ME. I already release oversized male/female lobsters from my traps, that can be caught just a few hundred feet over the border by Canadian fishermen.

With a gauge increase, Canadian fishermen will also be able to take our short lobsters. This amendment will provide no benefit to the conversation of our resource.

More extensive research should be done to provide more information on juvenile lobster counts. Reports from the vast majorities of fishing ports, including my own, heavily contradict the research done that claims a low stock of juveniles.

This is a rash and unnecessary change that does nothing other than control the resource under the guise of helping our industry.

Caitlin Starks

From: Erik HANSEN <erikhansen1214@gmail.com>
Sent: Friday, April 26, 2024 6:37 AM
To: Comments
Subject: [External]

I've been lobstering since age 12 I'm now 49. The science that says there is a decline in small lobster is false, especially in my area, I've never seen so many. Please don't increase the measure it will just box out Maine from the Canadian market. We boarder Canadian fisherman that can catch the lobster that we release. Makes no sense, it's the oversized lobster that are the big breeders. Thanks Erik

Caitlin Starks

From: Glenda Beal <designersdaughter2@gmail.com>
Sent: Thursday, April 25, 2024 9:05 PM
To: Comments
Subject: [External] Stop measure increase

To ASMFC:

I am the chairman of the selectboard of the Downeast island community of Beals, Maine. I am also the wife of, mother of (2), daughter of, and niece of current lobstermen. For generations, our island people have lobsterfished to support our families, all the while protecting our resource for future lobstermen.

Currently, the planned increase of the small lobster measure is not only going to hurt our families and our town economically, but we will also be forced into unfair competition with our neighboring country's lobster industry. Canada already keeps our best breeders, our "oversize" large lobsters, which Maine fishermen have chosen to protect. They are selling our breeders, which cannot be compared in egg bearing capacity, to the smaller lobsters you are telling us must remain on bottom now for "breeding purposes." The larger lobsters are the MOST important to keep on bottom for egg production, not those small lobsters. If you're truly interested in preserving our industry's future by protecting breeder lobsters, it's time to pressure Canadian rule makers to adhere to OUR CURRENT large lobster measures, not force a lower gauge increase on our Maine fishermen.

Furthermore, data that you gathered in your sampling is not a true picture of juvenile lobster population, as lobster settlement numbers have shown. One year of your sampling should never be used to make drastic rule changes like a measure increase. All types of data should be considered, including what fishermen are actually seeing, as well as the scientific samplings of outside sources. Many variables could effect the data and should be considered, such as water temperature or recent storms. Fishermen will tell you that just when it looks like nothing is on bottom, suddenly the lobsters all begin crawling and trapping in large numbers. If your sampling is taken before lobsters move and trap, of course you could be convinced there's a tremendous decline in population. We believe this is what may have happened this past season's sampling. By postponing the gauge increase, and considering all data collected, I believe you may indeed see there is no need to change the measure at all. Please postpone the measure change.

Sincerely,

Glenda Beal

Caitlin Starks

From: Hayden Jones <hjones2723@gmail.com>
Sent: Thursday, April 25, 2024 7:15 PM
To: Comments
Subject: [External] Lobster gauge comment

Hello,

My name is Hayden Jones, I am a lobster fisherman from Vinalhaven Maine I would like to comment that a gauge increase would be detrimental to all lobster fishermen. We can't afford to go up on the measure it will bring our catch down for years to come until the population is able to be harvested at the new size. The way the economy is we will be hurting very bad financially. I think that the testing of how lobsters are counted needs to be changed. I've lobstered since 2010 and can see a difference that lobsters are in deeper waters now on way different types of bottoms that I didn't fish when I started. There should be more research in this before we make a decision to go up. Maybe like a different type of test to gather data would help a lot. I think if that is done you will find that there are a lot more lobsters that what is being recorded now. What ever happened to lobster seeding in Stonington? Stuff like that should be done again. We had some of the biggest hauls that I've ever seen on the east side of Vinalhaven when that was being done. Things like that could really create a big boom for even more lobsters even though there is plenty around. Also if we went up on our measure and Massachusetts and Canada didn't, they would catch the lobsters that we let by. Lobsters move all the time, those lobsters would be caught right up. It wouldn't make sense for us to do that because our buyers would be buying Canadian lobsters smaller than what we could keep? Is that correct or am I wrong?

Thank you
Very respectfully,
Hayden Jones

Caitlin Starks

From: Heidi Budd <hmbudd@aol.com>
Sent: Thursday, April 25, 2024 3:30 PM
To: Comments
Subject: [External] Lobster gauge increase -some deep thoughts

I am an individual HEAVILY vested, for generations, in the Maine lobster fishing industry (it's SO much more than merely an industry that I hate to even call it that-it's Maine's iconic fishery, it's a tradition, it's a lifestyle, it's an IDENTITY, it is a sustainably harvested source of food...)

It is imperative that true, non-biased, statistically sound , reproducible studies be conducted and then VALIDATED by key stakeholders. Proof beyond doubt that changes are in the best interest of the fishery.

My father, my uncles, my brother, my nephews, my son, my daughter, and myself want nothing more than for the lobster population be bountiful for generations to come.

Listen to those on the water.....and trust me when I say lobstermen are keen stewards of the sea and will protect their livelihoods to the ends of the earth, and if lobster measure size changes were a wise intervention, don't think for one minute they would not be demanding it themselves. They would be the first to suggest it.

Respectfully, Heidi Yeaton Budd

Caitlin Starks

From: Caitlin Starks
Sent: Friday, April 26, 2024 9:41 AM
To: Comments
Subject: Fwd: [External] Gauge increase

----- Original Message -----

Subject: [External] Gauge increase
Date: 2024-04-26 04:57
From: Herman Coombs <hlc7346@gmail.com>
To: cstarks@asmfc.org

I understand that the recruitment hit 39% but not using more than one year is doing a disservice to lobster fishermen. Everyone knows that populations ebb and flow with good times and not so good times. The recruitment from this year from what I read it up which would put us back up over the 39%. I don't agree using one year for a sky is falling approach. More than one year needs to be used before making a drastic change.

Herman Coombs
F/V Jocelyne K
Orrs Island Me

Caitlin Starks

From: Holly Kiidli <holly.kiidli@gmail.com>
Sent: Thursday, April 25, 2024 3:32 PM
To: Comments
Subject: [External] Delay Gauge Change!

Please delay gauge change long enough to conduct a full analysis on the severe market implications!!!!

Holly Kiidli
Winslow Maine Resident

Caitlin Starks

From: Jack <highseasailor@msn.com>
Sent: Friday, April 26, 2024 9:25 AM
To: Comments
Subject: [External] Lobster Gauge Increase

Dear Sirs,

I am a Maine lobsterman with over 50 years of experience in the profession in the Mount Desert Island area. This past year-2023- I saw more small lobsters in my traps than I have seen in the past 10-12 years. The increase will also great effect the bottom line of just not me but the entire industry in a time of great financial stress. There is no current need for the increase and will only lead to hardship. Please refrain from implementing the increase for further stock studies.

Sincerely,
Jack Cunningham
Maine License #28

Caitlin Starks

From: popclemons@icloud.com
Sent: Friday, April 26, 2024 7:41 AM
To: Comments
Subject: [External] Gauge increase comments

Hi , My name is James Clemons . Have been a full time lobsterman captain since 1975 and student lobsterman since 1963. I have both inshore and offshore experience . I definitely believe that a gauge increase is the WRONG approach to increase the brood stock in the lobster fishery . You must take action to save the older -larger brood stock , from foreign fishing fleets , instead of trying to increase the young juvenile brood stock . A increase in the lobster measure will only HURT the Maine lobster industry ,with loss of product and loss of THE EXISTING Large brood stock to Canada! . Definitely DO NOT increase the min . lobster measure . Thank you .

