

Atlantic States Marine Fisheries Commission

American Lobster Management Board

*May 5, 2025
1:30 – 3:30 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

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| 1. Welcome/Call to Order (<i>R. Zobel</i>) | 1:30 p.m. |
| 2. Board Consent | 1:30 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from March 2025 | |
| 3. Public Comment | 1:35 p.m. |
| 4. Consider Addendum XXXII on Repealing Gauge and Vent Size Changes of Addendum XXVII for Final Approval (<i>C. Starks</i>) Final Action | 1:45 p.m. |
| 5. Update from Maine and New Hampshire on Industry Meetings (<i>C. Wilson, R. Zobel</i>) | 2:30 p.m. |
| 6. Report from Lobster Conservation Management Team Area 3 (<i>H. Soule</i>) | 2:45 p.m. |
| 7. Update on Joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Amendment (<i>A. Murphy</i>) | 3:00 p.m. |
| 8. Update on American Lobster Benchmark Stock Assessment (<i>T. Pugh</i>) | 3:25 p.m. |
| 9. Other Business/Adjourn | 3:30 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

May 5, 2025

1:30 – 3:30 p.m.

Chair: Renee Zobel (NH) Assumed Chairmanship: 03/25	Technical Committee Chair: Tracy Pugh (MA)	Law Enforcement Committee Rep: Rob Beal (ME)
Vice Chair: VACANT	Lobster Advisory Panel Chair: Grant Moore (MA) Jonah Crab Advisory Panel Chair: Sonny Gwin	Previous Board Meeting: March 18, 2025
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 March 2025

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. Consider Addendum XXXII on Repealing Gauge and Vent Size Changes of Addendum XXVII for Final Approval (1:45-2:30) p.m.
Background <ul style="list-style-type: none">• The Board initiated Draft Addendum XXXII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster in February 2025. The Addendum considers repealing all Addendum XXVII measures pertaining to gauge and escape vent size limits.• Draft Addendum XXXII was approved for public comment in March 2025 (Briefing Materials).• A virtual public hearing was held in April 2025 and written public comments were compiled (Supplemental Materials).
Presentations <ul style="list-style-type: none">• Overview of Draft Addendum XXXII and Public Comment Summary by C. Starks

5. Update from Maine and New Hampshire on Industry Meetings (2:30-2:45 p.m.)

Background

- Concurrent with the initiation of Draft Addendum XXXII, the Gulf of Maine states agreed to work with the lobster industry to develop management strategies to ensure the long-term health of the resource and the coastal communities that it supports.
- The Board requested Maine and New Hampshire provide updates on industry meetings and possible alternative management measures to those of Addendum XXVII at each quarterly meeting.

Presentations

- Update from Maine and New Hampshire on Industry Meetings by C. Wilson and R. Zobel

6. Report from Lobster Conservation Management Team Area 3 (2:45-3:00 p.m.)

Background

- A meeting of the Lobster Conservation Management Team for Area 3 was held on meeting on April 2nd, 2025. The goals of the meeting were to elect a new chairman, review the Lobster Plan Development Team (PDT) Report on the Area 3 lobster fishery relative to mandates applied by Addenda XXI and XXII, to make management recommendations for Area 3 regarding the goals of Addenda XXI and XXII, and to discuss future concerns and goals for the LCMT 3 (**Briefing Materials**).
- NOAA fisheries published an interim rule in October 2023 that responds to the Commission's 2013 recommendations to NOAA to adopt the measures in Addenda XXI and XXII in federal waters. The Addenda aimed to scale the capacity of the Southern New England (SNE) fishery to the diminished size of the SNE resource. However, because over a decade has passed since the date when the Commission intended for these federal measures to be implemented, there have been significant changes in the fishery.
- In January 2024, the Board tasked the PDT to explore alternative measures to those included in Addenda XXI and XXII (i.e., trap caps) that would achieve the same goal but better align with the needs of the current fishing fleet, with consideration of the recommendations of the Lobster Conservation Management Teams (LCMTs) for Areas 2 and 3.

Presentations

- LCMT 3 Report by H. Soule

7. Update on Joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Amendment (3:00-3:25)

Background

- The New England and Mid-Atlantic Fishery Management Council (Councils) are developing a joint alternative gear marking framework adjustment to provide alternative fixed gear surface marking requirements in all New England and Mid-Atlantic Fishery Management Council fishery management plans. This regulatory modification would allow for the use of fixed gear without a persistent buoy line (**Briefing Materials**).

Presentations

- Update on Joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Amendment by A. Murphy

8. Update on American Lobster Benchmark Stock Assessment (3:25-3:30 p.m.)
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Background

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| <ul style="list-style-type: none">• The benchmark stock assessment for American lobster is in progress with results expected in October 2025.• In February 2025, a stock assessment workshop was held in Portsmouth, New Hampshire.• An assessment peer review workshop is tentatively scheduled for early September. |
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Presentations

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| <ul style="list-style-type: none">• Update on American Lobster Benchmark Stock Assessment by T. Pugh |
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8. Other Business/Adjourn (10:30 a.m.)

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

Webinar
Hybrid Meeting

March 18, 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.

TABLE OF CONTENTS

Call to Order, Chair Renee Zobel	1
Approval of Agenda	1
Approval of Proceedings from February 4, 2025	1
Public Comment	1
Consider Draft Addendum XXXII on Repealing Gauge and Vent Size Changes of Addendum XXVII for Public Comment.....	1
Adjournment	17

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of February 4, 2025** by consent (Page 1).
3. **Main Motion**
Move to add an item to option B in the addendum that says that Maine, New Hampshire, and Massachusetts will provide for the Board by the Winter 2026 Meeting consensus positions to be the basis of future addendum actions affecting the biological productivity of the GOM lobster fishery (Page 6).
Motion by Emerson Hasbrouck; second by Jeff Kaelin. Motion postponed.

Motion to Substitute
Move to substitute with “Move to add an item to option B in the draft addendum that says that Maine, New Hampshire, and Massachusetts will provide for the Board by the Winter 2026 meeting state consensus positions” (Page 11). Motion by David Borden; second by Dennis Abbott. Motion postponed.
4. **Move to postpone to the May 2025 Meeting** (Page 14). Motion by Megan Ware; second by Matt Gates. Motion passes (8 in favor, 1 abstention, 1 null) (Page 15).
5. **Move to approve Draft Addendum XXXII for public comment** (Page 15). Motion by Megan Ware; second by David Borden. Motion passes by consent with 1 abstention (NOAA) (Page 16).
6. **Move to adjourn** by consent (Page 17).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Marty Gary, NY (AA)
Renee Zobel, NH, proxy for C. Patterson (AA)	John Maniscalco, NY, proxy for M. Gary (AA)
Ritchie White, NH, proxy for D. Grout (GA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Joe Cimino, NJ (AA)
Dan McKiernan, MA (AA)	Jeff Kaelin, NJ (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Jason McNamee, RI (AA)	John Clark, DE (AA)
David Borden, RI (GA)	Pat Geer, VA, proxy for J. Green (AA)
Matt Gates, CT, proxy for J. Davis (AA)	Allison Murphy, NOAA
Rep. Joseph Gresko, CT (LA)	

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

Ex-Officio Members

Grant Moore, Advisory Panel Chair	Rob Beal, Law Enforcement Committee Rep.
Tracy Pugh, Technical Committee Chair	

Staff

Bob Beal	Tina Berger	Katie Drew
Toni Kerns	Caitlin Starks	Jeff Kipp

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, March 18, 2024, and was called to order at 3:00 p.m. by Chair Renee Zobel.

CALL TO ORDER

CHAIR RENEE ZOBEL: Good afternoon, welcome to the American Lobster Board meeting. (Not clear reception). With the retirement of Pat Keliher last Friday, I have been pushed into the bull pen a little earlier than expected, but I am happy to be here, and happy to call this meeting to order.

APPROVAL OF AGENDA

CHAIR ZOBEL: The first item on the agenda this afternoon is the approval of the agenda from the last meeting. Are there any additions to be made to the agenda? Seeing no hands; the proceedings from the last meeting and agenda are approved. I'm sorry, the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIR ZOBEL: Next is the approval of the proceedings from February. Are there any changes to the proceedings that were included in our meeting materials? Please raise your hand if anyone has anything to add. Seeing no hands; the proceedings are approved.

PUBLIC COMMENT

CHAIR ZOBEL: Next up, the public comment on items that are not on the agenda. Are there any members of the public that would like to make a comment on an item not on the agenda, please raise your hand. Please, keep in mind if it has to do with items on the agenda there will be time for public comment on agenda items. This is specifically items not on the agenda. Raise your hand at this time if you have any items. Seeing no hands, Caitlin, make sure that's not just me.

MS. CAITLIN STARKS: I don't see any hands either.

CHAIR ZOBEL: Seeing no hands, move on to the main event of today's meeting.

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CONSIDER DRAFT ADDENDUM XXXII ON REPEALING GAUGE AND VENT SIZE CHANGES OF ADDENDUM XXVII FOR PUBLIC COMMENT

CHAIR ZOBEL: I am going to pass this to Caitlin for considering Draft Addendum XXXII on Repealing Gauge and Vent Size Changes of Addendum XXVII for Public Comment. Caitlin has a presentation to give to us about this agenda item. Caitlin, without further ado.

MS. STARKS: In my presentation I'm going to start off with going over the Draft Addendum XXXII document. I'll cover the timeline, the objective, background information and a statement of the problem, and then I'll go through the proposed management options that are included in the document, and we'll wrap up with next steps.

This draft addendum was initiated in February of 2025, and at this current meeting the Board is considering this document to go out for public comment. If the draft addendum is approved for comment, we would then hold a comment period and host hearings later this month and in April, and the goal is considering the Addendum for final approval in May. The Board's motion in February gets to the objective of the Addendum, which is specifically to repeal the gauge and vent size measures of Addendum XXVII. The background on this Addendum is that Addendum XXVII was approved in May, 2023, and in recognition of low levels of settlement and declining recruitment in the Gulf of Maine from about 2012 forward, the goal of the Addendum was to increase protection of the Gulf of Maine spawning stock.

Addendum XXVII took a proactive approach, establishing a trigger mechanism based on recruitment abundance indices, whereby a series of gauge and vent size changes for LCMA 1, 3, and Outer Cape Cod would be automatically implemented if the trigger was reached. A trigger index was developed for the Addendum using three recruitment abundance indices from the Gulf of Maine stock.

The trigger point that was established in Addendum XXVII was if that trigger index declined by 35 percent from the reference period, which was the 2016 to 2018 average value of the index. In October, 2023, with the inclusion of the 2022 index data, that trigger index had declined by 39 percent, and that triggered the implementation of the series of management measures in Addendum XXVII.

The original implementation date for the first of those measures, which is the increase to the LCMA 1 minimum gauge size, was set for June 1, 2024. However, in October, 2023, the Board delayed the implementation of all of Addendum XXVII measures to January 1, 2025. Then via Addendum XXXI, the Board postponed implementation of the Outer Cape Cod maximum gauge size, v-notch possession definition, and LCMA 1 gauge and vent sizes an additional six months to July 1, 2025.

These delays were to provide the industry and gauge makers more time to prepare for changes, and also to coordinate with Canada on management and trade issues. In the meantime, the lobster industry in the Gulf of Maine continued to express concerns about potential economic impacts associated with the Addendum XXVII measures, and also uncertainty surrounding how that LCMA 1 minimum gauge size increase would affect trade with Canada.

In February, the Board agreed that consideration of alternative management measures was warranted to address these concerns, and the Gulf of Maine states committed to working with their lobster industries to identify alternative conservation strategies. That brings us to Draft Addendum XXXII, and these are the proposed management options.

