

# Atlantic States Marine Fisheries Commission

## American Lobster Management Board

*August 5, 2025  
10:00 a.m. – 12:00 p.m.*

### Draft Agenda

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

- |   |            |
|---|------------|
| 1. Welcome/Call to Order ( <i>R. Zobel</i> )  | 10:00 a.m. |
| 2. Board Consent  | 10:00 a.m. |
| • Approval of Agenda  |            |
| • Approval of Proceedings from May 2025   |            |
| 3. Public Comment   | 10:05 a.m. |
| 4. Update on On-Demand Gear Research and Technology ( <i>E. Matzen</i> )  | 10:15 a.m. |
| 5. Update on Joint New England and Mid-Atlantic Fishery Management Council<br>Alternative Gear Marking Framework ( <i>A. Murphy</i> ) | 10:45 a.m. |
| • American Lobster Advisory Panel Report ( <i>C. Starks</i> )   |            |
| 6. Update from Maine and New Hampshire on Industry Meetings<br>( <i>C. Wilson, R. Zobel</i> )   | 11:30 a.m. |
| 7. Progress Update on American Lobster Benchmark Stock Assessment ( <i>T. Pugh</i> )  | 11:50 a.m. |
| 8. Other Business/Adjourn   | 12:00 p.m. |

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

# MEETING OVERVIEW

## American Lobster Management Board

August 5, 2025

10:00 a.m. – 12:00 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: May 5, 2025
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 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. Update on On-Demand Gear Research and Technology (10:15-10:45 a.m.)

#### Background

- The Northeast Fisheries Science Center (NEFSC) Gear Team has been conducting research on on-demand gear technology since 2020, including open season and experimental fishery trials and testing digital gear marking systems.
- An [On-Demand Gear Guide](#) was published in January 2025.

#### Presentations

- Update on On-Demand Gear Research and Technology by E. Matzen

### 5. Update on Joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Framework (10:45-11:30 a.m.)

#### 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 gears without a persistent buoy line (i.e., on-demand gear).

<p>Alternatives consider where and when alternative gear marking could be used, and whether users would be required to demonstrate proof of understanding <b>(Briefing Materials)</b>.</p> <ul style="list-style-type: none"> <li>• The Advisory Panel met on July 14, 2025 to discuss the Council Framework <b>(Briefing Materials)</b>.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Update on Joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Framework by A. Murphy</li> </ul>

<p><b>6. Update from Maine and New Hampshire on Industry Meetings (11:30-11:50 a.m.)</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• Concurrently with the implementation of 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.</li> <li>• 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.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Update from Maine and New Hampshire on Industry Meetings by C. Wilson and R. Zobel</li> </ul>

<p><b>7. Progress Update on American Lobster Benchmark Stock Assessment (11:50 a.m.-12:00 p.m.)</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The benchmark stock assessment for American lobster is in progress with results expected in October 2025.</li> <li>• In February 2025, a stock assessment workshop was held in Portsmouth, New Hampshire.</li> <li>• An assessment peer review workshop is scheduled for September 2-5, 2025.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Update on American Lobster Benchmark Stock Assessment by T. Pugh</li> </ul>

## 8. Other Business/Adjourn (12:00 p.m.)

## American Lobster and Jonah Crab TC Task List

Activity level: High

Committee Overlap Score: Medium

### Committee Task List

#### *Lobster TC*

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

#### *Jonah Crab TC*

- August 1, 2025: Annual Compliance Reports Due
- Fall 2025: Annual data update of Jonah crab abundance indices

### TC Members

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

**Jonah Crab:** Corinne Truesdale (RI, Chair), Derek Perry (MA), Joshua Carloni (NH), Chad Power (NJ), Jeff Kipp (ASMFC), Allison Murphy (NOAA), Kathleen Reardon (ME), Justin Pellegrino (NY), Burton Shank (NOAA), Matthew Jargowsky (MD)

**Lobster Stock Assessment Subcommittee Members:** Tracy Pugh (MA, TC Chair), Conor McManus (RI), Joshua Carloni (NH), Kathleen Reardon (ME), Burton Shank (NOAA), Jeff Kipp (ASMFC)

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

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

**May 5, 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.

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## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of March 18, 2025** by consent (Page 1).
3. **Postponed Main Motion from Winter Meeting**  
**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 11).  
Motion by Mr. Hasbrouck; seconded by Mr. Kaelin. Motion fails (Page 12).
4. **Postponed Substitute Motion from Winter Meeting**  
**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 fails (Page 12).
5. **Move to adopt Option B “Repeal Addendum XXVII Gauge and Vent Size Measures” and approve Addendum XXXII, effective June 30, 2025** (Page \_\_\_\_). Motion by Carl Wilson; second by Dennis Abbott (Page 13). Motion carries (Roll Call: In favor – ME, NH, MA, RI, CT, NJ, DE, MD, VA; Opposed – None; Abstentions – NY, NOAA Fisheries; Null – None) (Page 14)
6. **Move to adjourn** by consent (Page 21).

## **ATTENDANCE**

### **Board Members**

Carl Wilson, ME (AA)	Rep. Joseph Gresko, CT (LA)
Stephen Train, ME (GA)	John Maniscalco, NY, proxy for M. Gary (AA)
Rep. Allison Hepler, ME (LA)	Emerson Hasbrouck, NY (GA)
Renee Zobel, NH, proxy for C. Patterson (AA)	Joe Cimino, NJ (AA)
Doug Grout, NH (GA)	Jeff Kaelin, NJ (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Dan McKiernan, MA (AA)	John Clark, DE (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Armini (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Michael Luisi, MD, proxy for Lynn Fegley (AA)
David Borden, RI (GA)	Russel Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jamie Green, VA (AA)
Matthew Gates, CT, proxy for J. Davis (AA)	Allison Murphy, NOAA
William Hyatt, CT (GA)	

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

### **Ex-Officio Members**

Tracy Pugh, Technical Committee Chair	Rob Beal, Law Enforcement Committee Rep.
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### **Staff**

Bob Beal	Caitlin Starks	Emilie Franke
Toni Kerns	Tracy Bauer	Katie Drew
Tina Berger	James Boyle	Jeff Kipp
Madeline Musante	Chelsea Tuohy	Samara Nehemiah



The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Monday, May 5, 2025, and was called to order at 1:30 p.m. by Chair Renee Zobel.

### **CALL TO ORDER**

CHAIR RENEE ZOBEL: Good afternoon, all. Welcome to Arlington for our spring meeting, and I would like to welcome you to the American Lobster Board. We're going to call this meeting to order.

### **APPROVAL OF AGENDA**

CHAIR ZOBEL: Approval of the agenda. Are there any additions or change that anybody would like to make to the agenda? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I have a couple of items relative to the agenda. First, I would request that we visit Item 5 before we visit Item 4. I think it would be helpful to get the update from Maine and New Hampshire on industry meetings before we consider Addendum XXXII. That is the first item relative to the agenda that I would like to see changed.

CHAIR ZOBEL: Is there any objection by the Board to switching Agenda Item 4 and 5? Seeing no hands, we will flip flop those two agenda items, and we will do the report prior to the discussion on the Addendum. Go ahead with your second one.

MR. HASBROUCK: Back at our March 18, 2025 meeting, there was a motion made that it was a motion to substitute, and then during discussion on that motion to substitute there was a motion to postpone to the May, 2025 meeting. That motion to postpone that discussion to the May, 2025 meeting was passed by the Board. I don't see on our agenda

where we are going to bring that postponed motion back to the Board.

CHAIR ZOBEL: Just bear with us one moment, Emerson. We're just looking up that motion.

MS. TONI KERNS: Emerson, that motion, the option in the document was not added to the Addendum, so if we bring that motion back to the table, which it does need to come back to the table, but the document would have to go back out for public comment again if you wanted to include it in the Addendum itself.

It was my understanding that by postponing it that that motion then died, in terms of adding it to the document. We are getting quarterly updates from the states on how they are moving forward and talking with their industry. Then I assumed that at some point we will have a direction from those states on what action will be taken. It seemed to me that that was satisfactory to the Board at March, but we can have further discussions on that. But if we want to add it to the Addendum itself, then it would have to go back out for public comment.

MR. HASBROUCK: Thank you, Toni, two things. One is just process. One is we approve the motion to postpone until the May, 2025 meeting. I don't know how we can just ignore that. I think in terms of process it has to come back to the Board. In postponing that, I don't know that the consensus of the Board was essentially to ignore it and just let it die.

I don't know, I don't want to put other people on the spot, but I don't know if the maker of that postponed motion, as well as the seconder are of the same feeling that it was postponed and therefore it's dead and we don't need to consider anything anymore.

MS. KERNS: I'll say that it was staff's understanding that by moving forward with the Addendum document for public comment that it was not going to be included in the Addendum, because anything that is in the Addendum has to be taken out for

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public comment. It will be pulled up during the Addendum discussion though, and then the Board can take it back up and vote on it. But if there is an affirmative vote then we would have to take the document back out for public comment.

MR. HASBROUCK: Then what are we going to bring back up?

MS. KERNS: We'll bring that motion back up.

MR. HASBROUCK: Okay, and that is going to occur when?

MS. KERNS: During the Addendum discussion today.

MR. HASBROUCK: Okay, thank you.

#### **APPROVAL OF PROCEEDINGS**

MR. HASBROUCK: I also have a comment on the proceedings. Are you ready for that, Madam Chair, or do you want me to wait?

CHAIR ZOBEL: We're ready, go ahead.

MR. HASBROUCK: On the proceedings, the cover page of the proceedings indicates that the meeting was held on March 18, 2024. In the proceedings itself it says that the Board was called to order on Tuesday, March 18, 2024, and at the top of each page of the proceedings it indicates that the meeting was March of 2024. I think all those typos need to be corrected, to make it clear that the meeting was in March of 2025, not 2024.

CHAIR ZOBEL: Thank you, Emerson, yes, those changes are being made right now. Are there any other changes to the proceedings? Seeing none; are there any objections to the proceedings as amended today with 2025 replacing 2024? Seeing no objections, the amended proceedings are approved.

