



Massachusetts Lobstermen's Association

8 Otis Place ~ Scituate, MA 02066
781.545.6984

March 13, 2025

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

Email: comments@asmfc.org

RE: Lobster Draft Addendum XXXII

Dear Ms. Starks,

The Massachusetts Lobstermen's Association (MLA) submits this letter of SUPPORT on behalf of its' ~1800 members to the Atlantic States Marine Fisheries Commission (ASMFC) on the Draft Addendum XXXII to remove several provisions of Addendum XXVII specifically the gauge and vent size changes for Lobster Conservation Management Areas (LCMA) 1 (Gulf of Maine), 3 (offshore federal waters) and Outer Cape Cod.

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 New Jersey 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, 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.

The MLA strongly advocates that ALL the gauge measures, up and down, be repealed as the ~40 Outer Cape Cod State Waters commercial lobstermen cannot save the resource alone and will be unfairly financially harmed. This should be an all-inclusive effort and not cherry picked.

Thank you for your thoughtful deliberation and consideration of our comments.

Sincerely,

Beth Casoni

MLA, Executive Director

[External] New public comment for American Lobster Management Board

From ASMFC <info@asmfc.org>

Date Mon 3/17/2025 9:31 AM

To Comments <comments@asmfc.org>

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Brendan Adams

Email

fibfab25@yahoo.com

State

Massachusetts

Comment

To the ASMFC:

As an outer cape lobsterman I have seen time and time again where we comment at the state or federal (thats you folks) level, and often our comments go completely ignored. The Massachusetts delegation for the ASMFC was the only state in your entity that voted against addendum 27 initially, and I thank them for taking the time to listen to us then. I find it completely unfair (discriminatory) that the new v-notch regulation (per addendum 27) that is currently going to be implemented (forced) on the 40 fishermen of the Outer Cape lobster fishery starting July 1, 2025. In essence, if the dregs of addendum 27 survive, it effects us only. This regulation was approved by you and put onto us because of political pressure from another state. There is no conservation gain what so ever by implementing it (against us). It was passed with discrimination and prejudice, though many of you may not realize that. Using the excuse for "ease of enforcement" is not a valid excuse to put this regulation on us. We now have 100 environmental police in the Commonwealth, where five years ago we had less than 70. They are rigorously trained. Your group is supposed to focus on conservation management, and the reasons given (to force new rules on the Outer Cape) were weak at best. We have an excellent management plan in place already for our area. According to ASMFC's regulations you were required to call LCMT meetings for each area to make recommendations for each area before even considering an addendum that will effect them. It uses the word 'Shall' in that regulation, not may, can, could, might, etc. So if you are a federal entity, which you are, you violated your own rules. We know that an Outer Cape LCMT

meeting has not been called in years, because no one on the team has been contacted. Our lobster fishery on the Outer Cape has the youngest average age of participants of any fishery in the US. A study could literally be done on why that is. The short answer is that those of us participating have strong faith in the conservation plan that was created by older Outer Cape lobstermen. New entrants, though facing a similar financial hurdle to buying a taxi medallion, have faith that it is a fruitful effort that will produce year after year. It has proven to produce decade after decade. If you force the new v-notch rules on us (it only effects us, 40 fishermen), we will lose at least 25% of our income, at a minimum. There was a federal court ruling on our management plan in our favor in 2000 against the ASMFC. We have been polite and curious with the state and ASMFC (regarding addendum 27) up until this point, please don't force our hand going forward. When you decide to repeal addendum 27, do it in all aspects, and leave our previous (pre-addendum 27) Outer Cape v-notch definition in place.

Thank You,

Brendan Adams

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.

[External] New public comment for American Lobster Management Board

From ASMFC <info@asmfc.org>

Date Sun 3/16/2025 9:33 AM

To Comments <comments@asmfc.org>

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Dana Pazolt

Email

dpazolt@gmail.com

State

Massachusetts

Comment

Steve Smiths comments very accurately depict the facts in this case. Mass Outer Cape permit holder.

Since 1999 Maine has done nothing except to over harvestman over exploit the young of the year entrants into the lobster fishery. These lobsters are too young to breed. Simply said , the 3 1/4 inch gauge is the tool of baby killers.

They harvest 93% of these small lobster annually.

At the same time, Maine has doubled its fishery participants and tripled its traps in the ocean that are depleting the resource.