James Clemons
23 Windsor Ln
Harpwell, ME 04079
207-504-7896

Caitlin Starks

From: James Hardison <atlantictreeservice@yahoo.com>
Sent: Thursday, April 25, 2024 5:43 PM
To: Comments
Subject: [External] Gauge increase

We absolutely need to take more time to see what is happening before this gauge increase happens , I've seen more small lobsters than ever before the last season, please let the natural reproduction of these lobsters take effect before you up end something that's not broken or needs help, thank you

[Sent from Yahoo Mail for iPhone](#)

Caitlin Starks

From: James Robbins <jamesrobbins5564@gmail.com>
Sent: Friday, March 22, 2024 9:28 PM
To: Comments
Subject: [External]

The lobster fisheries is being severely over fished, the only way it will survive is to cut back on the amount of lobster traps people are fishing and stop giving out lobster licenses. Trap limit should be cut back to 400 traps per fisherman and this would give the lobsters a chance to grow and reproduce. If you would to have some of my lobster knowledge feel free to reach out to me for I have been lobster fishing for 51 years now and have seen alot of changes in the fisherie.

Caitlin Starks

From: Jason Joyce <lobstermobster729@yahoo.com>
Sent: Thursday, April 25, 2024 10:56 PM
To: Comments
Subject: [External] Please reconsider the proposed Area 1 minimum guage increase

DEAR COMMISSIONERS,

My name is Jason Joyce. I am an 8th generation lobsterman from the unbridged Island fishing community of Swan's Island on the edge of downeast Maine.

The proposed minimum guage increase in area 1 to be implemented in 2025 will harm my fishing community, my business and the lobster markets and dealers here in Maine. The primary resource concern targeted by this trigger mechanism is actually in abundance in our traps and the traps of fishermen in our neighboring fishing communities. The negative effects of enacting this guage increase will be felt throughout Maine's coastal communities and we collectively ask that you reconsider the measure increase slated for 2025 until you have more reliable data to justify it's enactment.

We applaud measures within Addendum 27 which protect the strongest and most effective contributors to the health of the lobster resource, the oversized lobster. We also encourage your focus on protecting the large lobsters which produce a stronger and more resilient settlement and resource.

Maine's sustainability example of protecting oversized lobsters with a zero tolerance for all v-notched females has proven to be a winning combination. Maine's conservation measures have sustained the entire gulf of Maine fishery, inshore and offshore.

Thank you for your time and service to marine resources,

Jason Joyce

Capt. Jason Joyce
20 Grindle Road
Swan's Island, ME. 04685
207-479-6490

Caitlin Starks

From: Jed Miller <jedmiller62@gmail.com>
Sent: Thursday, April 25, 2024 6:11 PM
To: Comments
Subject: [External] Measure and vent increase

My names is Jed Miller, I lobster out of Tenants Harbor. I believe the vent and measure increase is unwarranted and not based on factual science. I've even spoken to some samplers about this and they said the data they collect and submit is not being accurately represented, is being overlooked, and bluntly changed and falsified. The fact is we are seeing as many egg bearing females as ever, if not more. Seeing more hatchling lobsters definitely than ever before, and plenty of sub legal lobsters. I think the measure and gage increase would significantly harm the industry, to a point of being unsustainable financially, and effectively bankrupting the industry at a time where many many lobstermen are on the brink already. We suffered enough, from dealers colluding and price fixing to the downward to the point of collapse, to whale regulations for whales that rarely come into our areas, to offshore wind threatening to take over our bottom and destroy the habitat around them, along with killing whales while doing so only to have the blame placed on us. What's the objective here? What's the ultimate goal? These increases will not save the industry any more than status quo, just delay legal size and let more out of the traps. That is my opinion, thank you-Jed Miller

Caitlin Starks

From: Jeffrey Libby <dadscrew@gmail.com>
Sent: Friday, April 26, 2024 9:46 AM
To: Comments
Subject: [External] Measure increase

A measure increase would be great hardship not only for my family but also for the 2 other families that depend on my catch for a living.

I fish the gray zone, and it's very frustrating that the Canadian fishermen can sell oversized lobsters and we have to toss them back to have them crawl into their traps to be sold in Canada.

They have a huge advantage already and with a measure increase it would strike us yet again causing a serious decrease for American fishermen in the future.

Jeff Libby

Caitlin Starks

From: Jennie Durkee <jenstelle@yahoo.com>
Sent: Friday, April 26, 2024 8:16 AM
To: Comments
Subject: [External] Gauge Size

The lobster fishing industry will be greatly impacted by a gauge size change. This change would likely be devastating economically, especially for inside, smaller fisherman and that economic impact would trickle down to all other businesses on the east coast and beyond. We have conservation methods in place already with size limits that insure oversize lobsters will mate and reproduce without fail. New England fisheries are not a problem. Canadian fisheries keeping oversized lobsters are not the fault of U.S. fishermen. A gauge change, especially without a lot of further research, could and likely will negatively impact our fishery and the economy for many years to come. This would in turn put more strain on other fisheries as well.

I highly suggest, as a five generation lobster fishing family member, you take more time to fully consider other options and put a stop to Addendum 27 before it destroys New England.

Best regards, Jennie Moraisey

Caitlin Starks

From: Jesse Bagley <jesse_bagley@yahoo.com>
Sent: Thursday, April 25, 2024 9:25 PM
To: Comments
Subject: [External]

I oppose the gauge increase. There is no shortage of short lobsters up and down this coast. You ask any fisherman out there we've all discussed online on how many short lobsters and Eggers everyone was seeing 2023 fall fishing season. This is completely unnecessary and your data is wrong. Ask people that spend everyday out there whats going on. And then the economic impact this will cause on already a piss poor economy will be devastating. -Jesse Bagley

[Yahoo Mail: Search, Organize, Conquer](#)

Caitlin Starks

From: Jessica Pooley <jessicapooleyrealtor@gmail.com>
Sent: Friday, April 26, 2024 6:49 AM
To: Comments
Subject: [External] Lobster gauge!!

Please delay the gauge change long enough to conduct a full analysis on the severe market implications expected as a result of the trigger.

Thank you,
Jessica Pooley

Caitlin Starks

From: Ericka Jeffers <captcolie@myfairpoint.net>
Sent: Thursday, April 25, 2024 7:16 PM
To: Comments
Subject: [External] Comment of Maine Lobster gauge increase

My name is Jim Hanscom, I'm the Vice-chairman of the Zone B Lobster Counsel and the Vice President of the Maine Lobster Union (MLU). I am 52 years old and have been going lobstering since I was 15, I urgently oppose the measure increase and the escape vent increase! I have personally never seen the amount of juvenile lobsters along with the amount of female lobsters egging out. Maine has a long standing sustainable fishery practices in place dating back to the 1940 & 50's. We know for a fact that the chick lobster represents upwards of 25% of our catch which equals market share with Canadians. The Canadians can already keep a larger and smaller lobster than Americans. By imposing these regulations, it will only create economic harm for American Fishermen and economic gain for Canadian Fishermen. If ASMFC is truly concerned about the lobster stock in the Northeast Atlantic they would put there efforts into convincing/requiring our Canadian fishery to the North and the Southern New England Lobster Fishery to adapt Maine's lobster gauge both on the small and large side.

Thank you for your consideration.

Jim Hanscom
Bar Harbor

Caitlin Starks

From: Jim Kimbrell <jimthepotter002@yahoo.com>
Sent: Friday, May 31, 2024 7:03 PM
To: Comments
Subject: [External] V-notch comment

I vote Yes, increase the minimum size.
Previous increases did not put people out of business.

Jim Kimbrell
14 Maxwell Ave
Lamoine
Maine

.

