

Atlantic States Marine Fisheries Commission

American Lobster Management Board

May 2, 2016
9:00 a.m. – 3:30 p.m.
Alexandria, Virginia

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 (*D. Borden*) 9:00 a.m.
2. Board Consent 9:00 a.m.
 - Approval of Agenda
 - Approval of Partial Proceedings from February 2016
3. Public Comment 9:05 a.m.
4. Discuss Next Steps for Management of the Southern New England American Lobster Stock **Possible Action** 9:15 a.m.
 - Technical Committee Report (*B. Glenn*)
 - Plan Development Team Report (*M. Ware*)
 - Consider Tabled Motion to Initiate an Addendum to Address the Declining Stock Conditions
 - *Motion to begin a new addendum to address the declining lobster stock conditions in Southern New England/Mid-Atlantic (SNE/MA). The Plan Development Team with input from the Lobster Conservation Management Teams is instructed to explore the following alternatives:*
 - a. *Analyzing the plans rebuilding targets & thresholds to account for current environmental conditions;*
 - b. *Work to stabilize & increase spawning stock biomass through changes in management measures;*
 - c. *Improve permitting & accountability of SNE/MA lobster fisheries by requesting the National Marine Fisheries Service consider permit endorsement for Area 3 vessels fishing in SNE (west of 70 longitude);*
 - d. *Improve current management & compliance with lowered trap limits of nearshore trap fisheries by proposing a uniform closed season & new trap tag deadlines;*

The meeting will be held at The Westin Alexandria, 400 Courthouse Square, Alexandria, Virginia; 703.253.8600

- e. *Accelerate trap allocation cuts that are already codified for the next 5 years in Areas 2 & 3; and*
 - f. *Recognize the SNE/MA trap fishery as a bona fide mixed crustacean fishery & develop strategies & policies that recognizes the multispecies nature of the catch.*
5. Discuss Next Steps for Management of Gulf of Maine/Georges Bank American Lobster Stock (*P. Keliher*) **Possible Action** 11:30 a.m.
 6. Lunch 12:15 pm.
 7. Draft Addendum I to the Jonah Crab FMP for Final Approval **Final Action** 12:40 p.m.
 - Review Options (*M. Ware*)
 - Public Comment Summary (*M. Ware*)
 - Advisory Panel Report (*E. Gwin*)
 - Law Enforcement Committee Report (*M. Robson*)
 - Consider final approval of Addendum I
 8. Discuss Need to Create a Coastwide Standard for Claw Landings in the Jonah Crab Fishery **Possible Action** 2:00 p.m.
 - NOAA Letter on Current Claw Exemption (*A. Murphy*)
 9. Update on the New England Fishery Management Council Deep Sea Coral Habitat Amendment and ASMFC Survey to Area 3 Fishermen (*M. Ware*) **Possible Action** 2:45 p.m.
 10. Discuss Offshore Monuments Proposal and Board Response (*D. Grout*) **Possible Action** 3:10 p.m.
 11. Other Business/Adjourn 3:30 p.m.

MEETING OVERVIEW

American Lobster Management Board Meeting

Monday, May 2, 2016

9:00 a.m. – 3:30 p.m.

Alexandria, Virginia

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| Chair: David Borden (RI) Assumed Chairmanship: 02/16 | Technical Committee Chair: Bob Glenn (MA) | Law Enforcement Committee Representative: John Cornish (ME) |
| Vice Chair: Stephen Train (ME) | Advisory Panel Chair: Grant Moore (MA) | Previous Board Meeting: February 2, 2016 |
| Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes) | | |

2. Board Consent

- Approval of Agenda
- Approval of Partial Proceedings from February 2016

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. Discuss Next Steps for Management of the Southern New England Lobster Stock (9:15 – 11:30 a.m.) Possible Action

Background

- The 2015 Stock Assessment showed the SNE stock is at record low abundance and is experiencing recruitment failure.
- At the February meeting, the Board asked the TC to continue work on several tasks including the effects of standardizing regulations in SNE, ways to increase egg production, and a review of analysis by RI DEM. The TC met on March 14th.
- The Board also tasked the PDT with developing potential objectives and ways to achieve them for the SNE stock. The PDT met via conference call on March 23rd.
- A motion was tabled until the May meeting to initiate an addendum to address the poor condition of the SNE stock.