#### **PUBLIC COMMENT**

CHAIR ZOBEL: Next up will be public comment. At this time, we'll take public comment on items that are not on the agenda. I would like to add that the Outer Cape Cod V-Notch Issue is not on the agenda today. If you do wish to speak on that and have any comments that have not already been provided verbally at the public hearing, or in writing, which all of the Commissioners have received and been able to read. Then I'll ask that you make the comment on any new material. If at this time you do have a comment on any item not on the agenda.

If you could go ahead and raise your hand, so we get an idea of how many people might like to make a public comment. Okay, anyone in the room? Seeing no hands.

#### **UPDATE FROM MAINE AND NEW HAMPSHIRE ON INDUSTRY MEETINGS**

CHAIR ZOBEL: We will move on to our change of order, so we are going to go to the state of Maine first for an update on industry meetings, and then after that we'll go back to me for the state of New Hampshire update. I recognize Carl Wilson.

MR. CARL WILSON: Good to be here everybody, good afternoon. Okay, I'll give a little update on what the state of Maine has been doing since the March meeting. I've got five slides, I believe, that characterize some of the meetings. What have we been up to? We've had seven zone council meetings.

Each zone is representing approximately 500 to 1,000 fishermen from, for the south was in York, and for the east was in Machias. We've had two Lobster Advisory Council meetings, so this is kind of our Council counsel. Then following the first round of zone council meetings we had a Zone Council Chair phone call.

The conversations were focused on the status of the gauge, overview of the February and March Lobster Board meetings, and then we tried to update some of the information that was available

to share with the fishermen, so we reviewed preliminary effort and landings data through 2024. What have we heard?

I would just characterize this; it's a mixed bag. But we have definitely heard that things are changing within the main portion of the Gulf of Maine. We had reports of more egg bearing lobsters offshore, higher numbers of small sublegal egg bearing lobsters, like general report that there seems to be fewer lobsters in inshore waters.

Especially in southern Maine, a couple different discussions around the prevalence of predators. Again, it's been ten years since I've been in a lobster conversation, and it sounds like ten years ago in some respects in that we were on the way up at that time with lobsters, and so now we're on a decline.

In response to the resource, the fishery is changing as well. Reports are more consistent year-round effort. Some areas are putting more traps in the water later and reporting that it's really hard to make money in the spring fishery with the Canadian fisheries that open up sequentially. We are seeing a bit of an aging of the fleet. Folks are aging out of the fishery.

The fishery now has a very high overhead, especially for young fishermen for entry, and there is a general feeling that some of the limited entry schemes are starting to result in kind of a missing year class of fishermen that is working its way through the system. Continuing on, while there was agreement that things are changing, different options on whether that warrants concern or action was mixed. What we heard was, for those who did not express concern there was a considerable mention of the uptick in the surveys over the last couple years. That they are seeing more short lobsters and egg-bearing lobsters in their traps, and generally that we seem to be entering into a cooler period within the Gulf of Maine with water temperatures down in 2024.

The decline in landings was attributed more to a decline in effort and not the resource. I think I would characterize that the survey not picking up spatial or temporal changes in the resources is more of a mismatch between where the majority of the fishery is occurring and where the surveys occur.

Those who expressed concern about the resource, they did express concerns about the decline in landings, particularly in the Bays. People talked about how they are fishing on the run, and that they have seen a decline in the number of selects or lobsters more than a couple pounds in their catch, and that the data presented around inflation and how their expenses and that side of the equation is becoming much more problematic.

What we've heard specifically on the gauge. Some zones are still opposed, I think there would not have been a consensus in any of the zones for moving forward with a gauge increase. Some of the zones did comment that if Canada had been onboard there would have been a much easier acceptance of a change.

We had individuals commented that the gauge increase helped in the 1980s and a larger conversation around the 32th of an inch increase and spreading it over more years would have been more palatable. Then it was a bit of conversation around how some of these proactive measures in the Addendum XXVII were kind of a one-way ticket of measures to be taken.

Other topics, if we needed to take action do one that maximizes economic value of the fishery. There was support in trying to really bolster the approach around v-notching. There was concern about the equity among Lobster Management Areas and with Canada. There was some conversation that the focus was on the spawning stock biomass, then maybe considering for female only management measures.

What's next? Again, following the first round of council meetings, we're having another round within the next couple weeks, so fill up the gas tank and on the road we go. We're going to have a

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science update with each council, and we're also going to try to respond to some of the data requests that we did get from the council during the council meetings.

We're strongly considering, hopefully we'll have a survey out in the next few weeks, and this would be largely a repeat of a survey the Department sent out in 2008. At that time, 2008, it was what they called an effort survey at the time. I think we want to expand it to solicit conversation around the resource and the economics of the fishery.

We are also considering trying to do a market analysis. We definitely heard kind of economic concerns around a gauge increase, so trying to look at if there are any quantifiable impacts around the impacts of gauge increase. We're also talking about convening the Maine portion of the LCMT. I believe that is it.

CHAIR ZOBEL: Thank you, Carl, and welcome. Any questions for Carl about his presentation? David Borden, go ahead.

MR. DAVID V. BORDEN: Carl, welcome first. I am just curious, there are a lot of similarities. If the guy sitting next to me did a survey with his industry in Massachusetts, you probably would have gotten a lot of the same comments from his industry. There is a lot of concern about input cost, and the ability of the industry to kind of stay up with input cost.

That is one of the things that is driving a lot of people out of business, particularly input cost in the offshore fishery can be \$15,000, \$20,000 per trip before the boat leaves the dock. It's really kind of hard to imagine the cost. My question is, did they get into ways to, the substance of how to improve the economics of the fishery did they start discussing different strategies on how to do that?

MR. WILSON: I wouldn't say that it was the focus of the meeting. I think at this point we were really focusing on the gauge increases, and so most of the reflections were reflecting

directly around the gauge increase. Yes, there were some conversations around economics of the fishery. I think the pattern that you described of just the cost to untie the lines in the morning, was bore out.

One of the analyses that was presented was comparing the total value of the fishery corrected for inflation. While I think the 2025 numbers were third or fourth highest gross value to the fishery, but when they are corrected for inflation, it was like the eleventh highest value to the fishery. That point alone comparing to back when we had comparable value of a fishery, what were the input costs at that time.

That definitely struck a considerable amount of conversation. But as far as things that were put on the table or points of emphasis. We talked about closed seasons, especially in the spring. There were some mentions around traps, if that would be a way to improve the economics. I think individuals, every time they go, they are trying to minimize the cost.

CHAIR ZOBEL: Dennis Abbott.

MR. DENNIS ABBOTT: A question for Carl. You know you received a lot of comments, and you'll be receiving a lot more comments. At some point will you reach a point with the industry of what their preferences might be in some sort of order that they would like to go forward with? Obviously gauge increase isn't palatable or numbers of trap, trap reductions.

Where do these things stand? At some point, if the assessment leads us where we don't want to be, some decisions will have to be made. You can't make any decisions in this climate without having buy in from the industry. I think it's imperative that the industry gives us some indication of what they would like us to do. Does that make sense?

MR. WILSON: Yes, it does, Dennis, and I would say that at the end of first round of conversations, I don't think we're at the point that industry would put their kind of timeline forward for that. I would say that just reflecting on our first round of zone

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council meetings, each zone expressed an interest in meeting more frequently. Getting to know the conversations more deeply and participating in more meaningful ways than they have. I would say that is an encouragement, and if we are in a period where we're waiting for the assessment this fall, seeing what the results are.

Then I think we're in a good position to kind of carry these on. The idea of sending out a survey to each license holder was to try to cast as wide a net as possible. We are not in the position where a vocal portion of the fishery are feeling that they are not being heard by the Department.

CHAIR ZOBEL: John Clark.

MR. JOHN CLARK: I pretty much had the same question as Dennis, just curious and adding on to that. What proportion of your fishermen expressed real concern that we need to do something immediately, because you said a bunch seemed to think that everything was getting better out there.

MR. WILSON: Participation was mixed within the zone. Each zone member is an elected representative, so you know they are representing a portion of the fishermen within their area. It seemed to very much depend on where fishermen's fishing experience was. If it was inshore within three miles it was less favorable than if it was offshore. If it was in western Maine there was more sentiments of stability than in eastern Maine, where there have been more sentiments of volatility.

They were also the most volatile area on the way up as well. But we did have fishermen say that they are not concerned about the resource, and then we did have some people also comment that they were. Again, I think that kind of a survey that they can fill out on their kitchen table, you know with some of these questions. You know it is really intent to try to

get beyond kind of some of the theatrics of controversial public meetings.

CHAIR ZOBEL: Ray Kane.

MR. RAYMOND W. KANE: Welcome, Carl. Just a couple of questions. I thought I saw one slide that some of your harvesters were amenable to a 1/32 increase. Another year?

MR. WILSON: They were interested in spreading it out. I wouldn't say that there was any consensus or timeline that was offered up. But the idea being that 1/32 of an increase spread over multiple times would be less noticeable and less impactful than a straight 16th of an inch right off the bat.

MR. KANE: Thank you, follow up. You talk about your inshore fishery and offshore fishery. Just for the sake of the Commission. How many years has the offshore fishery actually occurred in the state of Maine?

MR. WILSON: When I say offshore, it's outside of three miles.

MR. KANE: Outside, it's not like 20 miles or 30 miles, anything beyond three miles.

MR. WILSON: Yes, anything beyond three miles out to the border of Area 1 and Area 3. There has been a progression further offshore over the last 15 years. But the offshore fleet or the offshore fishery, and it's not Area 3 offshore fishery. These are still by and large day trips. The proportion of offshore landings has slowly been increasing over the last 15 years. It's becoming a higher prevalence, and there is more of a shift to the focus further offshore.

MR. KANE: Is that due to a lack of lobster inshore? Is that why the harvesters are moving their gear offshore?

MR. WILSON: I would say for some, yes. We've also heard that some of the whale regulations that required trawling up scenarios, that changes some of the dynamics of how people would move gear inshore and offshore at various times of the year.

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In some ways the effort required to gear up to fish large trawls offshore kind of limited the ability, with the convenience of coming back inshore to chase lobsters during the summer months.

