



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

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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.