Motion to begin a new addendum to address the declining lobster stock conditions in SNE/MA. The PDT with input from the LCMTs is instructed to explore the following alternatives:

a. Analyzing the plans rebuilding targets & thresholds to account for current environmental conditions;

b. Work to stabilize & increase SSB through changes in management measures;

- c. Improve permitting & accountability of SNE/MA lobster fisheries by requesting NMFS consider permit endorsement for Area 3 vessels fishing in SNE (west of 70 longitude);*
 - d. Improve current management & compliance with lowered trap limits of nearshore trap fisheries by proposing a uniform closed season & new trap tag deadlines;*
 - e. Accelerate trap allocation cuts that are already codified for the next 5 years in Areas 2 & 3; and*
 - f. Recognize the SNE/MA trap fishery as a bona fide mixed crustacean fishery & develop strategies & policies that recognizes the multispecies nature of the catch.*
- Motion made by Mr. McKiernan and seconded by Mr. Gibson. Motion postponed.*

Presentations

- Technical committee report by B. Glenn (**Briefing Materials**)
- Plan Development Team report by M. Ware (**Briefing Materials**)

Board actions for consideration at this meeting

- Initiate an addendum to address the poor condition of the SNE stock.

5. Discuss Next Steps for Management of Gulf of Maine/Georges Bank Lobster Stock (11:30 a.m. - 12:15 p.m.) Possible Action

Background

- The 2015 Stock Assessment concluded the GOM/GB stock is not overfished and overfishing is not occurring; however, the assessment did note low levels of settlement, especially in Statistical Area 513.
- Recent survey data shows poor settlement continues to be a concern in 513 as well as Statistical Areas 514 and 511.
- These trends suggest that lobster abundance in GOM/GB may decline in the future.

Presentations

- Discussion of GOM/GB stock condition by P. Keliher.

Board actions for consideration at this meeting

- Motion to task the TC to examine trends in the GOM/GB.

6. Lunch (12:15 – 12:40 p.m.)

7. Draft Addendum I to the Jonah Crab Fishery Management Plan (12:40-2:00 p.m.) Final Action

Background

- Draft Addendum I proposes options to increase or eliminate the bycatch limit for non-trap gear and establish a bycatch limit for non-lobster trap gear (**Briefing Materials**). It was approved for public comment in February.
- Public comment was gathered in March and April (**Supplemental Materials**).
- The Law Enforcement Committee reviewed the draft addendum on March 11 and the Advisory Panel reviewed the document on April 5 (**Briefing Materials**).

Presentations

- Overview of options and public comment summary by M. Ware
- Advisory Panel report by E. Gwin; Law Enforcement Committee Report by M. Robson.

Board actions for consideration at this meeting

- Select management options and implementation dates.
- Approve final document.

8. Discuss Need to Create a Coastwide Standard for Claw Landings in the Jonah Crab Fishery (2:00 -2:45 p.m.) Possible Action

Background

- Exemptions were made in the Jonah Crab FMP for claw fishermen from NJ, DE, MD, and VA; however, a review of landings records indicated that fishermen in NY and ME are also landing claws.
- At the February meeting, the Board decided to send a letter to NOAA requesting a federal perspective on the current claw exemption **(Briefing Materials)**.

Presentations

- NOAA Letter on Current Claw Exemption by A. Murphy **(Briefing Materials)**

Board actions for consideration at this meeting

- Initiate an addendum to create a coastwide standard for Jonah crab claw landings.

9. Update on the New England Fishery Management Council Deep Sea Coral Habitat Amendment and ASMFC Survey to Area 3 Fishermen (2:45 – 3:10 p.m.) Possible Action

Background

- In December 2015, the Board received a letter from NEFMC requesting information on the distribution of lobster fishing effort in and around the canyons. This request is related to their Omnibus Deep-Sea Coral Amendment **(Briefing Materials)**
- ASMFC distributed a survey to active Area 3 lobstermen asking for information on fishing effort, patterns, and associated revenue from offshore lobster and Jonah crab harvest **(Briefing Materials)**.