MR. KANE: One more question. Years ago, GMRI in their amphitheater, this has to be 10 or 15 years ago. They were bringing in, or we were told when we went up to the amphitheater and they did a presentation on the Maine lobster industry. They were bringing in students, you know young students throughout the school system.

This has to do with trap allocation. According to the people at GMRI, which I respect and I'm sure you do. Most of your harvesters can make as much money with 600 traps as they can. Years ago, the harvester would fish his 800, then his wife would have a permit and the harvester would fish his wife's permit.

But GMRI proved financially, economically that they can make as much money with 600 traps, keeping costs down, because I lobstered for years and what you're looking for is the bottom line. We've heard from Dave Borden about what it costs a boat to go to Area 3. I'm wondering if that thought has been run by the harvesters in Maine to reduce the number of traps.

MR. WILSON: Certainly, traps have been a lively debate over the years within Maine. I did some of the research that you were referring to that was on display at GMRI. That was some of the work that I did when I was the lobster biologist for the state of Maine. I think it really depends on what the objectives are.

If the objectives are more around economics, then that is a healthy debate. I think the Technical Committee has been pretty clear that if you're trying to achieve biological objectives then the trap reductions have to be pretty significant. You may have economic gains, but to achieve biological improvements that break

of when you start to see that is a considerable drop in traps.

CHAIR ZOBEL: Dan, go ahead.

MR. DANIEL McKIERNAN: Carl, I would like to welcome you to this table and on behalf Mass DMF say that we really look forward to working with you and DMR. We've been tracking your career for almost 30 years and you've done some outstanding work in Maine. We really look forward to the collaboration that I'm sure we're going to have. Two questions come to mind. One of your bullets talked about decline in catch was the result of decline in effort. Will Maine be in a position to document if that was true or not, because I know you've got 100 percent reporting now. Would you be able to turn the crank and detect if there was a decline in trap hauls?

MR. WILSON: Yes, that was some of the information that was presented. I don't have the numbers off the top of my head. But generally speaking, our numbers of trips have declined from say a peak around 250,000 back in the 2008, 2010 time period to under 200,000 this past year. We've lost roughly 500 to 1,000 licenses over that same period as well, a couple hundred in the last few years, and then we can track activity in trap hauls as well.

MR. McKIERNAN: Great, I look forward to that. Then my second question is, the last bullet says to convene the Maine portion of the LCMT. Would there be a follow-up bullet to then convene the LCMT for all of the Area 1, because what you've got on that board is kind of what I asked for. It's like asking that Maine sort of going to get its house in order, in terms of maybe a consensus position. But I hope then we could reconvene the other two states for a follow up.

MR. WILSON: As we understood your position was, as you said, we need to get our house in order first. We would actually be amendable to convening New Hampshire and Massachusetts as well. The feeling was, we need to be able to have that opinion to bring too. As I understood it, it was considered to

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be premature to convene the LCMT right now, but have to do it.

CHAIR ZOBEL: David, you can keep it really brief and then we'll continue on and get New Hampshire.

MR. BORDEN: A very brief question for Carl, follow up. Do you anticipate concluding this by the time we get the benchmark stock assessment? Is that like a general good estimate of when you would conclude this?

MR. WILSON: Yes, so we're again starting up another round of zone council meetings immediately following this Board meeting. If we can get the survey out and back and analyzed, we would like to have that data to present to zone councils before the October meeting. We're bringing an industry-based survey, three rounds of zone council meetings and then receiving the assessment results at that time to be prepared for that.

CHAIR ZOBEL: Thank you, Carl, for the update. I'll present briefly on New Hampshire. We're not quite as extensive as Maine, so I do not have a presentation, just a few bullet points here, and I'll keep it very brief. We have been working with our local commercial fisherman's association to find the best time to have some discussion. This coming Wednesday evening, Joshua Carloni, who is our biologist who oversees all our invertebrate programs, will be having a discussion with our commercial fisherman's association at their meeting.

A few of the points that they will be discussing are setting a baseline understanding of the biology, why we manage Gulf of Maine/Georges Bank as a single stock, and what surveys we use and why, to try to set kind of some baseline information, to start really having some good discussions. How did the survey that are currently feeding into the assessment do, and what the current trends are within the stock itself. Get feedback about what the harvesters are seeing themselves on the water, which is an

important part of the discussion. This is not us talking at our local industry members. We're there intentionally to have a discussion. Then to discuss potential areas where more partnership can occur with industry to help better understand lobster.

That has been like in the state of Maine, that has been a big call in New Hampshire as well. Having that discussion on, you know we have programs on lobster boats that have gone on for years, but how can we do a better job of partnering with industry in ways that will make the needle move, as far as science is concerned.

That is where we are right now. Then they are very much looking forward to hearing the results of the stock assessment, but this will be kind of a springboard for us, and then we'll continue from there. To the point over here about the LCMTs, you know the ultimate goal of getting the whole LCMT Area 1 group together to have a nice discussion, including the Maine and Massachusetts members. That is all I have for New Hampshire. Are there any questions for me before we move on to the main event here? Yes, go ahead, Jeff Kaelin.

MR. JEFF KAELIN: I want to welcome Carl also. I've known Carl since he was preteen, I think, and it's really wonderful to see him here today.

MR. WILSON: I had hair.

MR. KAELIN: You're a good man for the job. I just wonder if the states have reached out to Canada? Are there any discussions about that, because that is the sticky wicket. As I've said before, I think the last time this happened it was beneficial to the industry, but this is always going to kind of slow this process down, if there are no ongoing discussions with the Canadians about trying to come up to the same gauge size. I just wondered before we close this out, whether there are plans to do that.

CHAIR ZOBEL: I'll speak first, and then I'll kick it over to Carl. I think we're ahead of that at the moment. We're trying to figure out with industry what industry has buy in for, as far as things that might move forward. Clearly the Canadian piece is a big

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part of that. But at this point, I think that probably, and I'll let Carl speak.

We are not attached to Canada, so I am not going to let New Hampshire take the road on that one. But it is, currently our tasking is to really engage with industry, see what they are seeing. What are some measures they feel they could get behind with the Canadian piece being a part of that. Carl, do you have anything to add to that?

MR. WILSONS: Well, there was a lobsterman's town meeting that was held in, I think Bar Harbor. I did not attend, Dan did, and probably in a better position to represent that meeting than I am. But I do think that Canada is bounded to the state of Maine. It is an issue, and we do have a shared water referred to as the Gray Area that U.S. and Canadian fishermen jointly share in.

It's one more piece or one more area that would have measures that would not be harmonious with each other, and they already are right now. Whether it be biological measures or gear configuration measures that make it for a very difficult time. There is an incentive to have the conversation with Canada. It's just maybe Dan can speak to it a little bit on what the best way to move that needle is.

MR. McKIERNAN: I think one of the really interesting outcomes from last June's meeting at St. John, was a desire on the part of some of the Canadian fishermen to have conversations about it. I think at the time Commissioner Keliher had kind of wanted to take you, Carl, on the road, or at least virtual meetings and try to talk some of the LFA reps to work from below.

I know there was some interest. I can tell you that at the meeting that we held at Bar Harbor, some of the Canadian folks had come down, and this was right after the election, and things were a little bit more tense with the potential for tariffs, and the unknown state of affairs

between the two nations. But they tell me at home I'm a pathological optimist.

I do believe that it would be a great strategy to have conversations, maybe between the states and some of the LFAs, even if it is informal, to see if we can get those folks to consider it, because what we saw is that the trends in catch were very, very similar to the U.S. side of the Gulf of Maine in Area 1, with declining CPUE.

There was some legitimate interest among some to proceed, maybe together. I think we should try to do that, to be honest. You would be great in that role, given your science background and your understanding of Maine DMRs fishery independent work.

CHAIR ZOBEL: Really quickly, Carl, and then we'll move on.

MR. WILSON: Yes, I totally agree with that. I would just say that the conversations with Canadians would really speak to the equity issue around management measures, and that was at least in the eastern portion of the state that rang true for all those areas.

#### **CONSIDER ADDENDUM XXXII ON REPEALING GAUGE AND VENT SIZE CHANGES OF ADDENDUM XXVII FOR FINAL APPROVAL**

CHAIR ZOBEL: In the interest of time, we are going to move on to our next agenda item, which is to Consider Addendum XXXII on Repealing Gauge and Vent Size Changes of Addendum XXVII for Final Approval. I move to Caitlin Starks for a presentation.

MS. CAITLIN STARKS: My presentation, today I'm going to go over the Draft Addendum XXXII document that went out for public comment, and I'll cover the timeline for the Addendum, the objective, the background and statement of the problem. Then I'll go over the proposed management options included in the document.



Following that I'll review the public comments we received, and the Board action for consideration today. Draft Addendum XXXII was initiated in February of 2025, and then in March 2025, as noted earlier, the Board approved the Addendum for public comment. The comment period was from late March through April 25th.

During that period, we had one virtual public hearing and then our last thing on here is that the Board will be considering the Addendum for final approval today. In February, the Board made this motion to initiate Draft Addendum XXXII and this really just gets to the objective of the Addendum, which is to repeal the gauge and vent size measures of Addendum XXVII. I think most of the Board is fairly familiar at this point, but the history on Draft Addendum XXXII relates back to the approval of Addendum XXVII in May, 2023, to increase the protection of the Gulf of Maine spawning stock.

Addendum XXVII responded to low levels of settlement and declining recruitment in the Gulf of Maine from about 2012 forward, and it took a proactive approach that established a trigger mechanism, based on recruitment abundance indices. The trigger when reached would initiate a series of gauge and vent size changes for LCMA 1, 3 and Outer Cape Cod, and a trigger index was developed using three recruitment abundance indices from the Gulf of Maine.

Addendum XXVII said that if the trigger index declined by 35% from the reference period, which was 2016 through 2018's average value of the index, then the measures would be automatically implemented. Then in October, 2023, when we added in the 2022 index data, the trigger index had declined by 39%, and that triggered the implementation of the series of management measures.