This has become an acceptable norm to ASMFC, an agency that seems focused on destroying the Outer Cape lobster management plan by any and all means available. Furthermore, Mass DMF Director , Dan Mckeirman has taken it upon himself to alter our v notch definition on his own. You actions will not recind his unilateral attempt to change our approved v not definition. That being said , we are left to deal with both of you as follows.

DMF is going to be hit with two litigations. One to halt any alteration to the ASMFC approved Outer Cape Management plan and the second is to sue the State of Mass under the animal cruelty statutes so as to ban v notching forever. This shouldn't be too hard considering Mass just banned de-clawing of cats as cruelty .

Lastly , ASMFC has totally botched the management of the American Lobster defying to the saber. rattling voice of the Maine lobstermen. Why science has taken the back door to politics is unknown. Maybe payoff, maybe favors? But in any fair court the directions taken by ASFMC are more than suspect. For this reason I will be forwarding any and all information to DJT and DOGE with the purpose to defund and do away with ASMFC as a useless Federal agency .

Put the American Lobster and Striped bass under NMFS and make lobstering great again!

I have retained Sam Blatchley and his firm as legal counsel to sue Mass DMF under the Mass General Laws re; animal cruelty. He will be serving Ma DMF in the near future. In the mean time ,enjoy your Friday paycheck as it may very well be your last as a government employee.

Sincerely ,

Capt. Dana Pazolt

Provincetown, Ma

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.

[External] New public comment for American Lobster Management Board

From ASMFC <info@asmfc.org>

Date Mon 3/17/2025 1:37 AM

To Comments <comments@asmfc.org>

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Ben Pickard

Email

lobsterlife99@gmail.com

State

Massachusetts

Comment

All addendum XXVII measures should be repealed not just those pertaining to gauge and vent size (ie. no changes to OC gauge definition or withholding of 10% duplicate tags for areas 1&3). Repealing some measures while leaving others in place is simply unfair, especially since areas OC and 3 have already taken significant trap reductions for conservation purposes. Area 1 needs to come up with their own unique management plan that is acceptable to to it's fisherman, and the representatives from MA, NH, ME, and the ASFMC without separate from and without altering the unique management plans already established for both area 3 and area OC. 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.

FW: [External] New public comment for American Lobster Management Board

From Comments <comments@asmfc.org>

Date Fri 3/14/2025 9:47 AM

To Caitlin Starks <CStarks@ASMFC.org>

From: ASMFC <info@asmfc.org>

Sent: Thursday, March 13, 2025 9:52 AM

To: Comments <comments@asmfc.org>

Subject: [External] New public comment for American Lobster Management Board

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Dave Cataldo

Email

lobstercat1@gmail.com

State

Massachusetts

Comment

Hello board,

I lobster fish out of Marshfield MA in cape cod bay and I am writing in opposition to a vent size increase. Myself and most of the other lobstermen in our area agree that the 1 15-16" vent size is sufficient for the time being. We feel as though we'd be letting out 5-10% of our legal catch with a 2" vent. With the current vents we are seeing shorts in every depth and every bottom type, right down to lobsters that are 2-3" from head to tail. We feel as though the vent increase would have a very negative impact on our businesses and we are firmly against it. The current regulations are working and most everyone I've talked to agrees we are throwing back far more than we bring home every day. 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.

FW: [External] New public comment for American Lobster Management Board

From Comments <comments@asmfc.org>

Date Fri 3/14/2025 9:47 AM

To Caitlin Starks <CStarks@ASMFC.org>

From: ASMFC <info@asmfc.org>

Sent: Thursday, March 13, 2025 9:42 AM

To: Comments <comments@asmfc.org>

Subject: [External] New public comment for American Lobster Management Board

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Michael Hogan

Email

mhrsun@aol.com

State

Massachusetts

Comment

Sirs: I am not in favor of increasing the gauge size and vent size for the American lobster fishery in Area 1. 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.

FW: [External] New public comment for American Lobster Management Board

From Comments <comments@asmfc.org>

Date Fri 3/14/2025 9:45 AM

To Caitlin Starks <CStarks@ASMFC.org>

From: ASMFC <info@asmfc.org>

Sent: Thursday, March 13, 2025 8:26 PM

To: Comments <comments@asmfc.org>

Subject: [External] New public comment for American Lobster Management Board

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Samuel Pickard

Email

lobsterer.sp@gmail.com

State

Massachusetts

Comment

I Samuel Pickard oppose and gauge increase, and more importantly and maximize size gauge decrease for the outer cape lobster management area. We already have a larger gauge than area 1 and on average our trap allocation is half of what area one has. Furthermore, there are less than 60 OCLMA permits left, with roughly 40 of them being active. We as the outer cape lobstermen already have a proactive management plan in place, that has been proven time and time again to work.