Presentation

- Report on ASMFC Survey results by M. Ware **(Supplemental Materials)**

10. Discuss Offshore Monuments Proposal and Board Response (3:10 - 3:30 p.m.) Possible Action

Background

- In September 2015, the Obama Administration announced it was considering designating areas of the Atlantic Ocean as a National Monument, through the Antiquities Act.
- In March 2016, it was announced that Cashes Ledge will not be designated as a National Monument; however, other areas including coral canyons southeast of Cape Cod are still under consideration.

Presentation

- Discussion on offshore monuments by D. Grout

11. Other Business/Adjourn

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

**The following are partial proceedings due to technical difficulty with
the audio equipment.**

**The Westin Alexandria
Alexandria, Virginia
February 2, 2016**

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. **Main Motion**

Motion to begin a new addendum to address the declining lobster stock conditions in SNE/MA. The PDT with input from the LCMTs is instructed to explore the following alternatives:

- a. **Analyzing the plans rebuilding targets & thresholds to account for current environmental conditions;**
- b. **work to stabilize and increase SSB through changes in biological measures and work towards uniform measures among LCMA's within SNE/MA;**
- c. **Improve permitting & accountability of SNE/MA lobster fisheries by requesting NMFS consider permit endorsement for Area 3 vessels fishing in SNE (west of 70 longitude);**
- d. **Improve current management & compliance with lowered trap limits of nearshore trap fisheries by proposing a uniform closed season & new trap tag deadlines;**
- e. **Accelerate trap allocation cuts that are already codified for the next 5 years in Areas 2 & 3;**
- f. **Recognize the SNE/MA trap fishery as a bona fide mixed crustacean fishery & develop strategies & policies that recognizes the multispecies nature of the catch.**

Motion by Dan McKiernan; second by Mark Gibson. Motion amended.

2. **Motion to Amend**

Motion to amend section b to read as follows:

- b. **Work to stabilize & increase SSB through changes in management measures**

Motion by David Simpson; second by Roy Miller. Motion carries.

3. **Main Motion as Amended**

Motion to begin a new addendum to address the declining lobster stock conditions in SNE/MA. The PDT with input from the LCMTs is instructed to explore the following alternatives:

- a. **Analyzing the plans rebuilding targets & thresholds to account for current environmental conditions;**
- b. **Work to stabilize & increase SSB through changes in management measures;**
- c. **Improve permitting & accountability of SNE/MA lobster fisheries by requesting NMFS consider permit endorsement for Area 3 vessels fishing in SNE (west of 70 longitude);**
- d. **Improve current management & compliance with lowered trap limits of nearshore trap fisheries by proposing a uniform closed season & new trap tag deadlines;**
- e. **Accelerate trap allocation cuts that are already codified for the next 5 years in Areas 2 & 3; and**
- f. **Recognize the SNE/MA trap fishery as a bona fide mixed crustacean fishery & develop strategies & policies that recognizes the multispecies nature of the catch.**

Motion by Dan McKiernan; second by Mark Gibson. Motion postponed.

4. **Motion to Postpone Main Motion as Amended**

Move to postpone the main motion until such time that the Technical Committee can finalize the analysis that was tasked at the last board meeting, to allow time for Rhode Island to bring information to the Technical Committee, and to ensure that the Board develop a goal associated with the main motion for the future. Motion by Pat Keliher; second by Eric Reid. Motion carries.

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5. **Main Motion**
Move to approve Draft Addendum I to the Jonah Crab FMP for public comment as modified today. Motion by Terry Stockwell; second by Pat Augustine. Motion postponed until Section discusses additional draft addendum items.
6. **Motion to Postpone**
Move to postpone the motion to after the Board considers additional items in the Addendum. Motion by Doug Grout; second by Emerson Hasbrouck. Motion carries without objection.
7. **Move to include in Addendum I the option outlined in issue 2 Move to include in Addendum I the option outlined in issue 2 of PDT memo with the inclusion of option C that would be a 1,000 crab per trip limit.** Motion by Doug Grout; second by Emerson Hasbrouck. Motion carries.
8. **Main Motion**
Move to approve Draft Addendum I to the Jonah Crab FMP for public comment as modified today. Motion made by Terry Stockwell; second by Pat Augustine. Motion approved by consensus.
9. **Main Motion**
Move to initiate an addendum to create standards and management measures for a Jonah crab claw only fishery. Motion made by Jim Gilmore; second by Bill Adler. Motion postponed.
10. **Motion to Postpone**
Motion to postpone until the next meeting pending a General Counsel review by NOAA Fisheries. Motion made by Dan McKiernan; second by Pat Augustine. Motion passes.
11. **Move to nominate Stephen Train as Vice Chair to American Lobster Board.** Motion by Jim Gilmore; second by John Clark. Motion passes.
12. **Move to adjourn by consent (Page 11).**