The original Addendum XXVII implementation date for the first of the measures, which was the increase to the LCMA 1 minimum gauge size

was June 1, 2024, and then in October, 2023 the Board delayed implementation of those measures, all of those measures in Addendum XXVII to January 1, 2025, and then via Addendum XXXI, the Board postponed implementation of the Outer Cape gauge size and v-notch definition, as well as the LCMA 1 gauge and vent sizes an additional six months, to July 1, 2025.

Those changes were to provide the industry and gauge makers more time to prepare for those changes and coordinate with Canada on the management and trade issues. But in the meantime, the lobster industry in the Gulf of Maine did continue to express concerns about potential economic impacts of Addendum XXVII, and uncertainty about impacts on trade with Canada.

In February the Board agreed that consideration of alternative measure was warranted to address these concerns and the Gulf of Maine states also committed to working with their lobster industry to identify alternative conservation strategies. That brings us to the proposed management options in Draft Addendum XXXII, and there are only two options. Option A is status quo, and Option B is to repeal the Addendum XXVII gauge and vent size changes.

I'll go over Option A first. The current implementation schedule for all of the Addendum XXVII measures would be maintained, and this table shows when each of those changes is set to be implemented under Addendum XXVII. The changes are shown in bold text. The first is the LCMA 1 minimum size increase to 3 and 5/16 of an inch, which is set to occur July 1, 2025.

Also, on July 1 of this year, the maximum gauge size change for all permit holders in Outer Cape Cod would become 6 and 3/4 inches, and the v-notch possession definition for all permit holders would be 1/8th of an inch with or without setal hairs. The second change is that on July 1, 2027, the LCMA 1 minimum size increase would occur again. Then the LCMA 1 vent size change would occur on July 1, 2028. Then lastly on July 1, 2029, the maximum gauge size decreased for Outer Cape Code and LMA

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3 would be implemented. Then under Option B, all changes to the gauge and escape vent sizes established by Addendum XXVII would be repealed. This includes the maximum gauge change for Outer Cape Cod on July 1 under Section 3.1 of Addendum XXVII, and all of the minimum and maximum gauge size and vent size changes triggered under Section 3.2.

Option B, however, would not affect the measures of Addendum XXVII pertaining to the v-notch possession definition in Outer Cape Cod, nor the issuance of trap tags. Therefore, under Option B, that v-notch definition change would still take place on July 1, 2025, and the trap tag rules are already effective as of January 1st of this year.

Now I'll just go over the public comment. As I mentioned, there was one public hearing that we had via webinar on April 10. There were 82 people from the public in attendance, and 35 people made comments during the hearing. For written comments the deadline was April 25 at 11:59 p.m. and we received 155 total written comments, including 5 letters from organizations, sorry, this is not updated.

We had 5 letters from organizations and more individuals, which is updated in the next table. This is the breakdown of support, excellent, for the comments. There is no total here, because some of the individuals who made public hearing comments also submitted written comments. But you can see that the large majority of comments supported Option B to repeal the gauge and vent size measures.

From the few comments that supported Option A to maintain the Addendum XXVII measures, the rationales given were that as a public resource lobster management should use the science we have, and that those who ignore it are protecting their self-interest. Another comment stating that the harvesters will not go out of business with a gauge increase, because after one year the lobster catch weight will be even higher.

Within the comments supporting Option B there were several common themes. One overarching theme was that the gauge and vent size measures are not necessary. Reasons that commenters cited for this were that Maine already has strict conservation measures with the lower maximum size and v-notch requirements.

A number of comments suggested that the fishermen in the Gulf of Maine are seeing an increase in the number of shorts or juvenile lobsters, not a decline. Several comments noted that the predation of those juvenile lobsters is the driver of declines in the lobster population rather than the fishery.

Others said that fishing effort is also declining, hence the decrease in landings, either because of aging out of the fleet, or choosing not to fish due to high cost of fuel and equipment. There was also a group of comments that focused on the data used in Addendum XXVII, and these comments generally said the measures are not needed, because the data showing those declines in recruitment are either wrong or there weren't enough years of data.

Many also said we should wait until after the 2025 benchmark assessment to consider any actions. Then another major theme across the comments was that the gauge increases would cause significant economic harm, including to harvesters, processors, dealers, the rest of the supply chain, as well as the local Maine communities that rely heavily on the lobster industry. Some mentioned that increasing the LMA 1 minimum size, while Canada's minimum size is maintained, would put the U.S. industry at a severe disadvantage and give Canada more control of the chick market, and would also stifle conservation benefits if Canada still has a lower minimum size.

Several comments mentioned that they are unsure the measures will be effective and offered alternative, like zero tolerance for v-notching in all management areas, protecting large lobster versus small and trap limit reduction. Then there were also many comments saying that the industry was not given a sufficient opportunity to engage in

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developing the measures for Addendum XXVII, and that the process should have included the LCMTs.

In addition to the comments that were directly related to Addendum XXXII, there were 10 comments addressing the Addendum XXVII measures for Outer Cape Cod specifically. These comments expressed opposition to implementation of any of the gauge, vent or v-notch measures for the Outer Cape Cod area from Addendum XXVII.

Several Outer Cape fishermen expressed frustration, because they are the only area that will be implementing Addendum XXVII measures if this is approved, referring to the v-notch definition. Despite having the smallest fleet and the least landings contributed in the Gulf of Maine. They also commented that Outer Cape Cod already has more strict measures than the other areas, including the larger minimum gauge size, shorter seasons due to closures for whales, and lower trap limits.

For those reasons the comments on this topic express that implementing the measures for Outer Cape Cod is only as discriminatory and will not have a real conservation benefit. Then there were a few other comments unrelated to the Addendum. These were that the Board should look at the impact of other ocean uses on the lobster fishery and the ecosystem., that fishermen spend their lives on the water.

Therefore, they are the experts about what is going on with the lobster resource and the fishery, and also noting that it is in the harvester's best interest to maintain a sustainable population and their input on management measures should be considered and valued. To wrap up, the Board actions for consideration today, are to select a management option from Draft Addendum XXXII, and approve final Addendum XXXII. I can take any questions.

CHAIR ZOBEL: Are there any questions for Caitlin? Seeing no questions for Caitlin, I think we have a motion to dispense with from our last meeting, so we're going to bring that up. We have a motion from our last meeting that has been brought back. I'm told to read this into the record. Bear with me here, this is a bit of a long one.

Main motion was: **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 Gulf of Maine lobster fishery. Motion was made by Mr. Hasbrouck, second by Mr. Kaelin.** That was postponed, and then there was a 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."** Motion made by Mr. Borden, seconded by Mr. Abbott. As noted earlier, these would be a change to the Addendum, and if we moved forward, we would have to go out to public comment. Am I correct in that? Bob, go ahead.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Toni covered most of it, but she is working on something else, so I'll jump in. My recollection of this conversation at the March meeting was that some of the Board members were interested in putting a very detailed timeline on the two states, New Hampshire and Massachusetts, that they work with their industry to bring things back to the Board.

If this were to go out or if the Board incorporated this motion, and we went back out to public hearings, this would not allow the approval of this Addendum until after the July 1 implementation date of the gauge size changes and then change it. That potentially can create a problem that should be considered.

I think it was noting also that this Board and the Policy Board asked ASMFC to send a letter off to both states, and we've done that. In that letter it

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requests an update from both of those states at each quarterly meeting, so the states have been asked to provide quarterly updates on their progress, and what we got earlier in this meeting.

Some of the intent of this motion, I think has already been accomplished through that letter that we've asked those states to provide some update. The Board obviously can take this wherever they want, but if the Board does want to incorporate this into the Addenda, it would change the approval date until our meeting in August, which would create potential conflicts with that July 1 date.

CHAIR ZOBEL: I'll go to the Board. Go ahead, David Borden.

MR. BORDEN: Two points. One, I think it's kind of a moot point. The Addendum has already gone out to public hearing. I can't see any advantage of slowing that down and repeating that process at this point. As far as that part of it, I think we don't need a date or a deadline. In terms of having a deadline, I still think it's important for this Board.

I would also point out that the letter already went to the states. If we were going to have a deadline, the date should have been in that letter. But now I think we find ourselves in the situation where you've got a benchmark that is going to come up here. We'll get the results for that.

In coordination with that benchmark, I think we're going to need to revise the lobster regulations in a number of areas, including some of the Mid-Atlantic areas, potentially, since some of those boats fish up in the Gulf of Maine. I think this all ought to be folded into that timeline, so I am not in favor of the motion and the substitute motion at this point. But I think that the Board should basically establish its own deadline for the states to meet with their LCMTs at some point and bring back

recommendations. That would be after the benchmark, would be my recommendation.

CHAIR ZOBEL: Dennis Abbott.

MR. ABBOTT: Being the seconder of the substitute motion, at the time we made the motion I think we were looking to ensure that some action was going to be taken. I think that the conversation with Carl in the past few minutes has allayed some of our concerns, and laid out a path ahead. Procedurally I'm not sure whether we need to vote these motions down, call for a vote, request everyone vote against the motions as they are on the board.

CHAIR ZOBEL: Does anybody else have a comment to make before we call a vote on the motions? Seeing some heads shake, I'm going to go ahead and deal with the substitute motion first. Let's try this. Is there any objection, oh, Mike Luisi, go ahead.

MR. MICHAEL LUISI: Just a point of order. Are we allowed to, is it easier just to table this and have it go away and start over, rather than voting against something, and trying to get everybody on the same page? I would be happy to make a motion to table, if you think that process is easier.

CHAIR ZOBEL: Bob, go ahead.

EXECUTIVE DIRECTOR BEAL: I think procedurally, clearly spell out where the Board is. It might be better to vote on both of these. Procedurally again, the Chair may be able to say, is there anyone in favor of this motion. If there are no hands that go up it fails, and we can do that maybe twice and do it quickly, but that is up to the Board. We'll see how that goes. I don't want to overpromise anything.

CHAIR ZOBEL: Seeing no other hands, I am going to take Bob's suggestion. **Is there anyone in favor of the substitute motion? Seeing no hands, motion fails and we move on to the main motion.**

**Is there anyone in favor of the main motion? Are there any abstentions? Seeing no one in favor of the main motion, the motion fails unanimously.**

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Thank you all for your process on that. David Borden, go ahead.