There are two options included in the document; Option A, status quo and Option B, to repeal the Addendum XXVII gauge and vent size measures. Under Option A, the current implementation schedule for all Addendum XXVII measures would be maintained. This table shows when each of

those changes is set to be implemented with changes shown in bold text.

The LCMA 1 minimum size increase would occur July 1, 2025. Also on July 1st this year, the maximum gauge size for all permit holders in Outer Cape Cod would be 6 and $\frac{3}{4}$ inches. Then the second LCMA 1 minimum size increase would occur July 1, 2027, and the LCMA 1 vent size change would occur July 1, 2028. Then finally, on July 1, 2029, the maximum gauge decrease for Outer Cape Cod and LCMA 3 would be implemented. Then under Option B, all of the changes to the gauge and escape vent sizes established by Addendum XXVII would be repealed, including the maximum gauge change in Outer Cape Cod under Section 3.1 of Addendum XXVII, and the minimum and maximum gauge size and vent size changes triggered under Section 3.2.

Option B would not affect the measures of Addendum XXVII that pertain to the v-notch possession definition of Outer Cape Cod, nor the issuance of trap tags. The v-notch definition change would take effect July 1, 2025, and the trap tag rules are already effective as of January 1 of this year.

With that, the actions for the Board's consideration today are to make any desired modifications to the draft addendum document before it goes out for comment, and then to consider approval of the document to be released for public comment. Our next step if the Draft Addendum is approved for comment today would be to schedule the public hearing and collect written comments.

The Board indicated at the last meeting that it intended to hold one virtual public hearing on this Draft Addendum, and then after the comment period, in May, the Board would be able to consider the Addendum for final approval. I can take any questions.

CHAIR ZOBEL: Great, thank you, Caitlin. Are there any questions from Board members for Caitlin on this presentation and on steps moving forward?

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MS. STARKS: Renee, are you able to see hands?

CHAIR ZOBEL: I see no hands if there are any up. If you would help with that, it would be wonderful.

MS. STARKS: Yes, we can do that. I have David Borden, Grant Moore, Grant we'll wait on that, Emerson and Jeff Kaelin, so David, Emerson, Jeff.

MR. DAVID V. BORDEN: All right, I've got a question on Section 3.0, the second paragraph. This type of question normally goes, I think to Bob Beal, but Caitlin, if you can answer it that is fine. The issue of taking any action between what was proposed and what is now being proposed, and I'll give you two examples.

I think we're, at least I'm hearing more and more opinion from people in the industry that they want to do something, but there is no consensus, so I think we potentially could be in a situation after the hearings, where we have an option that might come forward, either on the gauge size changes or the issue of issuing extra tags. I'll give you an example of each.

If somebody wanted to propose doing a 32nd of an inch gauge increase every other year, that would clearly fall within the confines of the options that are taken out to public hearing, and on the extra tags I've heard suggestions that some individuals would think that we should have at least some tags available for fishermen to get. The specific suggestion was made to me that we be not allowed the 10 percent, but issue, allow fishermen to get 20 tags, for instance. My question is, do those types of suggestions at a public hearing fall within the confines of the statement under Section 3.0?

MS. STARKS: Thanks, David. I think I'll answer the second part.

MR. BORDEN: My answer is I think they do, but I want to just confirm that my interpretation is correct.

MS. STARKS: Yes. I believe that the tag issue is not necessarily within the confines of this Addendum, because it is not considered as part of this Addendum. I think if the Board wanted to consider something different with the trap tags, it would need to be added to the Draft Addendum for comment.

As to the gauge increase, for example changing it to 1/32, I don't know if I have a great sense. Maybe Toni can help out with this. I don't know if it is really within repealing versus not repealing, which is our two options in this Addendum. I don't know, Toni, if you want to jump in.

MS. TONI KERNS: I can help out, Caitlin. David, I would say that it is not within the confines of this document, because we're saying we're removing the requirement to have these gauge changes in total. Even if we could interpret it as potentially something within the confines.

Whatever it would be, it would have to be in place immediately, so it would have to be in place by July 1 of 2025, and I'm not sure that is within the administrative possibilities for some of the states to do so. If we wanted to go back and do a different path forward, then I would suggest we do a new addendum document for whatever new paths forward are brought forward by the states.

MR. BORDEN: Okay, so thank you, Toni. I just wanted to make sure, because I think that paragraph is going to get interpreted different ways by different members of the public, that's all.

CHAIR ZOBEL: Let's go ahead and get to Emerson.

MR. EMERSON C. HASBROUCK: Thank you, Madam Chair, and thank you, Caitlin for your presentation. My question has to do with one of the other motions that we passed at the last Lobster Board meeting, and that was to task the staff to prepare and send a letter to the Commissioners from Maine and New Hampshire, with both governors copied on that. Two-part question, one is, has that letter been sent, and

then secondly, has there been any response to the Commission from that letter?

CHAIR ZOBEL: Executive Director, I'll have you respond, if you don't mind.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Great, thank you, Madam Chair, and hey, Emerson, this is Bob Beal, how you doing? Yes, the letter we're still drafting it. We've had a number of iterations that have been going through between the Chair of the Commission and Dan McKiernan as Vice-Chair, myself, and just sort of thinking about the right tone of that letter. It has not been set yet, and there is the Maine Fish Forum took place a couple weeks ago. We were having conversations up there with the industry, you know on the side, just to see where things stood. We're wrapping up that letter right now, and we'll probably get it out and include an update on what happens in this meeting. If a document is approved for public comment by the Board before this meeting is over, we can include that current status of Draft Addendum XXXII in that letter. It's still in the works, but we're getting close to sending out, next few days, hopefully.

CHAIR ZOBEL: Jeff Kaelin.

MR. JEFF KAELIN: I had concerns similar to Mr. Borden's, and I'm glad that Mr. Emerson brought up the letter, because I was wondering about that too. I think there is a lot in this document that I think needs to be reestablished for the public that is not in here now, including the fact that there was a motion on the letter.

The way I read this, you know there wouldn't really, I think we need to clarify that we're looking for alternatives from the public, alternative conservation strategies I assume that would meet the 35 percent trigger target, which has already been triggered. But none of that is stated here at all. There is no deadline for the public to consider something being done.

This is just simply eliminating, basically the entire Amendment the way that this thing, including

going back to XXVII from what we just talked about a minute ago. I think there is a lot missing here, including the fact that we're going to take final action on it in May. I supposed that will be filled in once we approve a document.

I think a timetable for next steps has to be identified in this thing, and basically, provide the public with some understanding of what the Commission's next steps are going to be. I hope it's not that we're going to put things off for another year or two, we've already done that twice. There is quite a bit here that is missing, as I just stated. Thank you for allowing me to comment.

MS. KERNS: Renee, can I jump in really quick and just follow up for a couple things? While I wasn't at the last Board meeting, I have gone back and listened to it and reread through the minutes. The Board, you know there was a motion for the letter, which requested that the three states work together in talking with their industry to develop some alternative management measures. Those management measures were not a requirement of this Addendum document for how the motion was written for writing this document.

Therefore, staff did not include any requirements of alternative measures to be developed. In addition, there was no timeline associated with those alternative measures. The Board just asked for the states to continue to come back at each quarterly meeting and provide an update of where folks were. At this time, we didn't add anything, because there wasn't any requirement associated with the motion for the Addendum.

MR. KAELIN: Madam Chair, would that be appropriate to make some kind of a motion like that today and add something like that, which is sorely missing, I think. I don't have a motion. I'm not a lobster guy; I used to be. I think a motion would be appropriate today to expand this, to have something that talks about where we're headed when we go out to the public, because again, I think that is missing. Thanks, Toni, I

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appreciate recognizing exactly where we are. I'll just stand by, thank you, Madam Chair.

CHAIR ZOBEL: Yes, thanks, Jeff, and I can take those motions or just commenting questions, and we'll certainly get to that motion. Next up, Dennis Abbott.

MR. DENNIS ABBOTT: Jeff Kaelin hit on a lot of things that were concerning me. When I read Paragraph 2.2, the last sentence says that concurrently with this action the Gulf of Maine states will hold scoping discussions with their lobster industries to identify alternative conservation strategies, to protect the long-term health of the resource.

It just strikes me as we can't require the industry to do anything, but at the last meeting the industry representatives unanimously spoke up and said they wanted to be involved. But them wanting to be involved, and us requiring them to furnish us with anything, is beyond our scope, I think.

We can deal with LCMTs, but my question that goes into my mind is, when would we be expecting any input from industry? Are we going to wait until the assessment is given to us, and then at that point have a tasking to do something, because I feel that without any industry input, we won't be able to go anywhere.

Because we're now dealing in the political realm with the governors of Maine and New Hampshire in particular, you know as far as going anywhere. We need some input at this point in time, or soon, from the industry to alternatives to what we can do for lobster management. Everything that Jeff Kaelin said, I agree with 100 percent, and I'll stop there.

CHAIR ZOBEL: Megan Ware.

MS. MEGAN WARE: Yes, I just wanted to acknowledge people's concerns and give an update from Maine. Maine, even though we have not received the letter yet, we have started a

round of Zone Council meetings, so we've only had two of those at this point, but we should complete that round. We have seven different zones in Maine.

We should complete that ahead of the May Board meeting. Some of the things we've been doing at the Zone Council meetings this round has been providing folks an update on what has happened at the February Board meeting, some of the comments that were given, and then going through recent landings and effort data and trying to understand if people are agreeing with the trends they're seeing, disagreeing, are they concerned, if not, why, and having that conversation.

We have started that in the absence of the letter, and I'm happy to provide an update at the May Board meeting. I think it may take two rounds to have the full conversation, a lot of digesting and questions at this point, but wanted to give an update from Maine.

CHAIR ZOBEL: Thank you for that, Megan. I had a couple of hands. I just wanted to make sure that these aren't still lingering. David Borden, your hand is up, is that fresh? Emerson, your hand is also up. Did you have follow-up comments you wanted to make?

MR. HASBROUCK: I have the same concerns as Jeff Kaelin and Dennis Abbot, which is why I asked that question about the letter. When you're ready, Madam Chair, I have a draft motion that I can put up for discussion.

CHAIR ZOBEL: Thanks, Emerson. I'll go around one more time. Any other Board members that have questions or comments regarding this? Seeing no hands, at this time we'll entertain some motions and to the public, I know there have been numbers predicted. We'll go out to the public for public comment as well. Emerson, if you have something you wanted to put forth, go for it.

MR. HASBROUCK: This is a draft, and if it gets seconded, I am open to friendly modifications to

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it. I would **move to add an item to Option B in the Addendum that says that Maine, New Hampshire and Massachusetts will provide to the Board by the Winter 2026 meeting consensus positions to be the basis of future addendum actions affecting the biological productivity in the Gulf of Maine lobster fishery.**

CHAIR ZOBEL: A move by Emerson Hasbrouck, do we have a second? Jeff, are you seconding the motion?

MR. KAE LIN: Yes, I am, Madam Chair.

CHAIR ZOBEL: Seconded by Jeff Kaelin. Emerson, back to you for any rationale.

MR. HASBROUCK: The rationale is kind of what Jeff and Dennis have already stated, as well as the issue that Dave Borden brought up, about options that may not be specific in this document. I don't think that we want to just leave it at repealing the items that are going to be repealed in this addendum. I think we need to chart a path forward to get back on track, to address biological productivity of the Gulf of Maine lobster fishery. That is my primary concern, my primary reason for making this motion.

CHAIR ZOBEL: Jeff, over to you as the seconder and your rationale or comment.