ATTENDANCE

Board Members

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|--|--|
| Pat Keliher, ME (AA) | James Gilmore, NY (AA) |
| Terry Stockwell, ME, Administrative proxy | Steve Heins, NY, Administrative proxy |
| Stephen Train, ME (GA) | Emerson Hasbrouck, NY (GA) |
| Sen. Brian Langley, ME (LA) | Pat Augustine, NY, proxy for Sen. Boyle (LA) |
| Douglas Grout, NH (AA) | Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Tom Fote, NJ (GA) |
| G. Ritchie White, NH (GA) | Brandon Muffley, NJ, proxy for D. Chanda (AA) |
| William Adler, MA (GA) | Roy Miller, DE (GA) |
| Rep. Sarah Peake, MA (LA) | John Clark, DE, proxy for D. Saveikis (AA) |
| Dan McKiernan, MA, proxy for D. Pierce (AA) | Mike Luisi, MD, proxy for D. Blazer (AA) |
| Mark Gibson, RI, proxy for J. Coit (AA) | Bill Goldsborough, MD (GA) |
| David Borden, RI (GA) | Rob O'Reilly, VA, proxy for J. Bull (AA) |
| Eric Reid, RI, proxy for Sen. Sosnowski (LA) | Allison Murphy, NMFS |
| David Simpson, CT (AA) | |
| Lance Stewart, CT (GA) | |

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

Ex-Officio Members

| | |
|---------------------------------|--------------------------------------|
| Mark Robson, LEC Representative | Bob Glenn, Technical Committee Chair |
|---------------------------------|--------------------------------------|

Staff

| | |
|------------|--------------------|
| Megan Ware | Robert Beal |
| Toni Kerns | Kirby Rootes-Murdy |

Guests

| | |
|----------------------------|--------------------------------|
| Chip Lynch, NOAA | Rene Zobel, NH F&G |
| Michael Petony, NMFS GARFO | Marin Hawk, MSC |
| Peter Burns, NMFS | Grant Moore, AOLA |
| Mike Ruccio, NMFS | Michael Hall, Narragansett, RI |
| Derek Orner, NMFS | Arnold Leo, E. Hampton, NY |
| Jason McNamee, RI DEM | Raymond Kane, CHOIR |

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 2, 2016, and was called to order at 9:01 o'clock a.m. by Chairman Dave Borden.

*Due to technical difficulties the initial proceedings for the American Lobster Management Board were never recorded. Due to staff resourcefulness the afternoon proceedings were recorded and are submitted into the record. **Beginning at Agenda Item 7; Review Catch Records from Jonah Crab Claw Fishermen and Discuss Action to Create a Standard for Claw Landings.***

MS. MEGAN WARE: Just as a background for how this issue came about; the FMP establishes a whole crab fishery with the exception of fishermen in New Jersey through Florida who can prove a history of claw landings. At the last board meeting we thought that there might be 46 claw fishermen, which was way more than we originally thought.

There were fishermen in New York, too, and they are currently not exempted. Our task was to investigate catch and landings records to more fully understand this portion of the fishery. What I did was I reached out to each of the states and I asked the following questions. How many fishermen are landing claws? What is the poundage being landed? Are there any practices we should know about? Where is this occurring?

The goal of all of these questions is to understand the size of the fishery so that we could set an appropriate harvest standard for claws. I am going to go through what each of the states sent me. I'm going to be fairly brief, given the time of day. Then I will go to some biological data that I was sent that I think will be useful.

Maine that is a new one here, Maine does have a claw fishery. The number is confidential and

one of our concerns is that this is mostly a personal consumption claw fishery. This is not going to be reflected in dealer reports. The numbers that you see here on the chart are likely a significant underestimate to what the claw fishery actually is in Maine.