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.

FW: [External] New public comment for American Lobster Management Board

From Comments <comments@asmfc.org>

Date Fri 3/14/2025 9:46 AM

To Caitlin Starks <CStarks@ASMFC.org>

From: ASMFC <info@asmfc.org>

Sent: Thursday, March 13, 2025 12:22 PM

To: Comments <comments@asmfc.org>

Subject: [External] New public comment for American Lobster Management Board

American Lobster Management Board

Action Title

American Lobster Management Board

Action URL

<https://asmfc.org/events/american-lobster-management-board-4/>

Name

Mitchell West

Email

Mswest9378@gmail.com

State

Massachusetts

Comment

Do not support Gauge and vent size increase

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.

[External] Lobster gauge & vent size increase

From Fred Penney <twobuoyslobster@verizon.net>

Date Fri 3/14/2025 7:07 AM

To Caitlin Starks <CStarks@ASMFC.org>

These proposed increases will decimate our industry. I fish inshore out of Boston & my daily catch averages 1.18 to 1.21 lbs.

Fred penney

F/V Tuppence

Boston, Ma

Sent from my iPhone

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.

From: [ASMFC](#)
To: [Comments](#)
Subject: [External] New public comment for American Lobster Management Board
Date: Monday, March 17, 2025 9:57:13 AM

American Lobster Management Board

Action Title
American Lobster Management Board
Action URL
https://asmfc.org/events/american-lobster-management-board-4/
Name
Samuel Blatchley
Email
sblatchley@ecklandblando.com
State
Massachusetts
Comment
<p>To Whom It May Concern:</p> <p>My name is Samuel P. Blatchley, Esq. and I am citizen of the Commonwealth of Massachusetts. I, along with Eckland & Blando LLP, serve as counsel to the Outer Cape Lobstermen's Association (the "OCLA").</p> <p>The OCLA, composed of approximately 34 permit holders legally harvesting lobster in the Outer Cape Lobster Conservation Management Area of Massachusetts (the "OCC"), along with other concerned groups and individuals, is primarily organized to protect and promote sustainability and conservation in the OCC. The OCLA fosters responsible fisheries management, environmental stewardship, and the preservation of the lobster resource to ensure a sustainable future for the OCC.</p> <p>This correspondence constitutes the OCLA's formal and unequivocal opposition to Draft Addendum XXXII to Amendment 3 to the American Lobster Fishery Management Plan's proposal, which seeks to standardize the v-notch possession definition for all permit holders in the OCC to 1/8" with or without setal hairs (the "Proposal")</p> <p>The OCLA expresses its profound concern that this Proposal is being advanced in an apparently biased manner. This situation regrettably mirrors past instances where Maine has resisted implementing minimum size augmentations absent demonstrable and equivalent conservation measures. It is imperative to recall that the OCC, demonstrating a proactive and commendable commitment to resource sustainability, voluntarily adopted a minimum size increase in conjunction with a comprehensive trap reduction plan as a conservation equivalency measure in the year 2000. This prior action underscores the OCC's longstanding dedication to responsible fisheries management.</p> <p>The present matter must be evaluated within the critical historical context of the Federal Action, Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY, adjudicated in the United States District Court for the District of Massachusetts</p>

before The Honorable William G. Young. This consequential litigation, initiated by the OCLA in January 1998 against the Atlantic States Marine Fisheries Commission (the "ASMFC") and the Director of the Massachusetts Division of Marine Fisheries (the "DMF"), culminated in a judicially facilitated Settlement Agreement (the "Settlement Agreement") following extensive motion practice and hearings before Judge Young and Magistrate Judge Mazzone.

A fundamental and legally binding tenet of the Settlement Agreement, presented by the DMF and formally approved by the ASMFC in April 2000, was the explicit recognition that a full 3 5/16" minimum size gauge increase was a permissible and valid conservation equivalency measure in lieu v-notching. Since the Settlement Agreement's inception, OCC permit holders have diligently and consistently adhered to its terms, rigorously implementing the stipulated trap reduction measures and achieving demonstrable success in tangible conservation outcomes. This track record of compliance and conservation success stands as compelling evidence of the efficacy of the Settlement Agreement.

Regrettably, the current Proposal represents a clear and unwarranted abrogation of the legally binding Settlement Agreement. The ASMFC now seeks to unilaterally impose a v-notch definition specifically and exclusively targeting the OCC, while conspicuously failing to mandate any corresponding conservation equivalency for Maine. This selective imposition of regulatory burdens raises serious concerns regarding equitable treatment and adherence to established legal obligations.