MR. KAE LIN: Yes, so why wouldn't this say Winter of 2025, because that is a long time to wait for the industry to come back to us on a bunch of issues that they are intimately familiar with puts it off a long time. I like the motion generally, that is why I seconded it, but I have a question about that. Then to me, I think it should say Winter of 2025, with the intention that changes be put into effect by, I don't know, April 1 of 2026, or something like that?

Some kind of a complete timetable for the public to understand, in terms of our taking some action. We know that lobster landings went down to a 15 year low in 2024, for example. I like the motion, I'm speaking in support of it, but when we get to

the friendly amendment part, as I just mentioned, I have a couple of ideas possibly to improve it, at least from my perspective.

CHAIR ZOBEL: I do see hands from the public as well, so I will get to you. Next up, David Borden.

MR. BORDEN: Just a quick question for Caitlin. Will the results of the benchmark stock assessment be available at the fall meeting, 2025 Fall Meeting? Is that correct?

MS. STARKS: Yes, it will be peer reviewed and ready for the Board to review in the October meeting.

MR. BORDEN: Personally, I like the motion and I commend Emerson and Jeff for making it, but I agree with Jeff's suggestion that I think it should be 2025 if Mr. Hasbrouck and Jeff would consider that perfection, I would be happy to support it.

MS. KERNS: Renee, just to jump in that the Winter Meeting is February, so that meeting has already passed. I think maybe you're wanting the Annual Meeting of 2025, perhaps, but I'm not sure.

MR. KAE LIN: That's a good point. Yes, I think Annual Meeting would be better than the winter meeting in 2026. Thanks, Toni, I'm glad you're on.

MS. KERNS: Then, I will just say that if you're saying that there needs to be some information provided to the Board at the annual meeting in 2025, having an addendum be finalized by April of the following year could be very tight. It depends on what product is given to the Board at that annual meeting. I just would want the Board to recognize that you may need a little wiggle room there.

MR. KAE LIN: Would July be a better timeframe?

MS. KERNS: I would suggest August, since that is when our summer meeting would be.

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MR. KAELEN: Well, Emerson, it is your motion, but I think changing those dates would be an improvement.

MR. HASBROUCK: Yes, can I respond, Madam Chair?

CHAIR ZOBEL: Yes, of course. Go ahead, Emerson.

MR. HASBROUCK: I just put that in there as a draft, because I wasn't sure when our stock assessment was going to be available, and I wasn't sure how quickly the states were going to be able to meet with their industry. But originally, I had thought that maybe the annual meeting would be appropriate. But I just delayed for no particular reason, other than to give those three states time to meet with their fishermen. I'm fine with changing this to the Annual 2026 Meeting.

Also, we just heard from Maine that they've already initiated discussions with their industry. I'm willing to change it to August even, if the states of Maine, New Hampshire and Massachusetts think that they will have had meaningful discussions and input from their industry by that point in time.

MS. STARKS: Madam Chair, could I jump in with a question? I think Emerson just stated Annual 2026, but I think he meant 2025, so I want to clarify that.

MR. HASBROUCK: Yes, I'm getting my years mixed up here, sorry.

MS. STARKS: Then my additional question is, the motion says that the states would provide consensus positions to be the basis of future addendum actions, and I want to know what consensus positions means to you, and what we would be looking for from them, specifically.

MR. HASBROUCK: To me it means specifically what is in the letter that is being sent to those states. I think that is what was part of the motion, wasn't it? For those states to meet with their industry and develop consensus actions?

MS. STARKS: So possible management actions to pursue.

MR. HASBROUCK: Yes, in fact I'm looking now at the motion that was passed, and one of the bullets is request Maine officials to begin scoping discussions with industry leaders, Maine's Marine Fisheries Advisory Council, Maine Zone Councils and the Canadian government and Canadian lobster fishing area representatives to identify mutually agreeable conservation strategies and schedules, future addenda.

That is what I am referring to. The next bullet says, ensure Maine entities develop consensus positions to the degree possible, before the Board considers incorporating them in any future addendum affecting the biological productivity of a Gulf of Maine lobster fishery. I'm just taking that from the motion that was passed sending out that letter. Whatever the final version of that letter is, relative to the biological productivity of Gulf of Maine lobster fishery.

MS. STARKS: Thanks, Emerson.

CHAIR ZOBEL: Thanks, Emerson, next up I have Ritchie White. Ritchie, go ahead.

MR. G. RITCHIE WHITE: Yes, I'm still not clear on consensus. Does that mean that the three states have to be in consensus? Is that consensus just industry, is that consensus the decision of the state to back a proposal from industry? I'm still not quite sure of exactly what you're looking for there. Secondly, I think this is probably premature, in that the stock assessment we will be getting at the annual meeting.

I think it's not smart to take action prior to that, because the action that we might take might not be enough if the stock is overfished or overfishing is occurring. I think that waiting until we get the stock assessment, and then take action to address this issue, as well as any issues that might come up at the stock assessment, I think would be a smarter path. Thank you, but otherwise I think the idea of the motion is a good idea to start, to make

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sure that we're going to have the discussions, and that we are definitely going to get back to the Commission.

CHAIR ZOBEL: Emerson, did you want to respond at all to the intent of consensus in your motion?

MR. HASBROUCK: Well, again, similar to what I previously answered, it kind of depends on how the letter to those states is worded. I understand from Bob's earlier response to my question that that still is being worked at. I am going by what was in the Board's approved motion, to have those states identify mutually agreeable conservative strategies, and to develop consensus positions.

I think the consensus positions need to be between the states and their fishermen, and then if the states can also get together to provide consensus amongst the states that's even better. But I think the initial step is for the states to have discussion with their fishermen, because it sounds like Maine is already doing it. I'm willing to change this to either the August 2025 meeting or the Annual 2025 meeting, depending on what the states of Maine, New Hampshire and Massachusetts think their timeline is going to be.

CHAIR ZOBEL: Go ahead, Dan.

MR. DANIEL MCKIERNAN: I'm opposed to the motion. The way I see this, is we have a very tight timeframe between now and July 1, when two states are going to be found out of compliance, that is an important deadline. We also have the expectation of the assessment coming out in October. We can anticipate a few scenarios coming out of the assessment, including whether or not the stock is overfished, and whether or not overfishing is occurring.

If a scenario plays out, where there is no overfishing and overfishing is not occurring, then I go back to the original premise of Maine Commissioner's goals, former Maine Commissioner, who was concerned that given the decline in stocks that it would inflict a lot of pain

on the waterfront in Maine, because of the dependence of the industry on lobster.

I think it is important to understand that we may need to address the economics of this fishery, but beyond the conservation issues within the fishery. That's why I think it's appropriate to pass the original proposal that is in the Addendum, and then wait until October and take a look at what the new mandates are going to be on us.

I want to remind the Board, and Emerson, I don't mean to pick on you, but I just want to clarify that consensus is what I'm asking for to come out of the state of Maine, because it was basically the Maine industry that undermined this, or the Maine scene that undermined this Addendum. My regulations are enacted. I have to go in and unravel them.

What I want to do is I want to have Maine come to a consensus, and then we'll take a look at it, because if we just go forward with three states like we did before, the delegations voting and have one or two states pull the plug on it, that is not acceptable to me. I want to see what Maine wants to do, because the decline in Maine is way more severe than the other two states in the Gulf of Maine.

As far as Massachusetts meeting with this industry, this letter was being sent to New Hampshire and Maine, because Massachusetts adopted the rules and we don't have any intention of repealing them, unless of course the Board votes to do that and we'll comply with the Board. I would urge the Board, and I appreciate the sentiment that I think it's very important to be responsible and to try to do what is best for this industry, but I think timing is important. I'm thrilled that Maine has already begun those conversations. There may be ways to improve this fishery, in terms of the economics and the conduct in many ways. But I think the outcome of that assessment could change things a lot, in terms of what our mandates are. I think it's best, as Ritchie said, to wait until the outcome of the assessment.

CHAIR ZOBEL: I'm putting on my New Hampshire hat for just a moment here. New Hampshire has every intention of beginning industry meetings in early May, just to chime in on that at this time. Next up is Dennis Abbott.

MR. ABBOTT: Again, in agreement with just about everything that has been said. One thing is I'm not sure if we're putting the cart ahead of the horse, because we don't know what the results of the assessment is going to be. It's possible that the assessment might say that we're down below the 35 percent trigger and no action is required.

Although, going back to Pat Keliher's reason for doing this, he was trying to be on the safe side of things. I am very interested in what's going to come out of the state of Maine. I would like to see the industry step up and say, based on the decline that we've seen in the trigger index, then what are your alternatives? What alternatives do you want to do?

Another point, there are a lot of moving parts there. We haven't even mentioned the fact of where is Canada on this? Is Canada still going to be influencing our final decisions? Also, I might note that New Hampshire did adopt the Addendum XXVII or XXXI requirements, and rules were put in place. I'm not sure, Renee can probably clarify whether you've had to rescind them, based on what our governor did a couple months ago.

Again, I think that I would like to see something before the assessment comes out of what tools we could put in our toolbox that are acceptable to the industry in Maine in particular, and then based on the results of the assessment, then we would be looking forward to either having an addendum or not. You know give us some direction at that point in time.

CHAIR ZOBEL: Megan Ware. Megan, your hand is down.

MS. WARE: I was just saying, you know I appreciate the Board's concerns here, and I think

what I'm hearing is a desire to outline clear expectations, which I'm not opposed to it by any means. I do think something we haven't talked yet about is the layers of everything that is going on. We talked about the assessment coming out in October.

I think that is going to be really important, as others have mentioned to understand it for overfished or overfishing and what is getting triggered for that. Also, the important, in terms of kind of grounding the industry as to what we've seen since the last assessment, which I suspect will have very different results than the 2018 assessment, or 2020 assessment, excuse me.

Then I think the other thing that is happening here is the whale conversation. We are expected to start TRT discussions in November, and then vote on a final package in January. From my perspective, I think if this motion is going to move forward, the Winter 2026 meeting has some advantages, just to understand the playing field a little bit better. But I do agree. I think timeliness of this Addendum that we are voting on today is paramount, in terms of two states essentially going out of compliance, which we want to avoid. I think at the February Policy Board meeting I had suggested that by May, Maine will have gone through a round of Zone Council meetings.

Happy to provide an update on what we've heard at that point. We may have a better understanding as a state of how many rounds of Zone Council meetings we need to do, and our timeline to be able to provide some positions. That might be a good opportunity, particularly in person, to discuss the best path forward.

CHAIR ZOBEL: I have Bob Beal, please.

EXECUTIVE DIRECTOR BEAL: Megan said a lot of what I was going to say, actually. But just folks have asked about the letter. It's still in the works, but one of the closing sentences in the letter currently is that the Board requests an update from Maine at each of the quarterly meetings

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coming up. Maine will be asked to give an update in May and August and October.

I'm not speaking for or against this motion, I just want folks to know that there will be regular updates on how the conversations are going up in Maine, coming back to the Board, and maybe based on the progress or lack of progress, the Board can see where things are coming out of the New England states, and decide if a timeline is needed then, or they can do it now. The other thing to think about is, if a date or a timeline gets put into this draft document, it's just going out to public hearing, and the public can then comment on it.

The Board can take it out later if they would like. The other way to look at it is, will a timeline make these public hearings or public hearing, singular, more difficult, and be a distraction from the core of just trying to repeal the gauge size changes and vent size changes that are sort of coming up fast on a couple of the states here. Just some thoughts, but you know, the Board will get an update at each of the quarterly meetings on how the conversations are going.

CHAIR ZOBEL: Next, I have Joe Cimino.