Next we'll go on to New York. New York has claw fishermen who first land whole crabs, and then if they're not able to find a market for the whole crabs they'll sell their claws. They are using lobster pots and fish pots in both federal and state waters. The max landings here, these are not actual claw landings, these are total landings in pounds reported on VTRs for all New York fishermen who reported to have sold claws.

Since we know that all of their catch is not strictly claws, it is a combination of both whole crabs and claws. This is the max landings. This is a large overestimate of their claw landings but it is kind of the best we've got right now and it gives us an upper limit. Moving on to New Jersey; there are a significant number of unknowns in New Jersey, and that is mostly because their dealer reports don't differentiate between claws and whole crabs. We don't know the number of claw fishermen, we don't know claw poundage. We also don't know location of harvest, because the dealer reports from my understanding only give the port where that landing actually happened.

It is also possible for harvesters to fish and not report, and this happens if you don't have a federal permit and are fishing in state waters. The data is collected through VTRs, so that would be missed if you were in state waters. Given that here, what this table shows is the number of New Jersey vessels landing Jonah Crab.

What I want to point out is A, we don't know how many of these are landings claws, but also we have a variety of gears here and we also have some vessels that have lobster permits and some that don't. An issue for the board to decide is

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who can land claws. Do you have to have a lobster permit? What kind of gear can you use? I'll go into that more in a second.

Next would be Delaware. There are two claw fishermen in Delaware. Their pounding is confidential but they are fishing in federal waters. They are harvesting both claws and I was told that they have a preference to harvest crabs over four inches. Then finally Maryland, I'm going to spend a little more time on them because their trip level data was probably the most robust. But there are 18 fishermen in total between 2000 and 2015.

Total landings in 2014 were over 30,000 pounds. This is just claws. That dropped to over 20,000 pounds in 2015. All landings per trip are under 4,500 pounds. Again that number is large, because it was driven by one or two very high trips. But in general the vast majority of these trips are quite small. Fifty percent of fishermen average less than 50 pounds per trip.

Eighty percent of fishermen average less than 200 pounds per trip, and 60 percent of fishermen landed less than 500 pounds of claws yearly. Again this is generally very small landings, it is just driven by one or two large trips. Like New Jersey we have a bunch of different gears here; lobster pots, fish pots, gillnets. It is happening in state and federal waters and they are harvesting both claws.

This table here shows the claw landings for all gears combined. The number of fishermen has slightly increased, but I would say the number of trips has increased; 70 trips in 2015 and then that highest year of pounds landed was in 2014 with over 30,000 pounds of claws landed. Then I was able to split out the Maryland data by gear.

We can see that the vast majority is landed by lobster traps, but we also have a significant amount from gillnets and whelk pots. I just wanted to point that out that we do have multiple types of participants in the claw fishery.

Next I'm going to go on to the biological data that was given. This was submitted by Derek Perry from Massachusetts.

He is doing work as part of an SK grant to understand the biology of Jonah Crabs, and so he has been measuring Jonah Crabs and he is able to plot out the relationship between carapace width and claw height. The blue dots in this graph are measurements of crabs from southern New England, and the red dots are measurements from crabs in the Gulf of Maine and Georges Bank. He was able to do a linear regression on this. In general what we would expect is if a crab met that minimum size of four and three-quarter inches, which is the black lines, then we would expect a claw height of about 1.3 inches. They are a little over 35 millimeters. That is some of the biological data I was able to get. He was also able to look at the relationship between carapace width and claw length.

Again, the blue dots are measurements from southern New England; the red dots are measurements from Gulf of Maine, Georges Bank. If we had that minimum size claw of four and three-quarter inches, which is about the 120 millimeter length; then we would expect a claw length just over 60 millimeters, which is about 2.4 inches.

Something I want to point out with these is that these are only male crabs. If we go to the next slide, this data is from Craig from Maryland. I've included this here, because it shows the difference between male and female claws. He basically did the same exact thing, he measured the relationship between carapace width and claw length.

What he is showing here, is that to protect both male and females of that minimum size you would need a claw length just over 2.5 inches. All of these crabs are from Maryland, and the number is only 40 measured here, so it is a really small sample size. But I did want to show it,

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because it does differentiate between male and female.