In marked contrast to the Settlement Agreement, which was meticulously grounded in scientific consultation, established conservation principles, and demonstrably equivalent conservation outcomes, the purported rationale advanced for the Proposal is ostensibly limited to mere administrative convenience. The stated objective – which, upon information and belief, was conceived in a procedurally deficient manner without the requisite and essential consultation with the OCC Lobster Conservation Management Team – is purportedly to achieve uniform regulations to enhance law enforcement monitoring and prosecution efficacy. This justification is patently and demonstrably not a conservation measure. Instead, it constitutes a breach of a legally binding Settlement Agreement with the OCLA's membership, who have consistently and commendably demonstrated an unwavering commitment to robust conservation practices and significant effort reduction since 2000. Simultaneously, it appears to represent an unwarranted and inequitable concession to others that have not undertaken comparable conservation efforts, thereby fundamentally undermining the principles of sound resource management and equitable regulatory application.

Furthermore, the Proposal exhibits a critical deficiency in its apparent failure to adequately consider the fundamentally distinct ecological characteristics of the Outer Cape Lobster Conservation Management Area. The OCC is not merely another lobstering zone; it is a unique and discrete ecosystem with specific environmental conditions, lobster populations, and growth patterns that differ significantly from other areas where a standardized v-notch definition might be considered. A one-size-fits-all approach, such as the Proposal, disregards these crucial ecological distinctions and the potential for unintended and detrimental consequences within the OCC's sensitive environment. The imposition of a standardized v-notch definition, without due consideration of the OCC's unique ecosystem, lacks a sound scientific basis and undermines the principles of tailored and effective conservation management.

Adding to these substantial concerns, the OCLA has determined that the practical effect of the Proposal will be devastating 25% reduction in catch its members. This significant decrease in harvesting capacity will inflict severe economic hardship on the OCC permit holders, threatening their livelihoods and the viability of their long-standing fishing operations. This drastic economic consequence, resulting from a measure ostensibly aimed at administrative uniformity rather than demonstrable conservation benefit, further underscores the arbitrary and capricious nature of the Proposal and its disproportionately negative impact on the OCC community. The failure to adequately consider and mitigate this substantial economic impact on the OCC further demonstrates the Proposal's lack of reasoned analysis and equitable application.

In essence, the Proposal effectively abrogates a duly negotiated, judicially facilitated, and legally binding agreement and lacks any discernible or justifiable conservation purpose. It appears to be an arbitrary and capricious action, driven by considerations of administrative expediency and uniformity at the direct

expense of established legal commitments and demonstrably successful conservation practices. Such an approach is not only legally questionable but also fundamentally undermines the principles of sound resource management, equitable treatment under the law, and the integrity of negotiated settlements. The failure to consider the binding Settlement Agreement and the OCC's successful conservation efforts constitutes such a failure.

Subsequent to the Settlement Agreement, Judge Young ordered the Federal Action closed without entry of judgment, explicitly tolling all applicable statutes of limitation and stipulating that "[the Federal Action] may be reopened upon motion by any party" and that the closure was "without prejudice to either party moving to restore [the Federal Action] to the docket, if any further action is required." This explicit judicial retention of jurisdiction underscores the ongoing legal significance of the Settlement Agreement and the Court's ability to enforce its terms.

While the OCLA remains firmly committed to constructive dialogue and the avoidance of litigation, it must be unequivocally stated that should the ASMFC and DMF proceed with the adoption of the Proposal, the OCLA will be compelled to reopen the Federal Action to, inter alia, vigorously enforce the Settlement Agreement and challenge the legality of the Proposal under applicable law standards and potentially constitutional principles. The Proposal raises serious concerns regarding the abrogation of contractual obligations and the potential for arbitrary and capricious action.

This correspondence, while outlining key and critical concerns, is not exhaustive of all issues presented by the Proposal and is explicitly without prejudice to the rights, claims, and defenses of the OCLA and its members. None of these should be deemed waived or limited by this communication. All rights are expressly reserved.

We respectfully and strongly urge a thorough and good-faith reconsideration of the Proposal in light of the foregoing legal and conservation concerns. We remain available to discuss this matter further at your earliest convenience and encourage open communication to resolve this issue amicably and in a manner consistent with established legal obligations and sound resource management principles.

Respectfully submitted,

Samuel P. Blatchley
Counsel, Outer Cape Lobstermen's Association

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.