MR. JOE CIMINO: I'm against this motion for the same reasons that Dan spoke to. You know I guess wearing my Chairman hat, I think it was a more elegant solution. I think I share the same concerns for the stock, but I think this may actually tie up the process. It may force us into another addendum process before we're ready to go there.

I haven't heard anything talked about, but I am also assuming that some of the options that may be drafted for a new addendum would have to run through a Technical Committee. I would like to make sure that there is good time for all that to play out. We have committed to having updates at every quarterly meeting.

I think this Board will have a chance to pivot and take the actions they think appropriate as we move forward. But there are a lot of moving parts,

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as Megan talked about, and I think the premiere thing is to get this document out, so that we can do that repeal if that is what we think is necessary.

CHAIR ZOBEL: Jeff, you have an additional comment?

MR. KAELIN: I think it's been a good conversation, and if this dies, and I imagine it will, the document still is silent on what our plans are, as described by both the Commission Chair and Vice-Chair in the last few minutes. None of that is in this document. I think it ought to be in there. Apparently, we need a motion to add anything, but this is important, I understand that, in terms of avoiding any potential for finding states out of compliance.

I'm not interested in that at all. But I think we could do a much better job with a document in describing for the public what the Commission's expectations are, relative to the assessment coming in, the timing of that and so forth. Ideally, to me it makes sense to have the states consider consensus positions.

Frankly, what I would do if this was going to survive, is I would change consensus positions and stick in the language from the letter, to be a little clearer what our expectations are. What is the timing on that? When do we expect that to happen? It might be a good idea for the states to come in and tell us in our August meeting what is going to happen, with the assessment coming up in October.

Then have some ability for the Technical Committee to crank away at some of those ideas that come from the public. Again, none of that is outlined in the document, and I still have, even if this goes down in flames, just want to go on record in saying I think the document needs to be improved in that area. That's all I have to say, thanks.

CHAIR ZOBEL: Seeing no other members of the Board, I am going to go out to the public on this motion. Virginia Olsen, you've had your hand up for a bit now, go ahead.

MS. VIRGINIA OLSEN: I appreciate all the conversation that has taken place today. I would like to see everyone hold for a pause. Maine fishermen are engaged. We had a problem where they did not receive any democratic process to LCMTs. We were denied those meetings. We need to be able to speak with fishermen, so we have their buy-in on a change. If we don't have their buy-in, we'll just be sitting right where we are at the end of this. Thank you.

CHAIR ZOBEL: Thanks, Virginia. Back to the Board one more time before we call a vote on this motion. David, I see your hand.

MR. BORDEN: I mean I've listened to the Commission Chairman and Vice-Chair's comments. I would like to suggest **a substitute**, and I'm happy to do it as a perfection if the maker and the seconder of the motion agree. Basically, to **have the first four lines would remain the same, down to Winter 2026. Change 2026 to 2025, and then after that say meetings, and then before consensus add the word state consensus positions with a period, and remove the rest. I'll suggest that as a substitute motion.**

CHAIR ZOBEL: It sounds like we have a move to substitute. Caitlin or Toni, feel free to chime in if you feel a friendly amendment to this with the approval of the maker and seconder would be more appropriate.

MS. KERNS: I think a substitute is probably cleanest. I mean we can get a seconder, but it might be good to get this substitute up before we can all see what we are actually talking about here. Again, I'll say that the Winter 2025 meeting has already passed, so that is not quite whatever date you're looking for.

MR. BORDEN: Winter 2026 then.

MS. KERNS: Okay, that stays the same. Then I guess my other question to you, David, is by adding this to the Option B, you are stating that there will be requirements for the states to have a consensus position by Winter of 2026. I'm just

making sure that that is clear. On something that I don't know what that consensus position is.

MR. BORDEN: I think, Madam Chair, it's probably best to try to get a second on this. Then if we do get a second, I would like you to come back to me. I'll give you the logic for it, and factor in the points that Toni made.

MR. ABBOTT: I'll second.

MR. ERIC REID: I had my hand up for a second too, go ahead Dennis.

MR. BORDEN: As I indicated before, I listened to the Chair and the Vice-Chair, and I think they made really good points that it is premature to be talking about another addendum at this point. I think the critical issue at this juncture is to get the three states, two of which have the governor's offices heavily involved in the issue, to meet with their industry and come back with recommendations to the Board.

With this deadline, we'll be in a position where we have the benchmark stock assessment concluded, so we'll remove the uncertainty that we have right now, about stock status and basically be in a position where we have recommendations from each of the jurisdictions that are involved in that area.

That would include, I would point out, Area 3, so you are going to have not only Area 1, but Area 3 recommendations, and we'll have the benchmark. We can put all of those factors together, have a discussion whether or not we need to do more and why, and then decide whether or not we need to do an addendum.

I think to me this is the correct way to do it, that way the states have some deadline. It's not an open-ended deadline where the industry groups are basically going to go off and meet and have endless discussions for two, three, five years. We need something that forces a resolution of a consensus at some point. That is all I'm trying to accomplish with this. I like the original motion,

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but there were valid concerns raised, so I think we should pare it down.

CHAIR ZOBEL: Dennis, to you as the seconder.

MR. ABBOTT: Again, agreeing with what David just said, and it kind of follows my thinking. I would also comment that I've been informed that New Hampshire will be starting discussions with industry, I believe in early May.

CHAIR ZOBEL: Ritchie White.

MR. WHITE: Again, I think that the states will probably not have time to get proper feedback from the stock assessment in November. It's released to the public in the winter meeting, to then get input from industry, a consensus from industry in the various states on changes that may not be the same as what we're dealing with now. I mean we can do this, but I doubt that there will be time to get proper consensus from industry between November and February. Anyway, just a thought.

CHAIR ZOBEL: David, a follow up?

MR. BORDEN: No, thank you.

CHAIR ZOBEL: Okay, we've had pretty extensive discussion about this. Anything additional? Emerson.

MR. HASBROUCK: I'm actually fine with this substitute, it gets to the point that I was trying to make. I introduced that motion to generate discussion about having something in the document that says we are going to do something by a date certain. I'm fine with this substitute.

CHAIR ZOBEL: Dan McKiernan.

MR. MCKIERNAN: Yes, and I'm going to repeat my opposition to this motion. I think the Board should take a pass, well should have approved the original premise of this Addendum and then take a pass, wait for the stock assessment in October, and then there will be clearer mandates.

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Whether they be biological reference points or targets for fishing mortality, et cetera, or alternatively, if the industry wants to roll up their sleeves and discuss the economics of this fishery being problematic and want to make those changes, then that is the conversation that they will have. Then they will deliver some of those ideas to us. I really do not want to convene my industry until the seven Maine Zone Councils have a chance to come up with what I hope to be a consensus Maine position.

CHAIR ZOBEL: Joe Cimino.

MR. CIMINO: I guess the question, and I apologize. I really meant to ask this first time around as well. Since this is getting added to Option B then we can't repeal without also having this requirement of consensus by Winter of 2026, or after going out to public comment would there be a way to split this again?

MS. STARKS: If I could jump in. I believe that because of the language that we have in our Draft Addenda that says that the Board at final action can combine or choose options within the range of things that are considered. Then I do think it would be able to implement Option B without this clause. I think that would be within bounds, but Bob, correct me if I'm wrong.

CHAIR ZOBEL: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: Yes, Caitlin is right. These items could be separated, even if they both fall under Option B for public comment. If this is approved, public comment happens and at the Spring meeting the Board decides they don't want to include this date, then they can just go with the repealing of the gauge size changes.

CHAIR ZOBEL: Thanks, Joe, I believe that answers your question.

MR. CIMINO: Yes, I appreciate that.

CHAIR ZOBEL: You're welcome. Go ahead.

MS. KERNS: Renee, I just want to clarify, because, I don't know, maybe I should wait if this passes or not, but I am concerned about how this reads; "state consensus positions" and exactly what that means. Caitlin will have to explain this during public hearings, and I think what I'm hearing is that these positions could be either ways to bolster that Gulf of Maine stock, it could be a response to the stock assessment.

I just want to make sure I'm understanding that, and then a consensus position is that just consensus position is with the three states? I just want to make sure I am correct on that.

CHAIR ZOBEL: David, as the maker, I'll let you respond to that.

MR. BORDEN: Yes, as far as the consensus, let me just say, I'm just trying to get the three jurisdictions to meet with their industry and have exactly the discussion that was just characterized, and then come back to us with their specific recommendations for that jurisdiction. I would envision, so the deadline is a target.

It's not a hard date, other than the fact that we want everybody to bring us recommendations by that point. If we require more time then we obviously have the right to provide more time. As to the Vice-Chair's comment about economics. I think economics should be a part of the discussion that is taking place between now and then.

Because I readily envision that economics is going to play a big role in the formulation of any recommendations that come out of this process, whether it takes place in the next year or two years. I mean that's one of the things that is driving this whole issue, the economics are going to deteriorate, I think dramatically for the industry, because of the points that I've made at prior meetings. I think all of this comes together. I think people are overreading what is required here. It's just a deadline. We need a report by a certain deadline.

MS. KERNS: One more thing to jump in, I'm sorry, Renee. When we put options in an addendum document, it locks us in to compliance criteria. This is very different than the Board giving some direction to the states to provide some information back to them through a Board motion.

That you're seeking management approaches by a certain time, so that then you can populate an addendum or not populate an addendum how we move forward. By putting it in the Addendum you are locking yourself into this timeline. It might be more comfortable with the flexibility that it sounds like you're seeking, of the different types of information, is having a separate motion and not locking this into the Addendum Document.

But giving those states this direction of what you could do in lieu of these management approaches. It could be a way to give yourselves the flexibility and not lock us into some more compliance criteria that you're not sure you are going to be able to meet in the assessment.

CHAIR ZOBEL: Thanks, Toni, Dennis.

MR. ABBOTT: Basically, what is in this motion is very similar to what is in 2.2 at the present time, it says the Gulf of Maine states will hold scoping discussion with their lobster industries. All we want is to, at some point in time, is to have them provide that information to us. It's very possible that the states of Maine, New Hampshire and Massachusetts, their consensus individual state consensus position may be very different.

All we're really looking for is some sort of information and guidance from the industry of where we're going to go. We're going to have to digest whatever we get from the three states in the event that we're going to have to take or choose to take some action next year or some downstream time, that's all.

CHAIR ZOBEL: Jeff and then we've had a lot of discussion here, so unless it is substantially different, we'll try to move ourselves forward. But Jeff, go ahead.

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MR. KAELEN: No, it's not. I'm just taking the right to respond as a sponsor of the previous motion. Just to say that I do support this, I think it's an improvement. But I made the point earlier that I think it would be helpful for the public to realize the timing that was discussed by Dan, including the timing of when we would expect the new assessment.

I think without a motion I am hoping that that information could be added to a preamble, just to help the public with a little better understanding of where we are, particularly with the new assessment coming in. But I do support the motion. I'll stop there, thank you.

CHAIR ZOBEL: Megan.

MS. WARE: Yes, this has been a really interesting conversation. I think this provides a lot of clarity for Maine that folks are looking for clear expectations in timeline, which I can't argue with. I think if the Board wants to pass this type of motion, my recommendation would be to actually do this outside of the Addendum, because I think that does get into some rocky territory on compliance criteria. I just don't know how to interpret that or answer questions on that. Again, I think that makes me a little nervous on this. But I understand the intent and what people are trying to do. Perhaps this is best, again as a discussion in May, where this similar type of motion comes up, kind of disassociated from the Addendum. I think that might be a better path.

CHAIR ZOBEL: Ritchie.

MR. WHITE: I agree with Megan and Dan, and I think we're all in agreement for this information to come back to the Board to help the Board make a decision in the future. But I don't think this is the place to do that, and therefore, I'll be opposing this motion.