Sent from my iPad

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caitlin Starks

From: Culver, Joel, A (Serco NA US) <Joel.Culver@serco-na.com>
Sent: Thursday, April 25, 2024 3:49 PM
To: Comments
Subject: [External] GAUGE CHANGE
Attachments: image003.png; smime.p7s

Greetings:

The lobster industry is self sustaining, the current gauge is perfectly fine for lobstering.

vr



Joel Culver
DDG Engineer
Serco-na METS
207-371-8535
Cell 207-751-5286

Joel.Culver@serco-na.com

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Caitlin Starks

From: John Crane <jcrane58533@gmail.com>
Sent: Thursday, April 25, 2024 8:58 PM
To: Comments
Subject: [External]

Hi, my name is John Crane V, I am a fifth generation fisherman out of Port Clyde. I started lobstering when I was 10 years old with a student license and worked my way up to be a full time commercial lobsterman fishing 800 traps. From my experience spending 150+ days at sea each year. I see a very healthy and growing lobster population. I think increasing the measure is an unjust act against a problem we don't. The measure increase will create a hardship across the whole lobster industry and will not protect the lobsters. Please consider stopping this change.

Thank you for your time,
John Crane V
F/v Sylvia C., Port Clyde, ME
207-691-1816

Caitlin Starks

From: John Drouin <rebbiesmistress@gmail.com>
Sent: Friday, April 26, 2024 8:24 AM
To: Comments
Subject: [External] Addendum 27

We were told we had until 10:00 a.m. today, 4-26-2024, to submit a comment on Addendum 27.

My name is John Drouin and I am a lobster fisherman from Cutler Maine.
Cutler is the epicenter of the area called "the gray zone".

It seems to me that the commission passed Addendum 27 without proper thought to the "unintended consequences". From the major implications in the gray zone to the market issues that the dealers are facing along with possible "science" issues and the strong economic strains that this will cause to the fishermen....it seems to me that the best action you could take is to delay the implementation of Addendum 27 for at least a year, and look at the issues that have surfaced.

I would love to take the time to dive into these issues more deeply, but in order to keep this short and to the point, a delay in implementing addendum 27 should be considered by the commission.

We have all complained about how NOAA seems to pass regulations without proper guidance, and it would be a shame for ASMFC to follow in their footsteps!

With proper time, all parties can explain the issues and then we can move forward from there.

The lobster stock will not suffer from a year delay for you to fully understand the implications that will happen once addendum 27 begins...I personally, would love to explain the gray zone issue to the commission and hopefully educate you to the size of the area, how fishing is conducted between the two countries, on more species than lobster, and the ramifications of any regulations that are passed without taking in what will happen to the fishermen in the gray zone. But first, we must delay the implementation of addendum 27.

Thank you, I truly hope you take our concerns to heart and listen to all the recent comments.

John Drouin

Caitlin Starks

From: John Harvey <johnharvey6780@gmail.com>
Sent: Thursday, April 25, 2024 5:31 PM
To: Comments
Subject: [External] Lobster Industry need you guys to hold off on the guage increase. We have to much unknow stuff coming at us .There are so many juvenile lobsters out there.You guys need to listen to the fisherman and women.Please pause the measure increase ...

Caitlin Starks

From: Jon Achorn <achorn8362@gmail.com>
Sent: Friday, April 26, 2024 8:31 AM
To: Comments
Subject: [External] Measure increase

To whom this my concern,

The measurement increase needs to be pushed back. I'm in all support to keep the lobster stalk strong and be around for generations to come, but a measure increase right now is not the answer. Lobstermen are fighting so many battles right now and last thing they need is another hoop to jump threw. This measurement increase effects alot more then just the lobstermen. The data and science behind the measurement increase is not appropriate to what needs to be done to justify the increase. Lobster fishing is always changing and it's up to the fishermen to change there ways in order to keep being successful. Spots there was lobsters there is no more, and spots you couldn't catch any now you can. I personally have noticed alot more little lobsters further and further down, it's not the lobster stalk depleading as much as the lobster grounds moving. I urge you to move back the measurement increase until there is appropriate data, along with a better understanding of what the impact would be to the whole industry and those who are supported by it.

Jon Achorn

Caitlin Starks

From: Joseph McDonald <lobsterlovah@gmail.com>
Sent: Thursday, April 25, 2024 6:08 PM
To: Comments
Subject: [External] MAINE LOBSTER MEASURE INCREASE

To whom it may concern, As a full time second generation fisherman from Jonesport I do not support this measure increase. This was dropped on us in less than a year when the commissioner brought it up at zone meetings. There needs to be more studies done on sub legal lobsters. Towing over the 100 fathom edge in June is not going to tell you there's any snappers because they aren't out there in June. All lobster fisherman could do 5 trap survey to support what we're all seeing more small lobsters with eggs than ever. We cannot let the Canadians keep taking our lobsters. This increase will hurt every fisherman on the coast for more years than we can afford. SUSPEND THE MEASURE INCREASE!!!
-Joseph McDonald zone A second generation and god willing my daughter can be third generation if we can keep politics out of Maine lobster fishing.

Caitlin Starks

From: Joshua Joyce <joshuajoyce75@gmail.com>
Sent: Thursday, April 25, 2024 10:16 PM
To: Comments
Subject: [External] Opposition to the measuring increase.

As a participant in the ventless trap survey from 2009 to 2012. And then again in 2020 to 2022. I'm seeing that this program has not evolved the way the fishery has. So ventless is archaic and out of date when it comes to catching lobsters. The ventless program pays participants to haul traps, not catch lobsters. I think a gauge increase is unnecessary and would have a negative effect on the fishery. Please consider postponing this. Thank You Joshua Joyce Swans Island.

Caitlin Starks

From: Kelsey Fenwick <kef3me@gmail.com>
Sent: Thursday, April 25, 2024 9:09 PM
To: Comments
Subject: [External] Addendum 27

Addendum 27

As someone whose income is based solely on catching lobsters, I oppose the measure increase. This measure increase will cause unnecessary and unjust hardship for the entire fishery. In my experience as a stern man fishing in several different zones in the state of Maine (from Harpswell to Boothbay to Port Clyde), the juvenile lobster population is strong and not facing a decline. In fact, many fishermen have noted increased numbers of juvenile lobsters in their traps this past year (2023). The Maine lobster fishery has been sustainable and productive for generations, please do not cause undue harm with this Addendum.

Thank you for your consideration,

Kelsey Fenwick

Port Clyde, Maine

(207)701-1765

Caitlin Starks

From: Khristi Sinford <khristimsinford@gmail.com>
Sent: Thursday, April 25, 2024 6:10 PM
To: Comments
Subject: [External] Measure increase

Dear Commissioner & team,

With the measure increase pending for January 2025. I write to you today to take a step back and look at all your information first before action is taken. To my knowledge, a full analysis has yet to be conducted. Also an analysis of the impact of the market needs to be conducted too. The seafood market brings A LOT of money into the state so people like YOU get paid. With a measure increase, it will hinder your pay and our pay. My young family consists of myself working 40 plus hours a week, my husband who fishes during the fishing months, and our 2 year old daughter. This increase will hurt us tremendously and leave me having to work overtime in order to keep us afloat which will lead to me missing out even more on my daughter's life because of the decisions made by you. Most of the people involved in the measure increase do not understand what it's like to have to work hard for their pay as no threat hangs over your head everyday. I'm pleading that this decision is reconsidered until a FULL analysis can be completed and all things are taken into consideration.

Thank you.

All my best,
Khristi M.

Caitlin Starks

From: Lindsey Alley <nawthin2it@gmail.com>
Sent: Thursday, April 25, 2024 11:17 PM
To: Comments
Subject: [External] Opposition to New Lobster Gauge Increase

To Whom It May Concern,

I am writing to express my opposition to the implementation of the new gauge increase for Maine lobster. As you may have noticed, we are experiencing record high inflation which has created financial hardship for lobstermen, and the crew members & the families this industry supports. Inflation not only affects the everyday cost of living, but also bait & fuel prices are higher than ever, while the pay for our product is low as a result of the increased cost of getting our lobsters to market. The cost of boat maintenance, repairs, insurance, traps, rope, buoys, etc. has also drastically increased due to inflation. After all of these expenses, our take-home pay is getting smaller. This gauge increase could have a devastating affect on our industry and have severe consequences for fishing families. It could also pose a safety risk if this gauge change causes catch to decline enough that captains have to lay off crew, costing jobs, and making an already dangerous job even more risky for short-staffed boats.