MR. BORDEN: I totally approve of that outcome, but I think that gets back to the point that Dennis made. A lot of us that supported this, and I'm not rearguing the case. A lot of us that supported this wanted to have some deadline, so it wouldn't be open ended. In other words, if we're going to revise, take actions on the benchmark stock assessment.

We don't know what the results of that are at this point. But we will shortly. States and different LCMTs should start meeting, and talking about revisions to the lobster regulations if they are needed, and prioritize those, so they are in a position on a timely basis to give us their recommendations. Don't wait, basically.

CHAIR ZOBEL: I think what we'll do at this time is I would be willing to entertain a motion to kick off the discussion. I believe we have a motion. Caitlin is going to jump in briefly.  
MS. STARKS: I just want to briefly correct the record on the number of comments. It is accurately reflected in the memo that is in the materials, but the real numbers of comments were 157 individuals and 5 letters.

CHAIR ZOBEL: Okay, at this time is there anyone that would like to bring forth a motion to start out discussion? Carl Wilson, go ahead.

MR. WILSON: We'll see how this stuff works.  
**Move to adopt Option B "Repeal Addendum XXVII Gauge and Vent Size Measures" and approve Addendum XXXII, effective June 30, 2025.**

CHAIR ZOBEL: Dennis Abbott, is that a second?

MR. ABBOTT: I'm happy to second Mr. Wilson's motion.

CHAIR ZOBEL: I don't know that we need any rationale, but if anybody would like to follow

up, we've had a lot of discussion about this topic. You are welcome to, as the maker of the motion.

MR. WILSON: I think I've talked enough.

CHAIR ZOBEL: Dennis, anything else you would like to contribute? Okay. Is there any discussion from the Board on this motion? Okay, does anybody need any time to caucus, before I call the vote?

MR. HASBROUCK: Excuse me, I've had my hand up.

CHAIR ZOBEL: Apologies for that, Emerson, I don't have the electronic hands. Go ahead.

MR. HASBROUCK: I'm not really much in favor of Option B, not so much in terms of trying to respond to industry concerns in Maine and New Hampshire. I am supportive of that. But I think what we're doing here, and I said this at the previous meeting. We're setting up what might be a bad precedent.

We're reacting to this, we're repealing the Addendum XXVIII Gauge and Vent Size Measures based on pushback from the governors of Maine and New Hampshire, who said, they will not implement those measures in their state. Now, the effectiveness of this Board and this Commission is being directed by governors in a political process.

I'm really uncomfortable with that, because where does this lead in the future? I don't mean lobsters, I mean pick any other controversial species, striped bass, summer flounder, menhaden. What is going to be next? I'm really concerned about doing this.

CHAIR ZOBEL: Dennis Abbott, go ahead.

MR. ABBOTT: To address the things that Emerson just spoke about. I stated basically the same things of the implications of political forces above our head entering into a decision-making process. But I do think that we have to be realistic here. This is where we are, and a lot of time doing this is like making sausage.

You know, you don't know what's going into it, but you hope something good comes out of it. I think

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the bottom line is, is today we are doing the right thing, but in the future, we have to be very cautious as we manage species, and it's only going to get more difficult as time goes on, regardless.

CHAIR ZOBEL: Roy Miller, go ahead.

MR. ROY W. MILLER: I certainly understand what Emerson is saying. I do share those concerns that he expressed. However, the other side of the coin is, that it lets the public know that we do in fact listen to them. We do give them opportunity to comment, and we do take their lifelong observations seriously and act upon it, when we feel it's in everyone's best interest.

CHAIR ZOBEL: Any other comments before we call the vote? Seeing none; this is final action, so we are going to take a roll call vote. Anyone in favor of the motion, yes, we'll give one minute to caucus. Does anyone need any additional time? I'm going to go ahead and call the vote. **Please raise your hand if you are in favor of the motion on the board.**

**MS. KERNS: Rhode Island, Massachusetts, Connecticut, New Jersey, Virginia, Maryland, Delaware, Maine, New Hampshire.**

**CHAIR ZOBEL: Anyone opposed? Any null votes? Any abstentions?**

**MS. KERNS: John, are you abstaining or null voting?**

**MR. JOHN MANISCALCO: We're abstaining from the vote.**

**MS. KERNS: Thank you, New York abstains and NOAA Fisheries.**

**CHAIR ZOBEL: Okay, the motion carries 9 in support, 2 abstentions and 0 in opposition.** That concludes that agenda item.

### **REPORT FROM LOBSTER CONSERVATION MANAGEMENT TEAM AREA 3**

CHAIR ZOBEL: We are going to call on Hank Soule. He is going to give a report from the Lobster Conservation Management Team for Area 3.

MR. HANK SOULE: Good afternoon, commissioners, my name is Hank Soule; I am the Chairman of the Area 3 Lobster Conservation Management Team. We are a 10-member advisory body, industry advisory body under the oversight of Jenn Letourneau of Massachusetts. Just as a brief background.

Back in 2009, a stock assessment was issued that indicated the Southern New England lobster resource was depleted. In response to that in 2013, this body approved two addenda, Addendum XXI and XXII that primarily was trying to accomplish two things, to try to reduce effort on the Southern New England stock, to sort of scale the effort invested in the fishery to the depleted size of the resource, and also to address some consolidation concerns. This body passed those motions, and it went to the National Marine Fisheries Service, and for whatever reason it sort of lie foul there for about ten years, until it finally came back in the last year or so. In the intervening decade, the industry and apparently this body alike told that there had been a lot of changes in the fishery that really no longer worked with some of these conservation suggestions that were contained, and consolidation questions that were contained in those two addenda.

The Commission sort of went back out to the industry for some feedback on what alternative measures, if any, should be implemented, and also was trying to get a sense from the industry if it felt that some of the changes that have occurred in the industry had sort of addressed some of the concerns contained in those addenda.

We met on April 2, 2025, to discuss how this in the intervening time a report, which you all received from the Lobster PDT that talked about various metrics of effort that had changed in the Southern New England area over the course of time. You will

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see that contained in the memo, sort of in the middle paragraph, several different percentage reductions and traps, and effort and that sort of thing are described there.

Our discussion to me really was very narrowly focused on the two primary goals of the addendum. One was to reduce effort gear trap allocation in the Southern New England fishery exclusively by 25%, and then secondly to limit permit consolidation within Area 3 by establishing ownership caps.

We had actually met back in June of 2024, to broach this topic. At that time the industry attending that meeting felt that it was likely that the conservation objectives had largely been achieved, and the PDTs data seemed to buttress that impression to some extent. For instance, if you look at that report on Page 4, it was Table 2, which talks about the number of Area 3 permits that have been issued to vessels over the course of a decade from 2014 to 2023.

As the meeting summary report indicates, we've seen a 28 reduction overall in those permits that were issued to boats, but if you actually do a little bit of math on that table. If you take a look at the permits from Rhode Island south, which it seems likely ones that are more focused on Southern New England stock area than others might be.

You see the actual number of permits issued to vessels had dropped by about 50%. Further down in the PDT report on Page 11, there were a couple of graphs there that talked about trip counts and landing by area. At this point we don't have a nice table to work with, so you've got to put a microscope to sort of look at these numbers.

But as you see the trip count for federal Area 3 vessels from 2014 to '23 dropped from about 700 to about 350, so roughly 50% decline there. Incentively, the landings by area for the Area 3 vessels for the Southern New England area has dropped from just it looks like over 1 million

pounds to just under half a million pounds in that same ten-year period of 2014 to 2023.

The PDT report back on Page 9, also cites a 4.3% reduction in the maximum allocated trap that might have been fished in Area 3. It doesn't break it out by specific region, like Southern New England, but if you actually go back to the 2020 stock assessment report, Table 19 on Page 187 does contain that data, not for Area 3, but the entire Southern New England region. What you see there is that for the most recent ten-year period, which goes from 2009 to 2018, that is the terminal year of the stock assessment report.

You see that the total number of traps fished in Southern New England fall from about 265,000 down to about 148,000, which is a drop of about 44%. When we talk about all these data, we chewed it over during the course of this meeting for I would say at least an hour and a half. For these reasons, Area 3 Lobster Conservation Management Team felt that the effort reduction objectives of those addenda that were passed back in 2013, had likely been accomplished.

On the top is the consolidation. We started to dig our toes into that one, but frankly didn't have the time to really delve into it the way that we had delved into the effort reduction measures. We're going to address that a little bit further, as I talk to you about the next steps for the Area 3 Conservation Management Team.

We are going to allow for appointment of team alternates. As I said earlier, there are ten slots here, we only have five industry members attending. There was concern expressed about that. We think that one way to increase attendance is to allow for the appointment of alternates to the primary members who were appointed.

We need to increase the number of industry participants in these meetings. We are going to do a much deeper dive into consolidation objectives and metrics both past and present that are occurring in the Area 3 fishery. Then thinking a little bit beyond that, of course we have the fall

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stock assessment review that is coming up. I think that that will generate some discussion after the meeting. Just in general, the conservation team for Area 3 hadn't met for a few years.

We don't think that is the greatest idea. I think the plan moving forward is to meet at least once a year, if nothing else we can just touch base on probably what the most recent turn of the crank assessment information is, trends that we're seeing in the fishery, and any other items of interest. Madame Chair, that concludes my report, happy to take any questions or comments.

CHAIR ZOBEL: Thank you for the report. Are there any questions for Hank? Seeing no questions; thank you, Hank.

MR. SOULE: Thank you, everybody.

CHAIR ZOBEL: Next on our agenda we have an update on the joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Amendment. Ali Murphy, take it away.