CHAIR ZOBEL: I did see a public hand a little while back, so I'm just going to very briefly go out to the public, make sure that we didn't miss any

comments specific to this motion. David, I see your hand, one moment. Go ahead, David.

MS. KERNS: David, you're self-muted.

MR. BORDEN: Excuse me, I double clicked. I'm not opposed to the point that has been made by Megan and Ritchie. Let me just suggest, I don't want to do this myself, because I don't think I can legally do it. Have somebody table this until the May meeting, and then we'll reconsider whether or not we need to do something.

MS. KERNS: You can postpone your own motion, it's fine, David.

MR. BORDEN: Well, I think it would be better if another Board member did that, thank you.

MS. STARKS: That being said, this is still a motion to substitute, so I do think we need to get back to a main motion, right?

MS. KERNS: I don't believe so. I think you can postpone the whole concept.

CHAIR ZOBEL: Megan Ware.

MS. WARE: Given that comment, then I'll make the motion to table until the May Board meeting. I think it's a little weird with the option in the Addendum, for this proposing an option in the Addendum, but I think this will bring us to a conversation in May where we can pass or consider this type of motion again, kind of disassociated from the Addendum. **I move to table until May.**

MS. STARKS: **It would be postpone until May, correct?** Tabling is within a meeting, I think.

MS. WARE: **Postponed sounds great.**

CHAIR ZOBEL: Matt Gates, I see your hand up, was that to second the motion?

MR. MATTHEW GATES: Yes, I think that is a good idea.

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CHAIR ZOBEL: I don't know that we need any additional rationale there, but if either of you have a burning desire, feel free to add some. Megan, I don't know if you have anything additional.

MS. WARE: I think I've said my piece, thank you though.

CHAIR ZOBEL: Matt, anything to add?

MR. GATES: No, I think Megan made some good points there. I think perhaps moving this outside of the addendum process might be more appropriate, so I think if we just have that discussion in May, it would be best.

CHAIR ZOBEL: David, I see your hand up. Is that residual? Your hand is down. Dennis, go ahead.

MR. ABBOTT: Is that me that you just called?

CHAIR ZOBEL: Yes, go ahead, Dennis.

MR. ABBOTT: I'll pull a Pat Augustine here and move the question and have us vote on this at this time, thank you.

CHAIR ZOBEL: That was my next step, you beat me to it. Let's go ahead and call the question. Let me try this first. Is there any opposition to the motion on the board. I see Alli Murphy from NOAA Fisheries. Alli, go ahead.

MS. ALLISON MURPHY: Thank you, Madam Chair, no opposition from me, but I would like to abstain.

CHAIR ZOBEL: Okay, great, thank you so much. Seeing additional hands, Toni does that lead us to calling the vote here?

MS. KERNS: If New York is voting in opposition, then yes, we would need to call the vote.

MR. HASBROUCK: Oppose.

CHAIR ZOBEL: Okay, let's call the vote then.

MS. WARE: This is Megan, it says May, 2026. I think the idea was 2025, thank you.

CHAIR ZOBEL: **Those that are in favor of the motion on the board, please raise your hand.**

MS. KERNS: **I'm just going to let the hands settle for a second. I have Virginia, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, New Hampshire, and Maine. I will lower the hands for you guys. Opposition.**

MR. HASBROUCK: **New York is going to vote null.**

CHAIR ZOBEL: **Thanks, Emerson, and abstentions.**

MS. KERNS: **NOAA Fisheries.**

CHAIR ZOBEL: **Any additional null votes. Seeing none; Toni, do you mind helping me with the count on this one?**

MS. KERNS: **Caitlin, am I correct it's an 8, 0, 1, 1.**

MS. STARKS: That's what I got.

CHAIR ZOBEL: **Okay, the motion carries.** Are there any other motions to come before the Board? We still have a document to get out to the public. Megan Ware, go ahead.

MS. WARE: **I would move to approve Addendum XXXII for public comment.**

CHAIR ZOBEL: David, I see your hand, is that a second?

MR. BORDEN: That's a second.

CHAIR ZOBEL: Megan, any rationale?

MS. WARE: No, I think we've had a lengthy discussion.

CHAIR ZOBEL: As do I, David, anything additional?

MR. BORDEN: Nothing additional.

CHAIR ZOBEL: Does anybody have any burning comments on this before we call the vote?

MS. KERNS: It's not a burning comment, but just to let you know that Caitlin and I will work in the timing of the assessment to the background section of the document so it's not a surprise.

CHAIR ZOBEL: Thanks, Toni. Thank you for responding to the Board member's request there. Let's call the question, try this one more time. **Do we have any opposition to the motion on the board to approve Draft Addendum XXXII for public comment. I see NOAA Fisheries, Alli, is that an abstention?**

MS. MURPHY: Correct, thank you, Madam Chair.

CHAIR ZOBEL: Toni, I believe we can move forward by consensus, is that correct?

MS. KERNS: Yes, you just say it would carry by consensus with one abstention from NOAA Fisheries.

CHAIR ZOBEL: Great, motion passes with consensus, NOAA Fisheries with one abstention. The main event for today, is there any other business to come before the Lobster Board today? Seeing no hands; thank you all for your support in my first meeting, and thank you for the robust discussion, it was helpful for all of us. Thank you to the public for their attendance. We have one hand up, is this Other Business to come before the Board.

MR. SAMUEL P. BLATCHLEY: I just was wondering about public comment, when that would come out.

CHAIR ZOBEL: Sure, Caitlin, do you want to review the public comment timeline in the presentation?

MR. BLATCHLEY: We could make a public comment now.

MS. KERNS: Sam, we did it at the beginning of the meeting, but if you can keep it very fast. Renee

had asked for public comment at the very beginning of the meeting.

MR. BLATCHLEY: Okay, I will go very quickly, if that is okay.

CHAIR ZOBEL: Go ahead, Sam, just keep it brief, thanks.

MR. BLATCHLEY: Good day, Madam Chair, Board members and members of the Atlantic States Marine Fisheries Commission. I'm Sam Blatchley, I'm counsel for the Outer Cape Lobstermen's Association. We have 34 permit holders. We submitted a detailed written comment opposing Draft Addendum XXXII's proposal to standardize the v-notch possession definition for the OCC permit holders to 1/8 inch, with or without setal hairs.

I just want to note as we referenced in a written comment, in 2000, following a federal lawsuit, the Outer Cape Lobstermen's Association and ASMFC and the Mass DMF, reached a judicially supervised settlement agreement. The agreement, which was informed by a scientific analysis allowed the OCC to adopt a conservation equivalency measure, a minimum gauge size increase to 3 and 5/16 inch in lieu of mandatory v-notching.

I just want to mention Bruce Estrella, the then senior marine fisheries biologist at DMF and Robert Glenn, then a marine fisheries biologist and now Deputy Director of the DMF, conducted a conservation equivalency review in using the egg per recruit model developed by Josef Idoine of NMFS, employed by ASMFC across U.S. lobster stock.

Deputy Director Glenn's 2000 analysis demonstrated that the OCC Plan yielded a 1.338 percent increase in egg production, over 2.5 times the 0.502 percent increase under the ASMFC then existing measures of a 3 and 1/4 inch gauge and v-notching. Former DMF Director Phil Coates stated in the Cape Cod Times, our most important coastal species, and we're not going to save the lobster resource with v-notching and a maximum gauge.

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

In my heart I know the Outer Cape Lobstermen are correct. There should be real trap reduction and increase in the minimum size. His successor, Paul Diodati sought to extend this model statewide to recognizes its efficacy.

Just briefly, the Outer Cape Lobstermen's Association membership is notably younger than other lobster management areas, and reflect the thriving fishery that attracts new entrants. We believe Addendum XXXII threatens to unravel this proven framework, lacks a conservation phase and breaches a legally binding agreement upheld by the OCC for 24 years.

Meanwhile, it spares Maine from gauge increases to fight Addendum XXVII's original intent to protect the Gulf of Maine/Georges Bank spawning stock. Bowing to political pressure from the many at the expense of a few, this is not repealed, as Draft Addendum XXXII claims, but a selective rollback that undermines the OCCs contributions, which have boosted egg production by 2.5 times.

It is not contrary to law; it is poor fishery management. It dismisses science, fairness and precedent, risking litigation that the OCLA, Outer Cape Lobstermen's Association, though reluctant, stands ready to pursue by reopening our federal case to enforce the 2000 settlement. Then in closing, we urge that the ASMFC reject Draft Addendum XXXII's proposal to standardize the v-notch possession definition for OCC permit holders to 1/8 inch with or without setal hairs. Thank you for your consideration and thank you for letting me talk out of order there.

CHAIR ZOBEL: Thanks for your comment, Sam. Matt Gates, I saw your hand. Did you have some additional business for the Board? That's okay.

ADJOURNMENT

CHAIR ZOBEL: All that said, we are adjourned for today. Thank you all for your time.

(Whereupon the meeting adjourned at 4:16 p.m. on March 18, 2025.)

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

Atlantic States Marine Fisheries Commission

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

Repealing Addendum XXVII Measures



March 2025



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

American Lobster Draft Addendum XXXII for Public Comment

Public Comment Process and Proposed Timeline

In February 2025, the American Lobster Management Board (Board) initiated Draft Addendum XXXII to consider repealing certain measures of Addendum XXVII. Addendum XXVII established a trigger mechanism to automatically implement management measures to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass. Under Addendum XXVII, changes to gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1 (Gulf of Maine), 3 (offshore federal waters) and Outer Cape Cod (OCC) were triggered in October 2023 based on an observed decline in recruit abundance indices of >35% from the reference level (equal to the three-year average from 2016-2018). The Board established the implementation date of the series of changes to gauge and vent size to begin July 1, 2025 to allow the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications, and give the industry and gauge makers additional time to prepare for these changes.

Draft Addendum XXXII considers repealing all measures from Addendum XXVII pertaining to gauge and escape vent sizes.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the addendum process. The final date comments will be accepted is **April 25, 2025 at 11:59 p.m. EST**. Comments may be submitted by mail, email or online. If you have any questions or would like to submit comments, please use the contact information below.

1. **Mail:** Caitlin Starks, Atlantic States Marine Fisheries Commission, 1050 N. Highland St. Suite 200A-N, Arlington, VA 22201
2. **Email:** comments@asmfc.org (Subject line: Lobster Draft Addendum XXXII)
3. **Online:** <https://asmfc.org/actions/american-lobster-draft-addendum-xxxii/>

Date	Action
February 2025	Board initiated Draft Addendum XXXII
February 2025	Plan Development Team (PDT) develops Draft Addendum document
March 2025	Board reviews and approves Draft Addendum XXXII for public comment
March – April 2025	Public comment period, including public hearings
May 2025	Board reviews public comment, selects management measures, final approval of Addendum XXXII

Table of Contents

1.0 Introduction 1

2.0 Overview 1

2.1 Background 1

2.2 Statement of the Problem 2

3.0 Proposed Management Options..... 2

4.0 Compliance 4

5.0 Recommendations for Actions in Federal Waters..... 4

6.0 References 4

American Lobster Draft Addendum XXXII for Public Comment

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-XXXI 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 two lobster stocks and seven management areas. The Gulf of Maine/Georges Bank (GOM/GBK) stock (subject of this draft addendum) is primarily comprised of three Lobster Conservation Management Areas (LCMAs), including LCMAs 1 (GOM), 3 (federal waters), and Outer Cape Cod (OCC). There are three states (Maine through Massachusetts) which regulate American lobster in states waters of the GOM/GBK stock; however, landings from the GOM/GBK stock occur from Rhode Island through New York and these states regulate the landings of lobster in their state.