I'm 49 years old and have owned my own boat for 27 years. Previous to that I was a deckhand since my teen years. I fish year-round in state & federal waters, anywhere from in the shallows out to 12 miles depending on the time of year. Contradictory to your data claiming juvenile numbers are down, I am seeing an abundance of juvenile, egg bearing, and v-notched female lobsters. Judging by my observations and those of other fishermen I've talked with, the future looks far more promising than your data indicates. It's my belief that your ventless trawl survey data that triggered the gauge increase is flawed and grossly inadequate. Any lobsterman will tell you that no two years are exactly alike. There are many different factors that determine a lobster's habits, i.e. water temperature, the time of year, type of bottom, bait type & bait quality. Some years they're in the shallows, other years they're deeper especially if it's been a rainy spring, and depending on water temperature. Sometimes we find them on hard bottom, other times they're on the muddy bottom. You can't conduct your trawl survey the same way in the same spots every year and expect to get an accurate stock assessment. There are too many variables. Those of us who fish for a living put a lot of effort into finding & chasing the lobsters. We have to adapt to different conditions as the lobsters do. If ASMFC is going to have regulatory authority over our fishery and our livelihoods, then you really should make more of an effort to conduct more exploratory, thorough and accurate stock assessments. There's far too much at stake to be half assing your stock assessments. Thousands of Maine lobstermen, crews, families, and the entire coastal economy depend on the accuracy of your data. The current gauge measure, vent sizes and v-notch laws have been highly effective for many years, proven successful by record landings several years running. ASMFC needs to give credit where it's due...to the fishermen who have been excellent stewards of our ocean resources, and have made it a sustainable fishery for future generations.

Sincerely,

Jeffrey S. Alley, Lobsterman
Jonesport, Maine
Zone A District 3

Caitlin Starks

From: Lisa Graham <lisa.graham1964@yahoo.com>
Sent: Thursday, April 25, 2024 4:35 PM
To: Comments
Subject: [External] Gauge change

Please delay this change long enough to conduct a full analysis on the severe market implications expected as a result of this trigger.

Thank you,

Lisa Graham- wife and mother of lobstermen Sent from my iPhone

Caitlin Starks

From: Mary de Poutiloff <muddog@midmaine.com>
Sent: Thursday, April 25, 2024 9:40 PM
To: Comments
Subject: [External] No increase lobster gauge

No increase to lobster gauge. Follow unbiased science. The lobster fishermen are seeing tons of juveniles.

Mary Beth de Poutiloff
Sent from my iPhone

Caitlin Starks

From: Mary Smith <mlsmith2904@gmail.com>
Sent: Thursday, April 25, 2024 3:18 PM
To: Comments
Subject: [External] Addendum 27 - effective 1-1-25

Please delay the gauge change until a full analysis on the severe market implications, that are expected, can be done.

The January 1, 2025 effective date does not allow time for proper review.

We must support the requests of our hardworking fishermen.

Sincerely,

Mary
Mary L Smith
Brigantine NJ

Caitlin Starks

From: matt gilley <mgilley9740@gmail.com>
Sent: Friday, April 26, 2024 9:28 AM
To: Comments
Subject: [External] Addendum 27

To whom it may concern,

I am writing to you today to please oppose addendum 27. There has been zero studies done outside the 3 mile line in federal waters. We have no idea if the settlement or larvae have moved offshore. We are also basing this decline off of record highs not a rolling average. We are getting a measure increase because we can't maintain record landings. Furthermore the fact that states that don't even have a lobster fishery get a say is not right. Please oppose addendum 27 it will devastate the lobster industry.

Sincerely

Matt Gilley

Zone F council member

F/V Catherine G

Caitlin Starks

From: knowlton.matt3 <knowlton.matt3@gmail.com>
Sent: Friday, April 26, 2024 5:53 AM
To: Comments
Subject: [External] Guage increase comments

I am writing to oppose any increase in the lobster measure. There is no logical reason to take this action. There are many factors involved in lobster population you have not taken into account.

1 The natural cycles that occur in the ocean and the effects they have on lobsters.

2. A new invasive species is taking over the bottom where lobsters hide when they shed, causing them to have to find deeper areas to shed and leaving them less protected from predators. "Squirts" have choked out whole areas, leaving once productive shedding grounds completely unproductive. This is the major concern that should be addressed.

3 Other areas are showing a dramatic increase in tiny lobsters coming up in traps.

We are already taking less lobsters and all of our expenses have gone way up.

More regulation means lobstering will no longer be a viable living.

Matthew Knowlton
Deer Isle ME
license number 7453

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone

Caitlin Starks

From: Meghan Painton <meghan.painton@gmail.com>
Sent: Friday, April 26, 2024 10:01 AM
To: Comments
Subject: [External] Addendum 27

Flag Status: Flagged

To whom it may concern,

I would like to express concern about increasing the size of lobsters that can be kept and brought to market. Lobster is a very healthy and sustainable food that is part of the fabric of the Maine coast. I come from a long heritage of lobstermen and lobsterwomen. The changes that have occurred with warming waters have shifted lobsters further out. More current studies are needed to provide updated information to make informed decisions about size changes and the true impacts they will have on the future of the industry.

Thank you,

Meghan Painton

Caitlin Starks

From: Michael Mello <michaelamello57@gmail.com>
Sent: Thursday, April 25, 2024 3:02 PM
To: Comments
Subject: [External] Lobster guage increases

As a long time lobsterman going into my 58 year of fishing this increase will definitely be the end of my business. Please delay this increase so more study can be done on the impacts it will have on so many lobsterman Thank you. Michael A Mello sr

Caitlin Starks

From: Mike Fisher <fishndreamr@gmail.com>
Sent: Thursday, April 25, 2024 5:17 PM
To: Comments
Subject: [External] Lobster gauge changes

To whom this concerns,

Please delay this lobster gauge change until a complete analysis can be done to insure that's its necessary.

As you may know the lobster industry has been going through alot of challenges and changes and none seem for the better of the industry.

Thank you

Sincerely,
Michael LaCroix

Caitlin Starks

From: D'anna Beal <bcxpress2@yahoo.com>
Sent: Friday, April 26, 2024 7:27 AM
To: Comments
Subject: [External] Addendum 27

To Whom it May Concern;

This email is to address the Addendum 27. Forty-three years in the lobster industry and the changes have been astronomical to this industry especially in the last fifteen years. Addendum 27 has issues that need to be addressed. I hope this Addendum could be delayed for at least another year to allow further work with Canadian fishermen and any other flaws to be addressed.

Thanks,
Mitchell Beal

[Yahoo Mail: Search, Organize, Conquer](#)

Caitlin Starks

From: myles bierman <biermanmyles@gmail.com>
Sent: Friday, April 26, 2024 1:44 PM
To: Comments
Subject: [External] Gauge increase

Good afternoon I strongly oppose a gauge increase for American lobster. I am a Maine commercial lobsterman and this will only hurt the state. The number of egg bearing females and juvenile lobsters is truly astounding. I see no reason for a gauge increase, like previously mentioned the stocks seem to be doing very well.

Caitlin Starks

From: Myles <myles.wotton@gmail.com>
Sent: Thursday, April 25, 2024 6:02 PM
To: Comments
Subject: [External] Addendum 27

I am writing in opposition to the guage increase.

I fish inshore on my own boat and offshore as my dad's sterman. I see an abundance of small lobsters at all times of the year in both areas.

The survey does not make sense to me since it did not take the entire area and a range of years into consideration.

Please conduct a fair and accurate survey before making these drastic decisions.

Thank you for your time.

Myles Wotton
F/V OLDSCHOOL
New Harbor, ME

Caitlin Starks

From: Nancy Carter <nancyc207@gmail.com>
Sent: Friday, April 26, 2024 7:02 AM
To: Comments
Subject: [External] Stop lobster gauge increase

As a wife, mother and grandmother to lobster fisherman please don't make it harder for them to make a living.