**UPDATE ON JOINT NEW ENGLAND AND MID-ATLANTIC FISHERY MANAGEMENT COUNCIL ALTERNATIVE GEAR MARKING AMENDMENT**

MS. ALLISON MURPHY: I want to first acknowledge my counterpart at GARFO, Caroline Potter who has done the lion's share of the work on this action, and who co-presented this action to both Councils. I'm going to, just because I'm here, I'm going to be presenting an update to you all today. Prior to 2021 the Atlantic Large Whale Take Reduction Plan regulations included fishery closures called restricted areas for the northeast lobster and Jonah crab fishery. Intended to protect seasonal aggregations of right whales. In 2021, those areas were transitioned to, they were both expanded and transitioned to closures to persistent buoy lines. Now, because the federal lobster regulations require surface markers,

these areas still function as closures for the lobster and Jonah crab fishery.

We anticipate that the Take Reduction Team will convene in the near future, to consider additional measures to reduce risk from all fisheries. They couldn't consider additional closures for restricted areas for the lobster industry, for other fisheries, or they could consider something like one end ropeless for use broadly, seasonally, or even dynamically.

Given the current and potential future regulations, this action is intended to provide additional fishing opportunities to the fishing industry by increasing or maintaining access to areas where persistent buoy lines are or could be restricted. This would remove the present need for exempted fishing permits for industry to trial on demand gear presently.

On the Council side there are several fishery management plans and fishery regulations that require surface markings for fixed gear fisheries. I've got them listed here and if you all are interested in reading the regulations, those are included in the decision document that were posted with meeting materials.

But I'll note that the combination of the prohibition and the groundfish regulations require anyone fishing with bottom tending fixed gear to mark their gear with surface markers, and that is a radar reflector and pennants. Notable to you all, I have included here the lobster surface marking gear marking regulations.

I am not going to read this all to you, because it is quite lengthy. But they also require lobster permit holders to mark their gear, and those requirements vary, depending on how many traps are being fished. What's happened to date at the respective Mid-Atlantic and New England April Council meetings.

The Council's met; they initiated a framework that considers options for allowing alternative marking provisions in their fixed gear fisheries. The Section

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could allow fixed gear vessels the flexibility to use alternative gear marking, but by no means requires alternatively marked gear to be used.

Going forward, our hope is that with a resulting rulemaking for both efficiency and consistency, to use that one rule making to modify both our Council regs and our lobster regs. I am here today to engage with you as the Commission, and the states, on the lobster side of this action. Just a quick timeline here. We intend to reconvene with the Councils, and provide an update in June, and then hope that the action is ready for the Council's to take final action come the fall.

We also intend to provide the Commission updates at their similarly scheduled meetings. Our hope is that this action will be complete before the next round of Take Reduction Team meetings, potentially this fall, so that whatever changes we make to the fishery management plans can be considered for the Take Reduction Team as they consider developing additional risk reduction measures. Just before getting into the details of what is in this document, I just quickly wanted to mention what this action would and wouldn't do. It would consider some fairly targeted regulatory modifications that would consider the use of alternative gear marking. This action is not envisioned to get into the details on technical specifications or data governance or management or enforcement.

These topics are critically important to the success of any future program, but they aren't things that we expect to put into regulations. I've kind of linked those as outside the scope of this action. Before the Councils initiated action, the PDT/FMAT met twice, and have developed some alternatives.

This first group of alternatives considers options for when and where alternative gear marking could be considered for use. That is from nowhere, the no action alternative to everywhere. That is the middle alternative, and

then the bottom one would limit use to only in the times and areas of the Take Reduction Plan restricted areas.

That second group of alternatives considers whether training or some demonstration of knowledge should be included, and the PDT/FMAT has discussed a range of examples from other federal fisheries, including something as simple as watching a training video to an in-person training, or something as complicated as taking test trips to demonstrate knowledge and confidence with gear requirements.

Since the Council's met, there has been one additional PDT/FMAT meeting. At that meeting, the group added spatial alternatives to that first set of alternatives, to consider allowing alternatively marked gear year-round in the Take Reduction Plan restricted areas, not just seasonally, so that contrasts with the alternative on the previous slide.

The group also revised the need statement for the educational alternatives, and began brainstorming gear marking attributes to inform functional equivalence, and some of the topics discussed were retrievability, set direction, timing, and viewing distance. This was really just an initial discussion, and the PDT/FMAT is already polling for dates for our next meeting to continue this discussion. I think that is all I have; I am happy to take questions and certainly open to and welcome input on this action thus far.

CHAIR ZOBEL: Are there any questions for Alli? John Clark, go ahead.

MR. CLARK: Thank you for the presentation, Alli. Just curious if the interest in the alternative gears has been increasing. I just was wondering how much the technology has improved. It sounded like there wasn't a lot of interest in it because of the cost in previous years.

MS. MURPHY: I don't have the numbers offhand. I think I can speak to our participation in the exempted fishing permit that the NOAA Fisheries Science, Northeast Fishery Science Center has.

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Generally, I would say the number of participants has increased since the EFP started three to four years ago.

Certainly, the year being tested right now is more expensive than current surface markings, but I think some folks see this as a flexibility that it is intended to provide. That it may provide access to areas and seasons where gear marked with surface markers are closed. That may be of interest to some.

CHAIR ZOBEL: Yes, go ahead, Carl.

MR. WILSON: Just have a question. We've heard today that there is incredible diversity within this fleet, whether it be the Outer Cape Cod, relatively nearshore fishery or a shared fishery on the Canadian/U.S. Border, or changes in the Maine fishery. I'm just wondering if the process that you have identified here has a way to more formally engage the lobster fishery through ASMFC, for instance the LCMTs, for instance. If that is an appropriate question, I guess, is how can this group be more participatory in those deliberations?

MS. MURPHY: Thanks, I think we're lucky to have Caitlin serve on the Plan Development Team/ Fisheries Management Action Team. Thanks to her and her efforts on that. I think I certainly don't want to dictate to this Board how you all might want to get the input from the industry that you all work with. I think getting industry input into this process is certainly an important piece.

MR. WILSON: Just a quick follow up. Would there be a process that you would be coming back to this Board that then we could disseminate out to the LCMTs, and then return input?

MS. MURPHY: I am certainly intending, as long as the schedule allows, to revisit and provide updates to this Board in August and in October, and so if the Board wishes to, in conjunction with those meetings provide an opportunity for

updates to the LCMTs or AP, I think that could be the will of the Board Chair.

MS. ZOBEL: Let me go to Toni for some clarification.

MS. KERNS: We would be more direct than Carl, I think. Alli, you've heard me have concerns that the Commission does not have a vote on the Mid-Atlantic Council, nor does it have a vote on the New England Council. If those two bodies make decisions that are not something that the Commission wants to move forward with, they will have given you a document that we have no say on as a Board or the Commission.

If our industry has input they want to provide, they are not going to be able to do that through that Council process, because there is not public hearings through, I think it's a framework that this is working through, so public comment is a little bit more challenging, I'll say, in the framework, because I don't think it is as transparent of how to do that, or at least in speaking with folks, especially the lobster fishermen, who are very unfamiliar with the Council process.

One of the things that we brought up as a concern is that if we provide you comment as a Lobster Board, how does that input impact the Council's decision? NOAA has made decisions that are not recommendations of the Commission prior to, and so that is a possibility at least on the table to me, as you guys could move forward with something that the lobster fishery does not want. I recognize that we do not have gear marking regulations on the books for the Commission, but the states do individually have gear marking on the books. Sometimes the states sit at the table for the Councils, representing a different set of fishermen, and so it is difficult to try to balance that input, when they are thinking about the groundfish fishery versus the lobster fishery. It can be difficult for them to provide that vote. There is that concern, and then we also have a concern about sort of this unknown factor of the standards that will go into the proposed rule.

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I am hoping that we can have better clarity on how the Commission's recommendations are influencing the decision that goes forward with NOAA on this framework, and then even more importantly to me, because I think it will impact the lobster fleet more significantly, is those standards. How do we get to have a say in those standards, when we don't know what the standards will be until the proposed rule comes out, and that is a quick turnaround, and I don't know how we get comment from our industry in that short of an amount of time.

MS. MURPHY: Toni, I guess I would say, you know again, I don't want to dictate to, I don't feel like it would be appropriate for me to dictate to this Board how to get input from the industry that this Board serves. If you all feel like getting input from your AP or LCMTs would inform the input that you would provide to me, either here or through the Council process. I think that is certainly your prerogative.

I certainly, to your point about input into the process. You know I certainly intend to take input that this lobster board gives me today to the next PDT meeting, much like we had taken input that the New England Council gave us to the last PDT meeting. I guess I can't really say what the Council's will do, you know as they work through their formal process. I think you are also a management partner here, and have valuable input into the process as the action develops.

MS. KERNS: I guess I'll say, we definitely appreciate you letting us bring some states into the PDT, and that was really helpful and thank you. I think it's difficult for this Board, I think and for the Commission, to try to seek input on a document that is not ours, but we know it is going to impact fishermen that we represent. It's disappointing that NOAA has not figured out a way to reach out to the lobster industry specifically on a document that is going through the Council process, that is going to significantly impact the lobster fishery, and it is not our document.

CHAIR ZOBEL: Ray Kane.

MR KANE: Thank you, Alli, for the presentation. I'm going to piggyback off of what Carl and Toni Kerns both had spoken about. We as a Commission and a Board, manage lobster. I find it contrary that NOAA goes to the New England Council and the Mid-Atlantic Council, and like we're the third, we're the puppy, trying to get up the ladder.

I should think you could go back to your bosses and tell them that, you know in all honesty the Commission manages lobster, as you've heard from this entire conversation all afternoon, as opposed to going to the New England Council and the Mid, and then coming back to us, as Toni has said. We are the ones managing our harvesters. I would appreciate you going back to NOAA and giving them my sentiments, thank you.

CHAIR ZOBEL: David Borden.

MR. BORDEN: Alli, thanks for the presentation. I was just curious, taking this a step further. What is the process now being envisioned to get monitoring on the mobile gear fleet? This is just what has been discussed, there is only one component of how you would mark. I served on that PRT for a number of years.

There is a lot of discussion about getting mobile gear boats to have monitoring unit, so they can detect ropeless gear in these closed areas in advance. Those two federal processes, it seems to me, have to come together. Where is the timeline on that second facet of this issue?