In February 2025, the Board passed the following motion:

Move to initiate an Addendum to repeal all gauge and vent size changes in Addendum XXVII. The other sections of Addendum XXVII will remain in effect.

This Draft Addendum considers repealing the gauge and escape vent size changes in section 3.1 and 3.2 of Addendum XXVII. The Draft Addendum does not consider repealing v-notch regulations nor regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation.

2.0 Overview

2.1 Background

Addendum XXVII was approved on May 2023, establishing a trigger mechanism to automatically implement management measures to provide additional protection of the GOM/GBK spawning stock biomass. Under Addendum XXVII, changes to gauge and escape vent sizes LCMAs 1, 3, and OCC would be initiated based on an observed decline in recruit abundance indices of 35% from the reference level (equal to the three-year average from 2016-2018). This was a proactive approach responding to declines in young-of-year settlement and recruitment abundance indices (abundance of lobsters just below the legal minimum size), although the 2020 Benchmark Stock Assessment indicated the GOM/GBK stock was not overfished and overfishing was not occurring. A new benchmark stock assessment is in progress, and results are expected to be presented to the Board in October 2025 to provide more current information on the status of the stock.

In October 2023, the American Lobster Technical Committee reported that with the inclusion of 2022 data in the index time series, the trigger index had declined by 39%, surpassing the trigger point of a 35% decline. The original implementation date for the series of required gauge and vent size changes, starting with the first decrease to the LCMA 1 minimum gauge size, was June

American Lobster Draft Addendum XXXII for Public Comment

1, 2024. However, in October 2023 the Board delayed the implementation of the measures in Addendum XXVII to January 1, 2025. The extension aimed to provide the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications and give the industry and gauge makers additional time to prepare for the changes.

In October 2024, the Board approved Addendum XXXI, which postponed implementation of the biological management measures (OCC maximum gauge size, v-notch definition, and LCMA 1 gauge and vent sizes) of Addendum XXVII an additional six months to July 1, 2025. The additional delay was intended to reduce negative impacts to the US and Canadian lobster industries in 2025 and allow Canada more time to consider implementing complementary management measures. For LCMA 1 and 3 permit holders, Addendum XXVII required states to implement regulations to limit the issuance of trap tags to equal the harvester trap tag allocations unless trap losses are documented. Implementation of this measure was required by January 1, 2025.

2.2 Statement of the Problem

Following the approval of Addendum XXXI in October 2024, lobster industry members in the states of Maine, New Hampshire, and Massachusetts expressed significant concern regarding the potential economic impacts of increasing the minimum gauge size in LCMA 1 and about the uncertainty surrounding the implications for trade with Canada. The Board agreed that consideration of alternative management measures was warranted to address these concerns. Concurrently with this action, the Gulf of Maine states will hold scoping discussions with their lobster industries to identify alternative conservation strategies to protect the long-term health of the resource.

3.0 Proposed Management Options

The following management options consider repealing measures under Section 3.1 and 3.2 of Addendum XXVII pertaining to gauge and escape vent sizes. It does not consider changes to the regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation.

When the Board takes final action on the addendum, there is the opportunity to select any measure within the range of options that went out for public comment, including combining options across issues.

Option A: Status Quo

This option would maintain the current implementation schedule adopted under Addendum XXXI for all Addendum XXVII management measures.

American Lobster Draft Addendum XXXII for Public Comment

Implementation of Management Measures Under Option A			
Area	LCMA 1	LCMA 3	OCC
Current Measures	Minimum gauge: 3 ¼" Maximum gauge: 5" Vent size: status quo	Minimum gauge: 3 ¹⁷ / ₃₂ " Maximum gauge: 6 ¾" Vent size: status quo	Minimum gauge: 3 ¾" Maximum gauge: 6 ¾" Vent size: status quo
July 1, 2025	Minimum gauge size: 3 ⅝" (84 mm)	<i>Status quo</i>	<i>Status quo</i>
July 1, 2027	Minimum gauge size: 3 ¾" (86 mm)	<i>Status quo</i>	<i>Status quo</i>
July 1, 2028	Vent size: 2 x 5 ¾" rectangular; 2 ⅝" circular	<i>Status quo</i>	<i>Status quo</i>
July 1, 2029	<i>Status quo</i>	Maximum gauge size: 6 ½"	Maximum gauge size: 6 ½"

Option B: Repeal Addendum XXVII Gauge and Vent Size Measures

Under this option, all changes to gauge and escape vent sizes established by Addendum XXVII would be repealed. These include:

- The change to the maximum gauge size required in OCC established in Section 3.1 of Addendum. This would result in a maximum gauge size of 6-¾" for federal permit holders, and no maximum gauge size for state-waters only permit holders.
- The minimum and maximum gauge size changes triggered under Section 3.2 of Addendum XXVII. The minimum size for LCMA 1 would be 3 ¼" and there would be no additional changes to the maximum gauge size for LCMA 3 and OCC.

If this option is adopted, the following provisions of Addendum XXVII would be maintained:

- Standardize the v-notch possession definition for all permit holders in OCC to 1/8" with or without setal hairs. The implementation date for this measure would be July 1, 2025.
- Implement regulations for LCMA 1 and 3 to limit the issuance of trap tags to equal the harvester trap tag allocation. This means no surplus trap tags will be automatically issued to permit holders for these areas until trap losses occur and are documented. The implementation deadline for this measure was January 1, 2025.

American Lobster Draft Addendum XXXII for Public Comment

Proposed Management Measures Under Option B			
Area	LCMA 1	LCMA 3	OCC
Current Measures	Minimum gauge: 3 ¼" Maximum gauge: 5" Vent size (rectangular): 1 15/16 x 5 ¾" Vent size (circular): 2 7/16"	Minimum gauge: 3 17/32" Maximum gauge: 6 ¾" Vent size (rectangular): 2 1/16 x 5 ¾" Vent size (circular): 2 11/16"	Minimum gauge: 3 3/8" Maximum gauge: 6 ¾" Vent size (rectangular): 2 x 5 ¾" Vent size (circular): 2 5/8"
July 1, 2025	<i>Status quo</i>	<i>Status quo</i>	<i>V-notch possession definition for all permit holders: 1 /8" with or w/out setal hairs</i>

4.0 Compliance

If the existing FMP is revised by approval of this Draft Addendum, the Board will designate dates by which states will be required to implement the provisions included in the addendum, if necessary.

5.0 Recommendations for Actions in Federal Waters

The management of American lobster in the EEZ is the responsibility of the Secretary of Commerce through the National Marine Fisheries Service. If this Draft Addendum is approved, the Atlantic States Marine Fisheries Commission would withdraw its recommendations to the federal government to promulgate regulations to implement measures repealed by this addendum.

6.0 References

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

ASMFC. 2023. Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster.

ASMFC. 2024. Addendum XXXI to Amendment 3 to the Interstate Fishery Management Plan for American Lobster.

4/2/2025 LCMT 3 Meeting Summary

Attendance:

- Industry: Hank Soule (representing Jon Shafmaster, NH), Dennis Colbert (MA), Grant Moore (MA), Joseph Clancy (ME), Roy Campanale (RI)
- MA DMF: Dan McKiernan, Tracy Pugh, Jillian Swinford, Story Reed
- ASMFC: Caitlin Starks
- NOAA: Allison Murphy
- NH F&G: Cheri Patterson

The goals of the meeting were 1) to elect a new chairman, to 2) review the PDT Report on Area 3 lobster fishery relative to mandates applied by Addenda XXI and XXII, 3) to make management recommendations for Area 3 regarding the goals of Addenda XXI and XXII, and to 4) discuss future concerns and goals for the LCMT 3.

Hank Soule, Jon Shafmaster's alternate, was elected as the new chairperson for the LCMT 3. Furthermore, there was a consensus in allowing for appointing alternates to stand in for all LCMT 3 members. This would allow for increased attendance and engagement from industry members. As such, any LCMT 3 member who wants to request an alternate should provide their alternate's email and phone number to Jillian Swinford (MA DMF, Jillian.Swinford@mass.gov). Alternates will be able to speak and vote on issues in the interest of their members when the primary member is unable to attend the meeting.

The results of the PDT report were presented by Caitlin Starks (ASMFC) and Allison Murphy (NOAA). Results indicate that overall fishing effort has declined in SNE and effort has been shifting to the GOM/GBK area. There has been a 28% decline in permits across all LMA 3 states, a 20% reduction in total trap allocations, a 4.3% reduction in traps reported fished, and a 64% latent trap reduction. By 2023, fishing effort in Area 3 between GOM/GBK and SNE was split 70-30%, and effort in SNE went from 30% of landings in 2013 to less than 10% by 2023. While the group felt the data accurately captured the general trends of the fishery, the data was limited by federal permit holder reporting and due to multi-area permit holders. Federal lobster permit holders have not always been required to report, though the presentation indicated that approximately 80% of federal permit holders had reporting requirements during the time series analyzed. Additional information about the results can be found in the PDT report, see attached.

Discussion at this meeting addressed two goals of the Addenda: 1) to reduce effort (via trap allocation) in the SNE fishery by 25% and 2) to limit permit consolidation within LMA 3 by establishing ownership caps. In response to goal one, it was concluded that all data indicated that the effort reduction in SNE fishery has been achieved and that the stock assessment indicates the stock is not overfishing, however, industry members requested additional data (specifically trap hauls and catch per haul numbers). In response to goal two, it was determined that the objective to prevent consolidation can no longer be met, as consolidation of the

industry in LMA 3 has already happened in the last 10 years due to the implementation of the trap allocation transfer programs. An additional follow up LCMT 3 meeting will be held with the objective to discuss the further consolidation of the fishery, specifically discussing whether Area 3 participants are interested in continuing consolidation or implementing management to constrain further consolidation. The overall conclusion of the meeting by the LCMT 3 members was that further measures to reduce effort in the SNE fishery are not warranted at this time.

Action Plan for
Joint New England and Mid-Atlantic Council Alternative Gear Marking Framework Adjustment
January 22, 2025

This Plan Development Team/Fishery Management Action Team (PDT/FMAT) has been formed to develop a joint New England and Mid-Atlantic Fishery Management Council (Councils) alternative gear marking framework adjustment. The PDT/FMAT will assist the Councils by creating the documents and conducting the analysis needed to comply with all applicable laws. This includes producing National Environmental Policy Act, Endangered Species Act, and Regulatory Flexibility Act analyses, and demonstrating compliance with other applicable laws.

Terms of Reference

1. The PDT/FMAT will finalize the purpose and need for the action, finalize alternatives, and draft all necessary analyses for the framework adjustment.
2. The PDT/FMAT will make recommendations on fishery management plans requiring modification.
3. The PDT/FMAT may, through the framework adjustment, make recommendations for gear performance standards and a future approval process for such alternative gears.

Fishery Management Plans

All FMPs

Title of Action

Joint Omnibus Alternative Gear Marking Framework Adjustment

Draft Purpose of Action

The purpose for this framework adjustment is to provide alternative fixed gear surface marking requirements in all New England and Mid-Atlantic Fishery Management Council fishery management plans. This regulatory modification would allow for the use of fixed gear without a persistent buoy line.

Draft Need of Action

The need for this framework adjustment is to provide fishermen the ability to fish in areas and during times where the use of persistent buoy lines is restricted by providing alternative surface marking requirements to allow the use of gear without a persistent buoy line.

Draft Alternatives

- Alternative 1: No Action. This alternative would not allow for alternative gear marking and would continue to require current surface markings (radar reflectors, highflyers, etc.).
- Alternative 2: Alternative gear marking. This alternative would allow the use of approved gear marking alternatives.