Nancy Carter

Caitlin Starks

From: Nicholas Parlatore <nicholasp195498@gmail.com>
Sent: Friday, April 26, 2024 9:01 PM
To: Comments
Subject: [External] Measure Increase

I'm a maine commercial lobsterman and have been fishing since I was 13 (25 now), and I see no need for the measure increase. The amount of short lobsters and juveniles we are already seeing has grown exponentially in my area, the fishery is sustainable the way it is, we're already doing the right things. Don't fix it if it ain't broke. Thank you

Caitlin Starks

From: Nick Faulkingham <nickf3778@gmail.com>
Sent: Thursday, April 25, 2024 4:03 PM
To: Comments
Subject: [External] Lobster measure increases.

To whom this may concern.

My name is Nick Faulkingham, I am a 6th generation commercial fisherman on the coast of Maine. I was four years old when I first stepped aboard a lobster boat, at the age of eight, I started helping my dad in the summer during school break. During this time I learned to respect the ocean and the Industry, my dad told me if you take care of the Industry, the industry will take care of you. Remembering his words I often take healthy legal select size females notch them and return them to the ocean instead of bringing them in for sale.

I read articles all the time about how things are in decline in all fishing industries. I have a hard time understanding how, When everything i see is just the opposite. The amount of juveniles and egg bearing lobsters we see in the traps is overwhelming most of the time. Some times we will have to move our gear from an area because they are so abundant. Every thing has its upside and downs.

With all of this being said the point is, I am afraid of the many ramifications the measure increases will have, Personally I do not see a need for it. It will disrupt marketing, deeply affect business and employers. Most of all it will impose a financial hardship on harvesters and families such as mine. Why try to disrupt a economy in a negative way? I feel we should be growing our economy in a positive way by implementing lobster hatcheries along the coast of Newengland and incorporating our coastal schools. This would create jobs and education. Let's not kill another Great American industry and import more dirty seafood from China or Indonesia. Keep hardworking, proud Americans in business.

Caitlin Starks

From: Peter Paradis <paradispeter@gmail.com>
Sent: Friday, April 26, 2024 11:28 AM
To: Comments
Subject: [External] Delay gage change

Science supports protecting the large females at the other end of the gage. These females produce four to five times the eggs of smaller lobsters. Laws need to be consistent in Canadian fisheries to protect these large lobsters.

Caitlin Starks

From: Rachel Brodeur <rachelmbrodeur@gmail.com>
Sent: Thursday, April 25, 2024 3:01 PM
To: Comments
Subject: [External] Addendum 27

Hello,

I am a member of a lobstering family. I believe we need more time before implementing such a harsh regulation on our already suffering fishing economy. Please reconsider this choice.

Thank You,

Rachel Brodeur

Sent from my iPhone

Caitlin Starks

From: Randy Shepard <randyshep45@gmail.com>
Sent: Thursday, April 25, 2024 6:50 PM
To: Comments
Subject: [External] Gauge increase

Sent from my iPhone. I completely oppose the increase of our lobster gauge! I've been a lobsterman for 40 years and an increase will be unneeded, unwanted and a heavy financial blow to an already over regulated industry. I can understand wanting to help the fishery but this isn't the answer! If this regulation is implemented it will put a lot of lobstermen out of business and be a horrible toll on families as well as all the businesses and communities that rely on this industry. I recommend putting it on the shelf and going after more data before implementing such a crippling rule change.

Caitlin Starks

From: Raymond Caron <rjcaron2@gmail.com>
Sent: Friday, April 26, 2024 9:02 AM
To: Comments
Subject: [External] Lobster Gauge Implementation

Please delay the gauge change date of January 1,2025 long enough to conduct a full analysis on the severe market implications expected as a result of the trigger.

Thank you,
Raymond Caron

Caitlin Starks

From: Rebecca Russell Spear <spearfamilylobster@gmail.com>
Sent: Thursday, April 25, 2024 9:21 PM
To: Comments
Subject: [External] Measure increase

Hello.

My name is Marshall Spear and I've been commercial fishing for the last 25 years. I have held a commercial license since 1987. I fish in the southern part of Maine out of Casco Bay in the summer and fall. I fish offshore in area 1 in the winters months. I fish and one fathom to 150 fathom I've seen lobster populations rise and fall in the last two decades.

For us to increase the lobster measure and thinking that it's going to help the population is not only absurd is ridiculous. They want us to change the measure, but keep the same vent size in the same year. This is going to create fighting cages for the lobsters to kill each other . If we want to do something for the resource, we should take the gear out of the water and let the lobsters do their thing without human intervention. The measuring increases is only going to continue with more handing and more mortality. No wild animal can take human pressure year-round decade after decade. We we have one of the best resources in the country and and we have no mechanism in place to protect it or stop fishing at anytime. We have no back up plan .

If we truly want to do something for the resource and help leave the Lobster alone and has seasonal closures. It will take nothing for us to have a better quality lobster and have less an impact on environment.

I strongly disagree with raising the measure increase thinking that it's going to do something for enhancing our brood stock. ASM.

Marshall spear
Fv jacalwa
Fv bay drifter
Portland me
Sent from my iPhone

Caitlin Starks

From: ty1ash2@aol.com
Sent: Friday, April 26, 2024 7:09 AM
To: Comments
Subject: [External] Addendum 27 Lobster Industry

Dear Commissioners,
Please delay the gauge change long enough to conduct a full analysis on the severe market implications expected as a result of the trigger.
Thank you,
Regina Littwin

Caitlin Starks

From: Renee Jordan-Chandler <reneeljordan23@gmail.com>
Sent: Thursday, April 25, 2024 8:23 PM
To: Comments
Subject: [External] Gauge Increase

ASMF Commission,

As the wife of a lobster fisherman and woman whose entire family are lobster fishermen, I ask and urge you to delay and reassess the gauge increase. The science behind why this would not be beneficial is overwhelmingly substantial and must be taken into consideration when you are making your final decision. I won't re-submit those details that I am more than certain you have received multiple times. You would be doing the lobster fishing industry and those who have worked so hard to create and protect it, a great disservice by putting this gauge increase into effect. There is a time and a place for change and this is not the most effective use of those resources. Please, use this as a time given to you to do what is right.

Thank you for your time,
Sincerely,
Renee Jordan-Chandler

Caitlin Starks

From: Rex Benner <rexbenner73@gmail.com>
Sent: Friday, April 26, 2024 6:24 AM
To: Comments
Subject: [External] LobsterGauge increase.

As a full time year round lobster fisherman from Maine I'd like to strongly suggest not doing a gauge increase until further studies are done. I've been doing this for 35 yrs and we are seeing more little ones now than ever!! They are just in different places and the test are done in the wrong spots!!I strongly suggest more research is done before this decision is final as it will be a major hit to this industry ,as if we need anything else to be working against us right now, take a step back and do it right and do more research!!!!

Sent from my iPhone

Caitlin Starks

From: Richard Hildings <richardh7903@icloud.com>
Sent: Friday, April 26, 2024 7:07 PM
To: Comments
Subject: [External] Measure increases

The measure increases is not needed. The measure increase would cripple the coastal communities of our state.
Sent from my iPhone

Caitlin Starks

From: Robert J Burke <rburke6112@aol.com>
Sent: Friday, April 26, 2024 10:12 AM
To: Comments
Subject: [External] Changing the measure

Changing the measure

Changing the measure very likely falls under the heading, established by the DC APPELLATE COURT'S JUNE 16, 2023 UNANIMOUS RULING, of "arbitrary and capricious" and "zealous but unintelligent" and thereby "no only wrong but EGREGIOUSLY WRONG and likely unlawful".

There is no credible, objective scientific data to support the measure change but rather the same old "guesstimation, surmise, manipulation, fabrication and/or falsification" of data practiced by NOAA in it's SARs 2007-2021. That "data" and any and all rules, regulations, and gear modifications where thereby deemed unlawful.