Then we also had Josh from New Hampshire submit data. He is doing a study on claw mortality, so what happens if you remove Jonah Crab claws, what happens to the Jonah Crab. He has done five laboratory trials. Overall he's found that for just control crabs, so no claws removed, there is 19 percent mortality.

When one claw is removed it is 56 percent mortality and then when two claws are removed that is 74 percent mortality. Most of this mortality when claws are removed is occurring in the first six days, whereas the control mortality was after two weeks, I believe. Then he is also looking at how this affects the feeding of Jonah Crabs.

The long and short of this is just that when you remove claws they seem to eat less, and they prefer to eat things that are soft, such as an already shucked mollusk. But given the time, I'm just going to keep going and start the discussion on the claw fishery. Overall we're seeing we have claws harvested in six states with a variety of gears.

I think we have pretty poor trip level data, but biological data may prove more useful in management. Some of the questions for the board to consider today are does the board want a claw fishery? If yes, what standard would be best to manage the claw fishery, and who can land claws? Do you have to have a lobster permit or do you have to use a lobster trap? With that I will start the discussion.

MR. WILLIAM A. ADLER: Thank you for a very good report. I did have a question. Back on one of the slides it showed how many pounds, I guess it was that was brought in, in a particular area. Let's say 2015; 21,232. Is that the weight of pounds of just claws not counting the crab?

MS. WARE: That is my understanding from the data, yes.

MR. ADLER: All right so that would mean there is a lot more poundage if you were taking all the crabs.

MS. WARE: Correct.

MR. DANIEL MCKIERNAN: And the source of that data is dealer data or trip level reports from fishermen?

MS. WARE: Trip level reports from fishermen.

CHAIRMAN DAVID V. BORDEN: Other comments, questions? Okay we basically have to decide how to proceed here. Obviously the importance of this is the main management measure in the Crab plan is minimum size. If you allow claws to come in you have under the current format and plan, you have no assurance they're going to come from legal crabs. What is the preference of the board on how to deal with this?

MR. STEPHEN TRAIN: I guess I would like to hear from enforcement on how enforceable these crab claw sizes possibilities are, if they can tell. I mean I've been very opposed to landing the claws since we started this. But 74 percent mortality is still better than 100 percent mortality when you land the whole crab. I might be open if it is an enforceable rule to considering these things.

MR. MARK ROBSON: The Law Enforcement Committee commented when we commented on the original amendment. We of course specified that we preferred that crabs be landed whole. We did not really favor having a claw provision in the amendment. I think we would have to go back and revisit specific standards of claw measurements. The comments that were made at the time were that in addition to having the problem of potentially undersized crabs being used and then just having the claws

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harvested, which sort of defeats your minimum size requirement.

That obviously having to go out then and measure claws along with minimum size carapaces, just adds a much more complicated issue for enforcement; either on the water or on the docks to measure claws. But if there are specific types of claw measurement, height or length or specific ranges of claw measurements, then we may want to look at that again.

CHAIRMAN BORDEN: All right anyone else?

MR. PATRICK AUGUSTINE: Great report, Megan. Clarification, did you mention that there is a relationship to the size of the claw and the age of the animal? I didn't hear that. When you get this old you don't hear a lot of things, but can you help me with that?

MS. WARE: I didn't mention that. One of the, I guess complicating factors I'll say, is that if you remove the claw then obviously your claw length will be much smaller for a higher aged crab. All of the measurements that were presented in the first graphs I showed were regenerated claws were removed from that analysis. But I don't know the age of that crab.

MR. AUGUSTINE: Just a follow up, Mr. Chairman. Is there a relationship where you could compare the growth of these animals to blue crab growth? I guess I'm looking for, with blue crab there is a size, a minimum size. I'm wondering if there is a direct relationship between claw growth, claw size and the animal and whether that may be a measure. I understand what enforcement is saying, and it appears it is another layer of difficulty for enforcement people to go through, based on the number of animals that are being caught.

CHAIRMAN BORDEN: Anyone to that point?

MR. BOB GLENN: I can answer to that. Based on the work that we're doing at Mass DMF that

Megan presented, there is a strong positive relationship between carapace width and claw length, and also claw height. I would caution the board on the use of claw height, because of the subjectivity in measuring it.