CHAIR ZOBEL: One thing, David, when you say monitoring systems, I think you are talking about the ability for them to see the gear on the bottom, is that correct? In this world we're thinking monitoring as in kind of VMS style systems, so I make sure that is correct got everyone.

MR. BORDEN: Yes, that is correct.

CHAIR ZOBEL: Okay, Alli, go ahead.

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MS. MURPHY: Great question. I think David, you raise a good point that there has been a lot of work done to date. There is still a lot of work to do in all aspects of this, of alternative surface markers being used, before this gear is ready to be operationalized. Specifically, to your point, there is.

I think our Fishery Science Center folks, and I believe Maine DMR has also been working on gear visualization. There are a couple of different ways that gear could be visualized, either directly through a transducer, or through internet service on vessels. I don't think we're down a specific path yet, and there is more work to be done. But that research is ongoing.

CHAIR ZOBEL: Dan McKiernan. Oh, David, did you have a follow up?

MR. BORDEN: Thank you very much for the response. As I understand it, there isn't a deadline on the second part yet. But there will be at some point. That will come forward, which going back to the point that Toni made. I think Toni was being very polite about the potential for a disconnect here.

Somehow, we have to get representatives of the lobster industry to meet with NOAA, to talk about the whole gear marking setup. I just give this to everyone, as an example between Long Island and Martha's Vinyard. If you go out 30 miles, I bet there are six different marking systems in place, all from different states and jurisdictions.

It's a hodge podge of marking systems. Some fishermen said north and south, northeast/southwest, easterly in certain areas. Somehow the industry has to have input into the development of these regs, otherwise we're going to end up with a bit of a trainwreck at the end of this process.

CHAIR ZOBEL: Dan, go ahead.

MR. McKIERNAN: Yes, I do agree with all the previous speakers about the challenges. But I do want to remind the Board that I think what NOAA is trying to do here is create a little less red tape, in terms of being able to conduct some on-demand fishing. As of this moment, anyone who wants to do that, and it's typically being done in a closed area, has to apply for an experimental fishing permit, and I think it's overly burdensome.

It requires the Science Center folks to following the number of participants. There is a fair amount of grant money that is out there that I think this process would be accelerated if this process was allowed to move forward faster. I think that is what the intent of this is. I do take to heart Toni's comments and then David's comments.

Especially about the need when we start to do this in a more large-scale basis with competing users and different gear types on top of one another. We have to get more involved. But now, this isn't a fix that NOAA needs, so that if somebody wants to cut one endline off, you know they don't have to get an experimental fishing permit from the Science Center and GARFO, so there is an element of this that is really simple.

CHAIR ZOBEL: Any other questions for Alli? Okay, seeing no other questions, we'll move to our next agenda item, which is an Update on the American Lobster Benchmark Stock Assessment, and Tracey Pugh, I believe, is leading this, so Tracey, go ahead.

#### **UPDATE ON AMERICAN LOBSTER BENCHMARK STOCK ASSESSMENT**

MS. TRACEY PUGH: This is going to be pretty brief. Essentially, we are on track. Our survey data, landings data have all been finalized. We have completed some base model runs, some sensitivities, and even got through some preliminary projections, so those have been completed and reviewed.

Most of the analytical stuff that we are still working on is in this in-progress section here, so that includes the model free indicators, some

summarization and examination of commercial sea sampling data, an update and review of a few environmental data time series, and then we are still anticipating the final analyses from the U. Maine Group who has been working with some socioeconomic indicators for us.

The items in gray here are what we've done recently. We had our second assessment workshop in February of this year. Since then, so from the rest of February and most of March, we were meeting pretty much weekly on phone calls on Friday morning to just get updates and check in on progress and see how things are going.

We've had a couple of webinars since early March, and our next webinar is schedule for May 15. On that one we're going to look at a couple of those pending items from the previous slide, so we'll do our final look and review at a couple of those analytics. We are anticipating a webinar where the Technical Committee is going to essentially receive and review and hopefully approve the assessment, and after that it goes out to the Peer Review.

Right now, we are thinking that the Peer Review is going to take place either late in August or early in September. My understanding is the Commission is in the process of finalizing our reviewers and that schedule. If that all goes to plan, which it should, we will then be presenting the assessment and the Peer Review report to the Board at your October meeting. That is pretty much what I have, so I can take any questions that anyone has.

CHAIR ZOBEL: Questions for Tracey. Seeing no questions, thank you for your presentation, Tracey. That brings us to the end here, is there any other business to come before the Board? Dennis.

MR. ABBOTT: I note since the ascension of you to being the Chair that we are now lacking a Vice-Chair. Do you have plans to find a Vice-Chair?

## ADJOURNMENT

CHAIR ZOBEL: I've been told that will happen in the next meeting. Anything else to come before the Board? Okay, with that we are adjourned. Thank you for your time, and I'll take it over to Bob.

(Whereupon the meeting adjourned at 3:10 p.m. on Monday, May 5, 2025)

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

## Decision Document

July 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 persistent buoy line 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 (§ 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 (§ 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 (§ 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 persistent buoy line 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 § 648 and § 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.

## Framework Adjustment Timeline

April 2025	NEFMC & MAFMC initiated action
May 2025	ASMFC received updates
June 2025	NEFMC & MAFMC received updates
August 2025	ASMFC receives updates
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: Spatially and temporally limited alternative gear marking.** This alternative would allow alternative gear marking during and within persistent buoy line restricted areas established by the TRP.

**Alternative 1D: Spatially limited alternative gear marking.** This alternative would allow alternative gear marking within persistent buoy line restricted areas established by the TRP during closures and in the same geographical areas when closures are not in place.

### Discussion

Several fishery regulations require the use of buoys to mark fixed gear. Under the TRP, 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, 1C, or 1D** 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 markings. **Alternatives 1B, 1C, or 1D** 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 the most flexibility for fishermen to fish with their preferred gear in both restricted and open areas.

### **Functional Equivalence**

The Plan Development Team/Fishery Management Action Team (PDT/FMAT) has discussed what criteria need to be met for alternative gear markings to be functional equivalent to current gear markings. The PDT/FMAT identified the following as necessary or desirable elements of functional equivalence:

- Detectability: ocean users are able to locate the gear
- Retrieval: gear must have an identified means of retrieval
- Identification: gear is marked with identifying information (e.g., owner, vessel, permit information)
- Enforceability: enforcement is able to locate, retrieve, and redeploy the gear
- Viewing distance: gear can be detected/located from a similar minimum distance as current surface markings
- Set direction: gear's set direction is identifiable
- Timing: gear location information is accessible by others at the time of deployment and while the gear persists in the water

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

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

**Purpose:** The purpose of Alternative Set 2 of this framework adjustment is to promote the accuracy of alternative gear-marking location information.

**Need:** The need for Alternative Set 2 of this framework adjustment is to reduce the likelihood of inaccurate gear location marking which could lead to gear conflict, unsuccessful gear retrievals, and reduced fishermen safety.

**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 of requiring the demonstration of knowledge with gear-marking alternatives in order to fish with them is drawn from similar requirements in other fisheries. 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. Authorization to fish with alternative gear markings could be tied to a letter of authorization (LOA) issued by the Greater Atlantic Regional Fisheries Office. The Regional Office currently issues LOAs for several fisheries such as the summer flounder small-mesh exemption area fishery, the whiting raised-footrope trawl fishery, and several others. Issuance of an LOA could be contingent on vessel operators satisfying an educational requirement. After meeting any conditions and

obtaining an LOA, the vessel operators would be authorized to fish with gear-marking alternatives.

## Impacts of Alternatives – Preliminary Analysis Summary

Alternatives	Fishery Resources	Protected Species	Physical Environment and Essential Fish Habitat	Economic
1A	0	slight/moderate - to slight +	0	0 / -
1B	0	- / +	0	+
1C	0	- / +	0	+
1D	0	- / +	0	+
2A	0	0 / slight indirect -	0	0
2B	0	0 / slight indirect +	0	slight - to +

Impacts of action alternatives: positive (+); negative (-); no impact (0).

### **Fishery Resource Impacts**

The alternatives are administrative and not expected to impact fishery stock status as they would not allow for increased fishing effort or harvest levels of any species. **Alternatives 1B, 1C, and 1D** could effect when and where fishermen choose to fish. Specifically, fixed-gear fishermen may decide to fish with approved alternative gear markings in TRP seasonal restricted areas instead of their current fishing locations. However, it is not expected that this potential minimal shift in fishing location or time would have an impact on any fishery stocks or populations and it would not affect harvest control measures.

### **Protected Species Impacts**

**Alternative 1A (No Action)** is not expected to introduce new or elevated interaction risks to protected species. Compared to **Alternative 1A (No Action)**, **Alternatives 1B, 1C, and 1D** could reduce the magnitude of the negative impact of fixed gear on protected species if fishermen choose to use gear with alternative gear markings as opposed to traditional gear markings. Fewer persistent buoy lines reduces risk of serious injury and mortality from incidental entanglement. Thus, **Alternatives 1B, 1C, and 1D** could reduce entanglement risk in areas where fishermen have removed persistent vertical lines or replaced them with gear-marking alternatives. However, gear using alternative markings would still pose an entanglement risk to protected species as it would not necessarily eliminate the use of vertical lines when retrieving gear, and untimely releases of buoy lines could result in vertical lines in the water. In addition, removing persistent buoy lines does not remove the risk of entanglement in gillnet panels or groundlines. **Alternatives 1B, 1C, and 1D** could have a negative impact on protected species in certain areas if there is an increase in fixed-gear fishing. Specifically, **Alternatives 1B, 1C, and 1D** are expected to result in increased fixed-gear fishing in TRP seasonal restricted areas. If fishermen choose to fish with fixed gear with alternative gear markings in seasonal restricted areas, it's likely they would reduce fishing effort in some areas where they were using traditional surface markers with persistent vertical buoy lines. Thus, a negative impact to protected species in areas that currently do not have persistent vertical lines could be associated with a reduction of negative impact to protected species in areas where fishermen are no longer fishing. However, instead of relocating their fishing effort, some fishermen may simply increase fishing effort in

seasonal restricted areas without reducing effort elsewhere. This would result in only a slight negative impact to protected species without a corresponding reduction of negative impact elsewhere.