DO NOT CHANGE THE MEASURE UNTIL INDUSTRY INITIATED AND MONITORED SCIENTIFIC SURVEYS SUPPORT SUCH A MOVE.

Thank you,
Robert Burke
GOMER, LLC
Gulf of Maine Environmental Research, LLC
Chief Research Analyst
Sent from my iPad

Sent from my iPad

Caitlin Starks

From: russell leach <fvmygirls@yahoo.com>
Sent: Friday, April 26, 2024 9:18 AM
To: Comments
Subject: [External] My opinion

[Yahoo Mail: Search, Organize, Conquer](#) I feel we should leave the measure alone ..I oppose it and feel we should go to 600 trap limit..most everyone I talk to agree with the 600 trap limit

Caitlin Starks

From: Samuel Joy <sjoy10@gs.nmcc.edu>
Sent: Thursday, April 25, 2024 11:09 PM
To: Comments
Subject: [External] Gage Increase

To whom it may concern,

My name is Samuel Joy. I live off the coast of Maine on Swan's Island. Lobstering is my Life. Lobstering is what gives my Island community life. For years my family has been supported by lobster fishing. With all that said I say this. To make Maine increase the lobster measurer would be devastating to me my family, and my town.

There is soo much more science to discover. The DMR is naïve to think that the lobster population is declining. They are solely basing their data that they generate. The methods that they use to collect that data is sporadic and unreliable. The ventless program is a joke. To assume that a computer will find a lobster by picking a random place in ocean is ridiculous. The DMR needs to out source the data collecting process, so that we can say we did everything we could do before we make this decision. There are tons of lobsters out there they just need to know where to look.

I also propose that we do everything we can to protect the bigger lobsters. Especially the females. If there was a way to decrease the bigger measure I think you would have way more support. Have a male/female gage. We need to protect the breeders.

This decision will cause a huge decrease in wages and will hurt the lobster fishing industry for years to come. I pray you reconsider and wait till you have explored every possibility.

Respectfully yours - Samuel Joy

Caitlin Starks

From: Scoop Mason <deadmail57@gmail.com>
Sent: Thursday, April 25, 2024 3:57 PM
To: Comments
Subject: [External] Leave the Lobsters Alone

Leave the lobster business alone . Maine fishermen have successfully managed their industry for many many years . Likely longer than your organization has been in existence . Go “ manage “ something else . We have enough trouble coming with the foolish windmills ...the bs with the whalesthe bait supply etc etc without you getting involved in making MORE rules and restrictions .

Just like the Maine Shrimp businessLETS SHUT IT DOWNso the Chinese / the Russians / and everybody else who fishes feet from the border with international waters

Tell us what kind of wood we can't burn to heat our homes in the winter ...what kind of motorized cars to drivewhere we can't grow vegetables anymore because of forever chemical contamination in our house

Maybe spend some time with all the chemicals people are spraying to cure the tick problemin ten years when the birds are gone and the bee pollinators have all died somebody will decide THAT was a bad idea too

Leave the lobsters alone .

Caitlin Starks

From: Shane Carter <fvemilycatherine@gmail.com>
Sent: Thursday, April 25, 2024 3:21 PM
To: Comments
Subject: [External] Addendum 27

Dear commissioner's,

As a life long lobsterman from bar harbor maine it has always been critical to me for a sustained lobster fishery. Addendum 27 and the proposed gauge increase need time to be fully vetted. For more than 50 years our fishery has relied on a maximum size and v notch as the tools of choice for sustaining our fishery. The idea that we would throw out all that has worked to such great success is maddening. Let's take another year and do some real research on what the implications of this law may be. Science has struggled at best to keep up with the ever changing gulf of maine. We as fisherman have never seen so many tiny lobsters but because of changing water temperatures the state is struggling with their model to understand this. Lobsters have worked slightly deeper and scientists can't keep up. To close if something must be done lets look at coming down on the maximum. It has worked for generations and can again.

Sincerely,
Shane Carter

Caitlin Starks

From: Shane Hatch <shanehatch86@gmail.com>
Sent: Friday, April 26, 2024 5:56 AM
To: Comments
Subject: [External] Gauge increase

Goodmorning,

I am in opposition of the gauge increase for Maine Lobster until there has been better analysis of the implications to the markets involved. This ruling will have huge impacts on the industry as it would lose the "chick" market entirely. This would allow Canada to fulfill that obligation and leave more hardship for the American people involved. Along with the market situation, fisherman would have far less product to fit into the smaller slot size. Putting more pressure on the small families of Maine and their generational way of life.

Please take my comments into consideration Thank you, Shane Hatch

Sent from my iPhone

Caitlin Starks

From: Shaun McLennan <fvthunder@gmail.com>
Sent: Thursday, April 25, 2024 6:10 PM
To: Comments
Subject: [External]

I strongly oppose Addendum 27

At minimum, Addendum 27 needs to be postponed to study the impact.

And to have a law changed to allow Canadian product allowed into the USA to fill the chick market is completely unacceptable.

I think something to consider is the massive amounts of larger and oversize lobsters that are brought to market from neighboring states and Canada. That is our breeding stock that has been protected in Maine for generations. These lobsters are caught in the GOM and then sold. That, to me, is a much bigger issue than trying to alter our measure, which has proven its sustainability for several decades.

Caitlin Starks

From: Shawn Baumgartner <baumgartner8411@gmail.com>
Sent: Thursday, April 25, 2024 8:50 PM
To: Comments
Subject: [External] Lobster Gauge Increase

A gauge increase on the Maine lobster fishery will not benefit the fishery in anyway. Present or future. In the 30 mile range I fish I've seen more small lobsters in the past few years than ever before. We need better testing methods in different areas.

Shawn Baumgartner Casco Bay

Caitlin Starks

From: Sheila Dassatt <dassatt711@yahoo.com>
Sent: Friday, April 26, 2024 9:22 AM
To: Comments
Subject: [External] Addendum XXVII Reconsideration

Dear Commissioner,

There is great concern over the implementation of Addendum XXVII, which will have an impact on our fishermen and our dealers. With this being said, we are asking you to take a look at all of the information that is based on the findings of our industry scientists and the fishermen themselves. At this point in time, we, Downeast Lobstermen's Association, are asking you to consider taking a little more time with the implementation of this bill. Please let the science prove itself before drastic measures are taken to change our gauge and vents due to a shortage in the amount of lobsters that are actually there.

We are joining with all of the others that are asking for the same consideration, NEFSA, MLA, MLU and ourselves, DELA, along with many of our lobster dealers in Maine. This can be more devastation for our fishery if the science is inaccurate and the loss and expense for the lobstermen is more hardship. This will also be a big "hit" for our lobster dealers.

Please take all of the implications into consideration and work with us for a little bit longer.

Thank you,
Sheila H. Dassatt
Downeast Lobstermen's Association
Stonington, ME 04681

Caitlin Starks

From: Dirt bikes And wheelers <sheldensimmons123@gmail.com>
Sent: Friday, April 26, 2024 5:27 AM
To: Comments
Subject: [External] Lobstering

We need to not have a measure gauge change Sent from my iPhone

Caitlin Starks

From: taborhorton <taborhorton@gmail.com>
Sent: Friday, April 26, 2024 5:39 AM
To: Comments
Subject: [External] Guage increase

My name is Tabor horton I fish out of south blue hill maine. I believe we need to delay the measure increase. For the last 2 seasons me and the people I fish around have reported seeing more juvenile lobsters then they have seen in a long time. We need more time to research the effects of the measure increase. The lobster industry if facing so many hurdles at this time this will have a negative effect on the industry and put us at a disadvantage.