- Sub-Alternative 2a: Limited alternative gear marking. This alternative would limit the use of alternative gear marking to Atlantic Large Whale Take Reduction Plan restricted areas.
- Sub-Alternative 2b: Region-wide alternative gear marking. This alternative would consider the use of alternative gear marking in all federal waters within the Greater Atlantic Region.
- Consider whether additional Alternative 2 sub-alternatives should include training requirements.

Type of NEPA Analysis Expected (EIS/EA/CE/SIR)

This action is expected to require an environmental assessment.

Endangered Species Act/Marine Mammal Protection Act

Type of ESA Consultation Expected (Informal/Formal): This action is expected to have an informal ESA consultation.

Timeline

Late February 2025	PDT/FMAT Meeting 1: Present decision doc, discuss purpose, need, and alternatives, task out framework adjustment sections and analysis, and establish completion timeline
March 2025	PDT/FMAT Meeting 2
April 2025	NEFMC & MAFMC Meeting - provide guidance on draft alternatives and analyses
April/May 2025	PDT/FMAT Meeting 3
May	ASMFC Meeting - provide update on ongoing work
June 2025	NEFMC & MAFMC - potential updates
July 2025	PDT/FMAT Meeting 4
August	ASMFC - potential updates
September 2025	NEFMC take final action
October 2025	MAFMC take final action ASMFC - provide update on final action

PDT/FMAT Membership

Member	Affiliation	Contact
Allison Murphy (Lead)	GARFO, SFD	allison.murphy@noaa.gov

		978-281-9122
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Writing Responsibilities

Gear Marking Framework Adjustment	Person(s) Responsible
Title Pages	Leads
1. Executive Summary	Leads
2. Table of Contents, Tables, Figures, Maps, Appendices, Acronyms	Leads
3. Background and Purpose	Leads
4. Alternatives Under Consideration	Leads
5. Affected Environment	
5.1 Introduction	Leads
5.2 Affected Species	Leads
5.3 Protected Species	Jen Goebel/Leads
5.4 Physical Environment and Essential Fish Habitat	Leads
5.5 Human Communities	Chao Zou

6. Environmental Impacts of Alternatives	
6.1 Introduction	Leads
6.2 Impacts on Species	Leads
6.3 Impacts on Protected Species	Leads
6.4 Impacts on Physical Environment and Essential Fish Habitat	Leads
6.5 Impacts on Human Communities	Chao Zou
6.6 Cumulative Effects Analysis	Leads
7. Applicable Laws/Executive Orders	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Leads
Atlantic Coastal Fisheries Cooperative Management Act (ACA)	Leads
National Environmental Policy Act (NEPA)	Leads
Marine Mammal Protection Act (MMPA)	Leads
Endangered Species Act (ESA)	Leads
Administrative Procedure Act (APA)	Leads
Paperwork Reduction Act (PRA)	Leads
Coastal Zone Management Act (CZMA)	Leads
Information Quality Act (IQA)	Leads
Executive Order 13158 (Marine Protected Areas)	Leads
Executive Order 13132 (Federalism)	Leads
Regulatory Flexibility Act (RFAI)	Chao Zou
Executive Order 12866 (Regulatory Planning and Review)	Chao Zou
References	All Writers
Appendices	

Reference Materials

[Append ODWG gear marking summary](#)

Joint New England and Mid-Atlantic Council Omnibus Alternative Gear-Marking Framework Adjustment

Decision Document

April 2025

Proposed Management Changes in this Framework Adjustment

- Provide alternative surface marking provisions for fixed-gear fisheries in the Greater Atlantic Region to allow the use of fixed gear without a persistent buoy line and reconcile fishery management plan regulations with recent and potential future changes to Marine Mammal Protection Act regulations.

Background

This framework adjustment is intended to provide fishermen additional harvest opportunities and greater flexibility in their business operations. To ensure that fishermen are allowed as many fishing opportunities as possible, this framework adjustment would modify current gear-marking regulations to provide increased access to areas where traditional fixed gear with persistent buoy lines is restricted. Also, by allowing additional types of gear to be approved for use, this framework adjustment would provide fishermen increased gear options.

Section 118 of the Marine Mammal Protection Act (MMPA) mandates that NOAA's National Marine Fisheries Service (NMFS) develop and implement Take Reduction Plans that prevent the depletion, and assist in the recovery, of certain marine mammal stocks that are killed or seriously injured in commercial fishing gear. The MMPA requires a Take Reduction Plan to (1) reduce mortality and serious injury to less than a marine mammal stock's Potential Biological Removal (PBR) within six months of the plan's implementation date, and (2) establishes a long term goal of reducing serious injury and mortality to insignificant levels approaching a zero rate, which is defined as 10 percent of a stock's PBR, within five years. The MMPA defines PBR as the maximum number of animals, excluding natural mortalities, which may be removed from a stock while allowing that stock to reach or maintain its optimum sustainable population. In accordance with the MMPA, NMFS implemented the Atlantic Large Whale Take Reduction Plan (TRP) in 1997 to reduce deaths and serious injuries of large whales from incidental entanglement in U.S. fixed-gear commercial fisheries. NMFS receives recommendations from the Atlantic Large Whale Take Reduction Team (TRT) on measures to bring fisheries covered by the TRP into compliance with the MMPA.

The TRP was last amended in 2021 (86 FR 51970; September 17, 2021) and 2024 (89 FR 8333, February 7, 2024) to reduce risk of serious injury and mortality to North Atlantic right whales caused by entanglement in the Northeast American lobster and Jonah crab trap/pot fisheries. Measures included:

- increasing the minimum number of traps per trawl based on area fished and distance fished from shore in the Greater Atlantic Region;
- modifying existing restricted areas from seasonal fishing closures to seasonal closures to fishing with persistent buoy lines (i.e., fishing with on-demand/ropeless gear is allowed but only under select exempted fishing permits);
- expanding the geographic extent of the Massachusetts Restricted Area to include Massachusetts state waters north to the New Hampshire border; in 2024, further expanding the Massachusetts Restricted Area to include federal waters between the state and 2021 federal waters restricted areas;
- establishing two new restricted areas that are seasonally closed to fishing for lobster or Jonah crab with persistent buoy lines;
- requiring modified buoy lines to incorporate rope engineered to break at no more than 1,700 pounds (lb) (771.1 kilograms (kg)) or weak insertion configurations that break at no more than 1,700 lb (771.1 kg); and
- requiring additional marks on buoy lines to differentiate vertical buoy lines by principal port state, including unique marks for Federal waters, and expanding requirements into areas previously exempt from gear marking.

However, incidental deaths and serious injuries from commercial fishing gear continue to exceed the North Atlantic right whale’s PBR level, and compliance with the MMPA requires additional protective measures. In 2022, the TRT began developing additional recommendations for take reduction measures in all East Coast fixed-gear fisheries managed under the TRP, which includes gillnet and trap/pot fisheries from Maine to Florida. Also in 2022, Congress passed the Consolidated Appropriations Act, 2023, which deemed the 2021 rule sufficient for the authorization of American lobster and Jonah crab trap/pot fisheries to be in full compliance with the MMPA and Endangered Species Act (ESA) until December 31, 2028. The Consolidated Appropriations Act also requires NMFS to issue “. . . new regulations for the American lobster and Jonah crab fisheries consistent with the [MMPA and ESA] . . . utilizing existing and *innovative gear technologies* [emphasis added], as appropriate” that “take effect by December 31, 2028.” The TRT plans to meet to develop a suite of recommendations to reduce entanglement risk. The TRT will consider various measures, which may include seasonal restricted areas (which restrict the use of persistent buoy lines) and areas where only one endline per trawl or set would be allowed. Because seasonal restricted areas are an effective tool at reducing right whale entanglement risk, it is anticipated that they will be part of the TRT’s recommended TRP modifications. After receiving recommendations from the TRT, NMFS will consider those recommendations in a proposed rule that would bring the TRP fisheries into compliance with the MMPA, review recommendations and make necessary modifications, and then publish a final rule with an expected implementation date of December 31, 2028.

Although the recent changes to the TRP allow pot/trap fishing without persistent buoy lines in seasonal restricted areas, pot/trap fishermen cannot take advantage of the opportunity to fish in these areas due to gear-marking regulations in Fishery Management Plans (FMPs) promulgated under the Magnuson-Stevens Act. Currently, in the Greater Atlantic Region, FMP measures for the Northeast multispecies fishery require bottom-tending fixed gear to be marked with surface buoys, tetrahedral radar reflectors, and/or pennants (50 CFR 648.84(b)). Regional prohibitions extend these gear-marking requirements to any person fishing with bottom-tending fixed gear

(50 CFR 648.14(k)(10)). In addition, red crab regulations require buoys on trap trawls to be marked with fishery and vessel identification marks, high flyers, and radar reflectors (50 CFR 648.264(a)(5)). Similarly, Atlantic Coastal Fisheries Cooperative Management Act regulations require lobster trap trawls of three or fewer traps to be attached to and marked with a single buoy, and lobster trap trawls consisting of more than three traps must have a radar reflectors and a flag or pennant (50 CFR 697.21(b)). See Appendix A for relevant gear-marking regulations.

Because of these surface marking requirements, fixed gear without a persistent buoy line can only be fished in the Greater Atlantic Region with an exempted fishing permit or letter of acknowledgment, which is obtained for scientific research. In addition, if future modifications to the TRP include additional seasonal restricted areas or areas where only one endline per trawl or set would be allowed, fixed-gear fishermen could lose access to currently fished areas because of the incompatibility with existing gear-marking regulations. To allow fishermen the opportunity to fish in these areas, current fixed-gear fisheries regulations in 50 CFR 648 and 50 CFR 697 would need to be changed to allow alternatives to the current surface marking requirements.

Fishing gear rigged with an on-demand or timed-retrieval device could provide a means for fixed-gear fishermen to access fishing grounds that have restrictions on the use of persistent buoy lines. Instead of using a persistent buoy line to connect a trap/pot trawl or gillnet string to a surface buoy, an on-demand device uses acoustic technology to activate a retrieval mechanism such as a pop-up buoy, inflatable lift bag, or buoyant rope spool. Timed-retrieval devices are designed to function similarly, except they utilize a timer or galvanic link to activate a device retrieval mechanism. These devices do not eliminate the use of rope in fishing gear. Rather, they minimize the duration of time the rope is in the water column to the time that a fisherman is on-site to retrieve the gear, greatly reducing entanglement risk. Permitting an on-demand or timed-retrieval system as an alternative to current gear-marking requirements would allow fixed-gear fishermen to access areas where traditional fishing gear with persistent buoy lines is currently or may be restricted.

Objectives for this Meeting

- Review purpose and need statements and action alternatives.
- Initiate action.
- Provide guidance on further development of purpose and need statements and action alternatives, if necessary.

Framework Adjustment Timeline

April 2025	NEFMC & MAFMC initiate action
May 2025	ASMFC receives updates
June 2025	NEFMC & MAFMC receive updates (tentative)
August 2025	ASMFC receives updates (tentative)

September 2025	NEFMC takes final action
October 2025	MAFMC takes final action; ASMFC receives updates on final action

Action Alternatives

Alternative Set 1: Authorization of approved gear-marking alternatives

Purpose: The purpose of Alternative Set 1 of this framework adjustment is to establish optional surface marking provisions for fixed-gear fisheries in the Greater Atlantic Region. This regulatory modification would allow for the use of fixed gear without a persistent buoy line.

Need: The need for Alternative Set 1 of this framework adjustment is to provide fishermen additional opportunities to fish in areas where and during times when the use of persistent buoy lines is restricted.

Alternative 1A: No Action. This alternative would not allow for alternative gear marking and would continue to require current surface markings (radar reflectors, highflyers, etc.).