**Alternative 1B** would likely provide the most benefit to protected species because it would allow for the most widespread use of gear-marking alternatives and thus the greatest possible reduction in persistent vertical buoy lines and entanglement risk. **Alternative 1D** would provide the second most benefit, followed by **Alternative 1C**, because it is expected that there would be less use of alternative gear markings if it was allowed in fewer areas and during shorter periods of time.

**Alternative 2B** could have an indirect positive impact on protected species because it could reduce the amount of gear conflict, which can lead to ghost gear that then poses an entanglement risk to protected species. Conversely, **Alternative 2A (No Action)** could have a slight indirect negative impact to protected species from entanglement with ghost gear that resulted from improper location marking and gear conflict.

#### **Physical Environment and Essential Fish Habitat (EFH) Impacts**

The replacement of persistent buoy lines with gear-marking alternatives from fixed gear is administrative and would not impact the physical environment or EFH because it would not result in any physical interactions with the seafloor. Any impact to the physical environment and EFH by allowing fixed-gear fishing in seasonal restricted areas while they are in effect, is expected to be negligible.

#### **Economic Impacts**

Because traditional fixed-gear cannot be fished in TRP seasonal restricted areas and there may be additional persistent buoy line closures in the future, **Alternative 1A (No Action)** could result in fixed-gear fishermen losing fishing access. This could cause fishermen to cease or relocate fishing operations, likely leading to reduced profits. However, unless or until additional persistent buoy line restricted areas are implemented, **Alternative 1A (No Action)** would have no impact. **Alternatives 1B, 1C, and 1D** would not require any fishermen to use alternative gear markings and thus it's expected that only fishermen who could make either the same profit or could increase their profits would choose to use gear-marking alternatives. **Alternative 1B** would provide fishermen the most flexibility for where they could use gear-marking alternatives followed by **Alternative 1D** and then **1C**. The more opportunities fishermen have to use gear-marking alternatives, the greater their ability to reduce costs associated with switching between fishing with traditional gear and gear with alternative surface markings. **Alternative 2B** would require fishermen to demonstrate knowledge of gear-marking alternatives prior to use and thus would cost them the time needed to complete this requirement. However, it could also lead to more accurate gear location information and reduced gear conflict, resulting in less lost, displaced, and damaged gear.

## 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.)



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** American Lobster Management Board

**FROM:** American Lobster Advisory Panel

**DATE:** July 21, 2025

**SUBJECT:** Advisory Panel Report on Alternative Gear Marking Framework Adjustment

The American Lobster Advisory Panel (AP) met via webinar on Monday, July 14, 2025. The purpose of the meeting was to review and to get input from the Lobster AP on the Joint New England and Mid-Atlantic Council Omnibus Alternative Gear Marking Framework Adjustment. The New England Fishery Management Council (NEFMC) and Mid-Atlantic Fishery Management Council (MAFMC), in conjunction with the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO), are developing an action which would consider allowing alternative surface marking provisions for fixed gear fisheries in the Greater Atlantic Region. If approved, this action would allow for 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. NEFMC and MAFMC are anticipated to take final action in September 2025 and October 2025, respectively.

**Lobster AP Attendance:** Grant Moore (Chair, MA), Chris Welch (ME), Jeff Putnam (ME), Robert Nudd (NH), Sonny Gwin (MD)

The following is a summary of the AP discussions. The AP members in attendance did not make consensus recommendations and the comments below represent individual opinions.

Alli Murphy (NOAA Fisheries) presented an overview of the Omnibus Alternative Gear Marking Framework Adjustment (AGM Framework), including background, alternatives being considered, and next steps. The first alternative set considers where and when alternative gear marking could be used to allow for fishing without persistent buoy lines, with options including nowhere (status quo), all federal waters at any time, only in the Federal waters portion of time/area whale restricted areas, or only in the Federal waters portion of whale restricted areas year round. The second set of alternatives considers whether or not to require users to demonstrate proof of understanding to use alternative gear marking systems.

It was clarified that if this action is approved, there would still be no immediate change to the ability to use on-demand gear; the NOAA Fisheries Regional Administrator would have to approve individual systems for use in areas of Federal waters where it is allowed. It was also explained that the Commission's Fishery Management Plan for American Lobster does not include any gear marking requirements so there would be no action needed on part of the Commission, but the

M25-64

states would need to develop regulations to allow on-demand gear and alternative gear marking in state waters.

The advisors in attendance generally agreed that the industry does not have enough information on this action and has not had sufficient opportunity to comment on the proposed alternatives, and more work needs to be done before a decision is made. There are concerns about the lack of information about how on-demand systems would work in practice. Particular attention was given to the matter of gear conflict and whether vessels fishing mobile gear would be required and/or accountable for knowing where fixed gear are set using alternative gear marking. Some advisors were hesitant to offer support for any of the AGM Framework alternatives while questions about gear conflict remain unresolved. They emphasized the importance of requiring the mobile gear fleet to have the technology to visualize alternative gear marking.

Bobby Nudd expressed concern that allowing on-demand gear in the lobster fishery could push out small boats and industrialize the fleet because only larger boats that can handle this gear and the costs would be able to participate. He also noted that allowing alternative gear marking could incentivize expanding or adding more restricted areas. He does want to see opportunities for fishermen to access current restricted areas, so he recommended alternative 1C, which would open up areas that are closed without encouraging future industrialization of the fishery. He added that the Framework should explicitly consider dynamic area closures as well as the current static area closures.

Chris Welch expressed similar concerns about the potential for this to result in a shift from a small boat fleet toward a large boat fishery for lobster because of the high costs of on-demand gear. He did not have enough information to indicate a preferred alternative.

Jeff Putnam noted that he has tested some ropeless gear and it seems like they are very time consuming, heavy, and hard to deal with. He would rather use 50-trap trawls with two buoys than 25-trap trawls with one endline based on his experience with the available technology. In Area 1, he noted that the gear density would be a big challenge for using on-demand gear. Currently he can only support Alternative 1A, status quo.

Grant Moore noted that he supports the concept of this action moving forward, recognizing that the Take Reduction Team (TRT) will be meeting again in the future and developing additional whale risk reduction measures. He does not want to see the industry get more restricted and sees this as a way to potentially allow more access, however, there are many unknowns, the gear is very expensive, and it is not 100% viable yet. Fixed gear fishermen using on demand gear need to be assured that mobile gear vessels would be required to have the tech to view the gear.

With regard to the proof of understanding requirement alternatives, two advisors recommend no requirement. Chris Welch noted that he has tested several gear options, and each had a tutorial or training associated with it. He believes proof of understanding is not necessary because individuals who are willing to spend the money you will use the training. Grant Moore said it is too premature to talk about a proof of education requirement at this time.





212 CHANNEL DRIVE  
POINT PLEASANT BEACH, NJ 08742

To whom it may concern at ASMFC Association:

July 17, 2025

We are writing you this letter on behalf of Atlantic Offshore Fishery who is the mother company of three offshore lobster boats in New Jersey. We currently have been fighting through a one month fishing closure that was put into effect many years ago when there was a lot more fishing effort. At any rate, National Marine Fishery should be protecting the fishermen that are left in this small community not restricting them with outdated guidelines that were put in place when there was a lot more pressure put on the resource. We strongly suggest being added to the next agenda to discuss.

Thank you for your time

Michael Sarapochillo  
Atlantic Offshore Fishery  
Cell 914-438-3197

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[External] [New] Area 4 LCMA closure.

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**From:** Thomas Biesiadecki <tomymarlin@gmail.com>

**Sent:** Friday, July 18, 2025 10:20 AM

**To:** Bob Beal <RBeal@ASMFC.org>

**Subject:** [External] [New] Area 4 LCMA closure.

Mr Beal,

Hope this finds you well. My name is Tom Biesiadecki and I am the owner of the F/V Marielle Renee out of Point Pleasant. I've been a commercial Lobsterman since 2001. My Federal Permit Number is 241238. I am writing to you in regards to the recent conversation I had with Jimmy Donofrio. I would like to ask that my comments are included in any discussion pertaining to the rescinding of the area 4 May closure. I have felt for years that the closure is unwarranted and extremely costly to the few area for lobstermen that are still actively working. The cost of removing the gear from area 4 for the 3 week period is so burdensome between fuel, crew and storage cost, not to mention having to spend that much more to return it to the water that I feel the closure should be eliminated.

The simple fact that most gear is removed from the area in the heart of the winter months due to the extreme weather conditions during that period is sufficient enough a conservation method. I personally would like to see the May closure removed from the CFR. If you have any questions or need further clarification as to my views please feel free to give me a call.

Warm Regards

Thomas Biesiadecki

F/V Marielle Renee LLC

908-675-7269

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Burlew's Charter Service LLC  
59 West Front Street  
Keyport, NJ 07735  
732-888-9625

July 21, 2025

Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington, VA 22201

Dear Members of the Atlantic States Marine Fisheries Commission,

I am writing as a small lobster dealer and a member of the fishing community to respectfully urge the Commission to reconsider the current May closure for lobster fishing in EEZ Nearshore Management Area 4. The industry has changed significantly since this measure was first implemented, and I believe an updated policy would better reflect today's realities.

The closure places a particularly heavy burden on fishermen. Pulling all the traps for the month of May comes at a significant expense, both in time and labor, and poses major logistical issues, especially for those with limited access to storage for hundreds of traps. For small operations, these challenges threaten our ability to stay in business.

In addition, the number of active lobster fishermen has decreased notably over the years. The pressure on the lobster population today is not what it once was, and both fishing practices and conservation awareness have evolved. Based on observations from local harvesters, the lobster population and their migratory patterns have shifted since the closure was originally implemented.

The month of May also represents a critical economic period. Reopening it could provide meaningful relief and support to the many small businesses that rely on a few good months of catch to make ends meet for the year.

I urge the ASMFC to consider a thorough review of the science and economic impacts behind the May closure and to work with stakeholders, particularly small-scale dealers and fishermen, to craft a policy that balances conservation with the survival of coastal livelihoods.

Sincerely,



Ryan Burlew  
Owner