Sent via the Samsung Galaxy S23 5G, an AT&T 5G smartphone

Caitlin Starks

From: Thena <mountainlyons@sbcglobal.net>
Sent: Friday, April 26, 2024 12:29 PM
To: Comments
Subject: [External] STOP

Stop ruining the Fishing Industry which will affect the economy in order to promote a ridiculous ideology that is false!
-Thena
Sent from my iPhone

Caitlin Starks

From: Thomas McLennan <bugga3119@hotmail.com>
Sent: Friday, April 26, 2024 8:54 AM
To: Comments
Subject: [External] Maine Lobster

LEAVE THE MEASURE HOW IT IS, BEEN WORKING FOR 30 PLUS YEARS WIRH NO PROBLEMS....

Thomas McLennan, spruce head me

Sent from my U.S.Cellular© Smartphone

Caitlin Starks

From: todd elder <toddelder16@gmail.com>
Sent: Friday, April 26, 2024 8:56 AM
To: Comments
Subject: [External] Lobster Gauge change

Good morning,

Please delay this gauge change until a full analysis had been done!

Todd Elder

Caitlin Starks

From: Todd Pinkham <flyby_72@yahoo.com>
Sent: Thursday, April 25, 2024 9:21 PM
To: Comments
Subject: [External] Measure increase

Measure increase is a terrible idea , drop back to 600 traps instead. We are being not so slowly squeezed out of this industry. 600 would reduce endlines ,open up more fishing ground , less bait , less fuel , less time on the water. But that would make too much sense right ?

Sent from my iPhone

Caitlin Starks

From: Comcast <penaltybox2@comcast.net>
Sent: Thursday, April 25, 2024 8:59 PM
To: Comments
Subject: [External] Maine measure increase

Tom Cloutier, Harpswell Lobsterman for nearly 30 years. I am against the measure increase for next year 2025, I feel that it is unnecessary and one more law/ regulation to put lobsterman out of business with so much going on these days. I have seen large numbers of small lobsters in some bays and not in others, most likely caused by new predators, oyster farms and new to the area aquatic foreign plant species. Thanks for reading.
Sent from my iPhone

Caitlin Starks

From: Tom C <tommy.e.coughlin@gmail.com>
Sent: Thursday, April 25, 2024 5:29 PM
To: Comments
Subject: [External] Lobster gauge increase delay

Please delay the lobster gauge increase. The families lives could be deeply impacted. Fishing for 10 plus years the amount of short lobster that are released and female breeders notched and released is huge. I would suggest more study from my first hand experience.

Thanks for your time,

Tom Coughlin
Ellsworth, Maine

Sent from my iPhone

Caitlin Starks

From: Tristan Ciomei <tristanciomei2007@icloud.com>
Sent: Friday, April 26, 2024 8:45 AM
To: Comments
Subject: [External] Gauge increase

My name is Tristan Ciomei I'm a sixteen year old fifth generation lobster fisherman from Stonington Maine. I believe that there needs to be further research and analysis done before we determine on a gauge increase. This decision if made without further research and assessments can hurt our industry. I believe that there needs to be a 6 month assessment or more of ventless traps to determine the amount of short lobsters. Lobsters may be there one day and gone the next they move around all the time the temperature changes and the weather can also affect what these lobsters do. It would be impossible to determine the stock of undersized lobsters in any less than that amount of time. There is another ongoing issue I would like to address which is that the Canadian lobster fishery is able to keep lobsters that in Maine would be considered oversized these lobsters are crucial to our industry. Maine has had this law put into place for some time now to protect these high producing lobsters without these lobsters we don't have an industry and I think it needs to be addressed.

Sincerely
Tristan Ciomei

Caitlin Starks

From: Valerie Caron <valcaron3@gmail.com>
Sent: Friday, April 26, 2024 9:07 AM
To: Comments
Subject: [External] Lobster Gauge Implementation

Please delay the gauge change date of January 1, 2025 long enough to conduct a full analysis on the severe market implications expected as a result of the trigger.

Thank you,
Valerie Caron
Sent from Valerie Caron

Caitlin Starks

From: Wesley Penney <fvcurmudgeon@msn.com>
Sent: Monday, May 13, 2024 3:33 PM
To: Comments
Subject: [External] Comment on Addendum XXX

Good day,

I am writing to comment on the proposed minimum size increase to 3 5/16". I fish in the Boston area and have participated for many years in both the sea sampling surveys and ventless trap study with the Massachusetts Division of Marine Fisheries. The increase in minimum size will be devastating to the lobster fishery in my area. I believe statistics from those studies will back up that statement and should be easy to check. I believe the minimum size increase will cause undo economic hardship to the fishery. I believe the studies will also show that the larger lobsters do not stay in the areas I fish.

Thank you for your consideration of my comments.

Regards,

Wesley Penney

(978) 804-5675

fvcurmudgeon@msn.com

Sent from my iPad

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caitlin Starks

From: Whit Chaplin <whit.chaplin.525@gmail.com>
Sent: Thursday, April 25, 2024 3:09 PM
To: Comments
Subject: [External] Gauge Change

Hello, I am a 19 year old lobstermen out of islesford maine. I am writing to express my concern for this upcoming gauge limit being changed in the next two years. I'm just starting out in this business but one thing I've quickly learned is how expensive it is to go fishing, and I worry greatly that this gauge change will destroy our industry as we know it. I know that if we lose the slot of lobsters that is being threatened to be taken away from us, that many young men and women like myself all across maine will be unable to afford to stay in this business and will be forced out, destroying a long standing legacy of this great state. So I hope that you understand this truth when deciding on the new measure change and before you make any rash decisions, you consider the young working population of our state which will drive our economy for the next 50 years.

Thank you for your time



Atlantic States Marine Fisheries Commission

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703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

MEMORANDUM

TO: American Lobster Management Board

FROM: Caitlin Starks, Senior Fishery Management Plan Coordinator

DATE: July 22, 2024

SUBJECT: Work Group Report on 24/7 Lobster Vessel Tracking Requirement

In April, the Atlantic States Marine Fisheries Commission's Lobster Management Board tasked the Lobster Vessel Tracking Work Group (WG) to investigate possible modifications to the 24/7 tracking requirement of Addendum XXIX that would still ensure monitoring of fishing activity, while acknowledging that fishermen also use their boats for personal non-fishing reasons. The WG was also charged with reviewing the existing processes for when Vessel Monitoring Systems (VMS) devices can be turned off, and getting input from the Law Enforcement Committee (LEC). This task is in response to privacy concerns from industry regarding the Addendum XXIX requirement that federally permitted lobster vessels must have a tracking device that collects location data at a rate of one ping per minute at all times. The WG met via webinar to discuss and develop the report, and also consulted with LEC representatives on possible changes to the tracking requirements. This memo describes possible modifications to tracking devices to allow for partial tracking or tracking of fishing trips only, the potential impacts of such changes to data collection and enforcement, and relevant regulations for VMS exemptions.

Possible Modifications to Tracking Devices and Tracking Requirements

The WG discussed several possible changes that could be made to the tracking devices and the requirements of Addendum XXIX to allow trackers to not collect location data in some situations (i.e., personal use trips). It should be noted that any of the options discussed would require an addendum to implement, given Addendum XXIX is prescriptive about the requirement for the device to be on the vessel, powered on, and collecting data at a one-minute ping rate; only specific circumstances qualify a device to be powered down. Each solution is described below along with considerations related to the currently approved tracking devices.

- Use geofencing to identify when a vessel is in its port area and slow down the ping rate to 1/day

This strategy would require the definition of a "port" area for each vessel using spatial coordinates. If a tracker recognized the vessel as being inside the defined port area, the data collection rate would automatically slow to one ping per 24 hrs. If the vessel were outside the port area, the rate would automatically be adjusted to 1 ping per minute.

Concerns: There are several issues to consider regarding this strategy. First and foremost, it would not exactly address the privacy concerns raised by industry because a vessel would most likely leave the port area for any trip, fishing or otherwise, and outside the port area tracking would continue at the one-minute rate.

M24-49

Not all of the currently approved tracking devices are capable of this strategy, and it was not required in the Request for Proposals (RFP) for tracking devices. Viatrax devices, which make up the majority of devices being used in the non-Maine fleet, cannot use geofencing. Additionally, cell service would be required to register whether a vessel is inside or outside its port area and adjust the ping rate, but cell service is not always available in these areas. For devices that are capable of geofencing, it would require an enormous workload to define each of the many port areas that are used by lobster vessels with tracking requirements.