Alternative 1B: Region-wide alternative gear marking. This alternative would allow the use of alternative gear marking in all Federal waters within the Greater Atlantic Region.

Alternative 1C: Limited alternative gear marking. This alternative would allow alternative gear marking but limit use to restricted areas established by the Atlantic Large Whale Take Reduction Plan.

Discussion

Some fishery management plans, such as those for groundfish, lobster, and Jonah crab, currently require surface gear marks on fixed fishing gear. Under the Atlantic Large Whale Take Reduction Plan, there are four restricted areas that are closed to all fixed-gear fishing with persistent buoy lines for 3 or 4 months of the year, totaling about 13,494 square miles (34,849 square km). Under **Alternative 1A (No Action)**, fixed-gear fishermen may not access these areas during the restricted periods unless they are issued an exempted fishing permit for that purpose. Under **Alternatives 1B or 1C**, fixed-gear fishermen would have the option of fishing in these restricted areas if they use “ropeless” or “on-demand” fishing gear with an alternative form of gear marking approved by the Greater Atlantic Regional Administrator. The Administrator would consider and approve gear-marking alternatives based on considerations such as their functional equivalence to current gear marking. **Alternatives 1B and 1C** would not *require* any fishermen to use alternative gear markings, nor would they limit the use of traditional fishing gear with persistent buoy lines. In fact, allowing gear-marking alternatives would increase fishing opportunities for the fixed-gear fishing industry in the Greater Atlantic Region by providing access in current Atlantic Large Whale Take Reduction Plan restricted areas and any future areas that may restrict the use of vertical buoy lines. Allowing the use of gear-marking

alternatives in the entire Greater Atlantic Region (**Alternative 1B**) would provide further flexibility for fishermen to fish with their preferred gear in both restricted and open areas.

Alternative Set 2: Requirements to use approved gear-marking alternatives

Alternative Set 2 would only be considered if the Councils choose **Alternative 1B** or **1C**.

Purpose: The purpose of Alternative Set 2 of this framework adjustment is to reduce the likelihood of incorrect use of approved gear-marking alternatives.

Need: The need for Alternative Set 2 of this framework adjustment is to increase fishermen safety and reduce untimely releases of device retrieval mechanisms and unsuccessful gear retrievals.

Alternative 2A: No Action. This alternative would not require a person to demonstrate knowledge of any approved gear-marking alternatives.

Alternative 2B: Educational Requirement. This alternative would require a person to demonstrate knowledge of an approved gear-marking alternative.

Discussion

The concept for a requirement to demonstrate some level of knowledge and/or experience with on-demand or timed-retrieval technology in order to be authorized to use an approved gear-marking alternative is drawn from similar requirements in other fisheries. The intent is to ensure these gear technologies are being used correctly. Examples of how such a requirement could be structured can be drawn from the Harbor Porpoise Take Reduction Plan's pinger training program, shark endorsements, and electronic monitoring (EM).

- Under the Harbor Porpoise Take Reduction Plan, gillnet gear used in specific areas during specific times are required to be equipped with pingers. The operator of a vessel may not fish with, set, or haul back sink gillnets or gillnet gear, or allow such gear to be in closed areas where pingers are required unless the operator has satisfactorily completed the pinger training program and possesses on board the vessel a valid pinger training authorization issued by NOAA Fisheries. After completing training, the pinger training authorization does not expire. The relevant regulatory text is located at [50 CFR 229.33\(c\)](#).
- To fish for sharks, a vessel owner must obtain a shark endorsement on their Highly Migratory Species permit. To obtain the endorsement, a vessel owner must watch an educational video and complete an accompanying quiz. The vessel owner would be prompted to do this along with the permit application. The quiz does not require a set score to pass but is only intended to educate the permit applicant. The relevant regulatory text is located at [50 CFR 229.33\(c\)](#). Similarly, Atlantic shark dealers are required to complete an identification workshop ([50 CFR 635.8\(b\)](#)).
- [Amendment 23 to the Northeast Multispecies Fishery Management Plan](#) approved EM technologies as an alternative to human at-sea monitors. Regulations at [50 CFR](#)

[648.11\(l\)\(10\)\(i\)](#) establish EM system requirements for vessels, including the need for a vessel monitoring plan (§[648.11\(l\)\(10\)\(i\)\(B\)](#)). GARFO’s [annual sector operations plan guidance](#) provides additional information on vessel operator and vessel monitoring plan requirements and roles and responsibilities. Among these is a requirement to demonstrate competency with the equipment after installation and before usage by completing one “burn-in trip” that demonstrates the vessel’s EM system is fully operational (i.e., the system is working properly, camera views are adequate, and the captain and crew are familiar with and capable of complying with the catch handling requirements). Additional burn-in trips may be required, if necessary, to sufficiently demonstrate the system is fully operational and/or to demonstrate the crew understands how to handle catch. Northeast Fisheries Science Center staff ensure that the electronic monitoring data collected are sufficient to meet data collection standards and approve vessel monitoring plans.

The Plan Development Team/Fishery Management Action Team (PDT/FMAT) was not in consensus on whether Alternative Set 2 should be included in this action and, thus, decided it should be presented to the Councils for their consideration. At its second meeting, the PDT/FMAT expressed various opinions to the below italicized discussion questions.

Is Alternative Set 2 outside of the scale and scope of this action? Do we know enough about gear-marking alternatives to be able to describe and prescribe requirements? Does including Set 2 in this action convey unintended messages to the fishing industry about gear-marking alternatives?

Due to the unique nature of gear-marking alternatives, and the possibility of gear conflict, if fishermen do not have the requisite knowledge/experience to deploy the gear or locate the gear, an educational requirement may be necessary to have a well-managed fishery. An educational requirement would help reduce the likelihood of improper gear use and demonstrate that fishermen have the requisite knowledge/experience to fish with the gear as intended. Even so, some PDT/FMAT members believed that a training requirement was likely outside the scale and scope of this action and not enough is known about what approved gear-marking alternatives would be in order to appropriately describe and prescribe requirements. However, any requirements would not necessarily need to be described in detail within this action and thus could be further developed in the future.

Whom should the requirement be placed upon? When/where would the requirements need to be met (i.e., in person, virtually, at a pool, on the water, required to be accomplish at certain times of year or whenever it is needed by an individual)?

The answers to these questions partially depend on the geographical scope of where alternative gear marking is allowed. If it is *limited to vertical line restricted areas*, perhaps all fishermen fishing in that area could be required to undergo a form of training or demonstrate proof of knowledge/experience. Some members of the PDT/FMAT expressed that if it is allowed *in all waters* of the Greater Atlantic Region, perhaps all fishermen who may encounter gear using alternative gear markings should be subject to an educational requirement. However, including such a requirement that applies to fishermen other than the ones deploying gear using alternative gear markings is outside the scope of this action. The On-Demand Fishing Gear Conflict Working Group would be a more appropriate venue for discussions regarding developing

requirements or suggesting best practices that would apply to mobile fishermen because of the concern for gear conflict.

When attempting to determine who should be required to meet some form of education, training, or proof of knowledge/experience requirement, is it vital to consider how the requirement would be logistically administered. This is challenging because gear-marking alternatives would not be associated with one particular fishery or permit. Furthermore, decisions on who, when, and where of an educational requirement could limit the adoption of gear-marking alternatives.

Who provides the educational material or conducts training (e.g., manufacturers, system providers, distributors, NOAA Fisheries)?

The answer to this question affects the feasibility of the answers to the previous questions. Some entities may be more capable of providing a comprehensive program than others. It may not be feasible for some entities to provide an educational program at a large scale. One PDT/FMAT member suggested that the entity that is leasing, selling, or running a gear library could offer training. Perhaps on-demand or timed-retrieval device manufacturers should offer training as part of the sale of the device. If so, the planned educational component could be included in the application to the Greater Atlantic Regional Administrator for approval of the gear-marking alternative.

Alternatively, authorization to fish with alternative gear markings could be tied to a letter of authorization (LOA) issued by the Greater Atlantic Regional Fisheries Office. Similar to LOAs issued for other fisheries, (such as the summer flounder small-mesh exemption area fishery, the whiting raised-footrope trawl fishery, and several others) issuance of an LOA can be contingent on vessel operators complying with additional requirements in order to satisfy the conditions of the exemptions or special program authorized through the LOA. Issuance of such an LOA for alternative gear-marking systems could require completion of an educational component as described above.

Council Action:

Initiate action and provide guidance on the further development of the action.

Appendix A. Current Gear-Marking Regulations

Magnuson Stevens Act

General Prohibitions at § 648.14(k)(10): ***Gear marking requirement for all persons.*** It is unlawful for any person, including any owner or operator of a vessel issued a valid NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fail to comply with the gear-marking requirements of § 648.84.

Management Measures for the Northeast Multispecies and Monkfish Fisheries at 50 CFR

648.84: (b) Bottom-tending fixed gear, including, but not limited to gillnets or longline gear, must be marked so that the westernmost end (measuring the half compass circle from magnetic south through west to, and including, north) of the gear displays a standard 12-inch (30.5-cm) tetrahedral corner radar reflector and a pennant positioned on a staff at least 6 ft (1.8 m) above the buoy. The easternmost end (meaning the half compass circle from magnetic north through east to, and including, south) of the gear need display only the standard 12-inch (30.5-cm) tetrahedral radar reflector positioned in the same way.

Management Measures for Red Crab at § 648.264(a)(5): ***Gear markings.*** The following is required on all buoys used at the end of each red crab trawl:

- (i) The letters “RC” in letters at least 3 inches (7.62 cm) in height must be painted on top of each buoy.
- (ii) The vessel's permit number in numerals at least 3 inches (7.62 cm) in height must be painted on the side of each buoy to clearly identify the vessel.
- (iii) The number of each trap trawl relative to the total number of trawls used by the vessel (i.e., “3 of 6”) must be painted in numerals at least 3 inches (7.62 cm) in height on the side of each buoy.
- (iv) High flyers and radar reflectors are required on each trap trawl.

Management Measures for Black Sea Bass § 648.144(b)(1): ***Gear marking.*** The owner of a vessel issued a black sea bass moratorium permit must mark all black sea bass pots or traps with the vessel's USCG documentation number or state registration number.

- Buoy assumed, but not explicitly required.
- No additional gear-marking requirements in the ASMFC’s BSB Interstate FMP.

Management Measures for Scup § 648.125(b)(3): ***Pot and trap identification.*** Pots or traps used in fishing for scup must be marked with a code of identification that may be the number assigned by the Regional Administrator and/or the identification marking as required by the vessel's home port state.

Atlantic Coastal Act

Lobster Gear Marking at § 697.21(b) *Deployment and gear configuration.* In the areas of the EEZ described in [paragraph \(b\)\(4\)](#) of this section, lobster trap trawls are to be displayed and configured as follows:

- (1) Lobster trap trawls of three or fewer traps deployed in the EEZ must be attached to and marked with a single buoy.
- (2) With the exception of Maine permitted vessels fishing in Maine Lobster Management Zones that can fish up to ten lobster traps on a trawl with one buoy line, lobster trap trawls consisting of more than three traps must have a radar reflector and a single flag or pennant on the westernmost end (marking the half compass circle from magnetic south through west, to and including north), while the easternmost end (meaning the half compass circle from magnetic north through east, to and including south) of an American lobster trap trawl must be configured with a radar reflector only. Standard tetrahedral corner radar reflectors of at least 8 inches (20.32 cm) (both in height and width, and made from metal) must be employed. (A copy of a diagram showing a standard tetrahedral corner radar reflector is available upon request to the Office of the Greater Atlantic Regional Administrator.)