Another issue is that in Maine and Massachusetts, many fishing areas are so close to port that devices would be incapable of distinguishing between port and inshore fishing areas. As a result, vessels lobstering inshore near or in the port areas, which is common in LCMA 1 even on federally permitted vessels, would result in Vessel Trip Reports (VTRs) with no associated spatial data. Such VTRs would be flagged as non-compliant.

- Use geofencing to establish a distance from shore beyond which the ping rate is 1/min

This strategy is very similar to the previous, except that instead of defining an area near port, a line at a certain distance from shore, 3 miles for example, would be defined. If a vessel were further offshore than this line, then the device would collect data at the one-minute ping rate, and on the inshore side of the line, the device would automatically adjust to a lower ping rate (e.g., 1 per day).

Concerns: The same issues regarding device capabilities and gaps in cell phone service apply to this strategy as the previous one. One device, Particle, is capable of this, but it would still encounter the issue regarding cell service coverage. The RFP did require devices to have constant cell service to function as intended; they only have to be able collect and store spatial information at all times, and transmit the information when they have cell service. To be completely capable of using this strategy, devices would have to use satellite service; at one-minute ping rate satellite may incur huge costs. No currently approved device can use satellite for data transmission. Adding another device requires significant investment for the company and may not be deemed profitable for a small number of interested vessels.

Similar to the previous strategy, any vessel that fishes on the inshore side of the line would create VTRs but no spatial tracking data, and those trips would be flagged as non-compliant. In this circumstance, administrators will have to use the location on the VTR to determine if vessels are within state or federal waters. The single location provided on VTRs vessel trip reports is often inaccurate and may not provide valid evidence to confirm if the vessel was in state waters or not.

- Allowing devices to “snooze” for a limited period of time

This strategy would function by allowing the permit holder to submit an online form to the vendor or state agency, which would trigger a process to set the device to “snooze” for a pre-determined period of time. During this period the device would not collect any spatial data. After the time period ends the device would automatically “wake up” and continue collecting data at the one-minute ping rate.

Of the currently approved devices, Viatrax and Particle are capable of this function. The Viatrax device would need to undergo changes to add this function:

- For a fee, new software development would be needed.

- The annual subscription fee paid by industry would increase.
- Changes to the web form would need to be developed to include additional security measures, such as the tracker serial number or a password.

A benefit of this approach is that because a web form would be required to snooze a device, there would be a record of every time snoozing occurs, and that may help mitigate the potential for abuse of the snooze function.

Concerns: This process may require state administration and manual disabling of a device using the vendor interface. Additionally, all approved vendors may not be capable of accomplishing this task. The WG noted that it may be possible to have vendors send a notification to ACCSP to inform them when snooze periods are initiated. Work would be required by ACCSP to integrate this function into the vessel tracking application in order to see when vessels are in snooze mode.

The WG recommends that if this strategy were pursued, vessels should be prohibited from having certain items (e.g., gear, bait, any catch) on the vessel while it is in snooze mode, to aid with enforceability. The WG also noted that the length of snooze periods would need to be considered thoroughly. If devices were allowed to snooze for random short periods throughout the day, it would essentially remove the utility of the tracking rules; the WG believes it would make more sense for snoozing to be used for extended periods like 12 hours or several days. However, input from industry is needed to better understand vessel use patterns for this strategy to address privacy concerns.

Data and Enforcement Impacts

The first two strategies above would inherently result in some loss of vessel tracking data for real lobster trips. As described above, the first two strategies would likely result in the loss of vessel tracks for any trips occurring inshore close to the port area. In Maine, this could be a significant number of trips. The second strategy would result in an even greater loss of spatial data. If the geofencing line were set at three miles from shore, for example, then any lobster effort in state waters would not have associated vessel tracks. Trips may also contain incomplete tracking information if effort occurred within state and federal waters, making the ability to calculate metrics such as gear hauled and catch per unit effort difficult. Spatial data for these trips are important to the intent of Addendum XXIX, for improving the stock assessment, identifying areas where lobster fishing effort may overlap with endangered North Atlantic right whales, and documenting the footprint of the fishery to help reduce spatial conflicts with other ocean uses like wind energy development and aquaculture. Spatial effort data from federally-permitted vessels fishing in state waters do not represent all state-waters fishing, but they do provide states insight on what areas are used by the lobster fishery and should be avoided by other marine uses. Of the three strategies discussed, the snooze approach would most likely result in the least amount of fishing data loss, if used properly. However, if any fishing were to occur while a tracking device was in snooze mode, spatial data for that activity would not be captured.

The LEC noted a number of concerns with approaches for removing the 24/7 tracking requirements. They commented that tracking helps reduce misuse of trap tags, and that not having tracking in state waters would create a loophole in those areas. In general, they commented that permit holders having the ability to shut off their devices would make it more challenging for enforcement to make a case for non-compliance in court. Law Enforcement mostly uses vessel tracking data to make a case against a vessel that is already suspected. If permit holders have the ability to turn off the devices makes it more difficult to prove it when someone is breaking the rules. It is not always possible to determine if a vessel is on a fishing trip by boarding the vessel because vessels do not always have gear on board while they are on a fishing trip. The

LEC agreed that regulations would need to specify that whenever a vessel has traps, bait, or lobster on Board it cannot be classified as a non-fishing trip.

The LEC was concerned that ability to turn off trackers for personal reasons would make it very easy to get around the tracking rules for fishing. Law Enforcement does not have the ability to see if devices are on or off in real time, and when a device is off, it is not possible to determine the reason (whether the device failed or was purposefully turned off). This makes it a challenge to prove a device was turned off on purpose to skirt the rules.

Where there is cell service, law enforcement can get information on vessel locations much more quickly because they are being transmitted to the vendor and ACCSP. Thus, another issue created by trackers being turned off or the ping rate slowed down inshore (where there is more cellular service), is that it would slow down law enforcement's ability to get spatial data on vessels suspected of noncompliance.

Relevant VMS Regulations

The WG reviewed VMS regulations related to turning off VMS devices and exemptions. VMS regulations for Atlantic fisheries require VMS devices to be on and collecting data 24 hours a day, unless authorized to power down. Exemptions are only allowed to power down a device in specific circumstances: 1) when the vessel will be out of the water for >72 hours, 2) when the vessel signs out of the VMS program for 30+ consecutive days and does not move from mooring until VMS is turned back on, 3) if the vessel is issued a Limited Access General Category scallop permit, is not in possession of scallops, is tied to permanent mooring, and has notified NMFS of power down. The regulations also require a letter of authorization (LOA) from NMFS to be issued to the vessel owner. The owner must apply for the LOA via written request and provide information to NMFS including the vessel location.

The WG also noted the following additional information related to VMS. The WG clarified that VMS users can "declare out of the fishery" but that does not mean the VMS device stops collecting tracking data. The WG also notes that VMS devices are capable of geofencing and it is used to change the ping rate when a vessel enters/leaves specific areas. Geofencing is not ever used to automatically turn off a VMS device in certain areas. Lastly, it was noted that the fastest ping rate in for VMS devices is one ping every 5 minutes; the national VMS regulations currently do not allow for a faster ping rate.

Additional Considerations

The WG noted that since vessel tracking has been implemented, it appears that the tracking data have improved data reporting compliance. With the tracking data to use as a reference, there are fewer reporting issues such as incorrect dates, etc.

If the Board were to pursue changing the Addendum XXIX requirements for 24/7 tracking, it could consider giving harvesters the choice to purchase a device or additional service that would allow the vessel to not be tracked within certain areas using geofencing. However, the WG noted that some of the currently approved companies would have to make significant investments to modify devices to use satellite (as opposed to cellular service) at a rate of one ping per minute. Because devices have already been purchased, there may not be a financial incentive to pursue such modifications.