You could measure the height of a claw at several different places, and depending on where you measure that you're going to get its maximum height. It would be difficult to define that in regulations, so I would suggest that if the board were entertaining a claw standard I would strongly advise on the claw length, because I think it is easier to comply with and easier to enforce probably.

MR. AUGUSTINE: One following, Mr. Chairman. Would it really make sense to be concerned to setting that in our regulation now, or is the status of the stock such that we shouldn't be looking at this and maybe an addendum two or three years from now; that it would be appropriate for us to bring that back up.

In other words I guess the question is, are we making it too complicated now as we're just going into this new approach; that we're going to make it difficult for the fishermen and enforcement to really do their job. I don't know if you can answer that question or not, Bob or Megan.

CHAIRMAN BORDEN: Well, I just provide my own insight and it's one of my concerns about this. I would simply point out that Dan McKiernan has done yeoman's duty on this particular issue by working with the staff. It is amazing how much time has been consumed on some of these crab issues. I would just note this is not a very big fishery. It is not a major fishery.

It is not like people are making a huge amount of money. It is a fishery of convenience. You have some fishermen bring them in for personal consumption, which I don't view is a problem, as long as it's small quantities. You have other fishermen in New York in particular that bring it

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in; they want to sell it whole. Then if the market won't accept the whole crabs, they snap the claws off and just sell the claws.

I guess my concern is we're going to an enormous amount of work to try to get this done for a very small group of individuals. I personally, or at least in my own mind I'm questioning why we're doing this. If it is going to be a huge burden on enforcement, you are probably not going to have a lot of enforcement officers who are going to willingly want to get down there and start measuring thousands of claws to see what the compliance rate is.

It might be simpler. I understand that this might be unpalatable to some people and states, but it might be simpler just to leave the requirement, you have to land the crab whole at the time of landing and then if in fact somebody wants to sell claws, they have to butcher them at the dock. But that is just a personal observation.

MR. AUGUSTINE: With that clarification and what Dan has brought to the table in terms of hours of effort having reviewed this. **I would move that we remain status quo on this issue and go by the recommendation of the Enforcement Committee that we have approved early on in this meeting.**

MS. WARE: Just for clarification; status quo means that it is a whole crab fishery but those who have a history of landing some claws from New Jersey through Virginia are able to land claws.

MR. AUGUSTINE: I am going to refer to Mr. Gilmore to explain why this doesn't work.

CHAIRMAN BORDEN: Can I just point out while the two of you are going back and forth that unless we take action to allow this practice it is not allowed. It is not allowed consistent with the current regulations.

MR. JAMES J. GILMORE: Well that was my question. I was going to say, I agree with you

Dave. I don't think we need to deal with this and just leave that there be a claw fishery. However, how do we unravel the fact that we gave exemptions at the summer meeting? I'm not sure how to fix that right now, because New York clearly has a claw fishery. I think other states do. I'm looking for a suggestion on how we fix that.

CHAIRMAN BORDEN: Megan or Toni, do you want to comment on that?

MS. WARE: I think my understanding, and Toni you can correct me. I think if you guys want to make it just strictly a whole crab fishery this would require an addendum to remove those exemptions. There would be an option for status quo, which would be a whole crab fishery with the exemption for the New Jersey through Virginia fishermen, and then a possibility for Option 2 would be strictly a whole crab fishery coast wide.

CHAIRMAN BORDEN: All right, David Simpson.

MR. DAVID G. SIMPSON: Yes I guess I don't have a strong feeling one way or the other, but I am thinking about the burden of measuring individual claws, and I wonder if there is data available on weight per hundred count or something like that to set a guideline. I remember scallop count days, so I know how it will quickly get gamed. But I just can't imagine law enforcement going through and as you said, measuring hundreds of individual crabs. I wonder if there is any data on weight per count.

CHAIRMAN BORDEN: I don't believe that information exists.

MR. PATRICK C. KELIHER: Could we add those options as Megan just laid them out to the current addendum and bring these out for public comment, and then be able to wrestle this after the fact?

MS. WARE: None of that language is currently drafted. I can work to draft that quickly if the

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board is interested in that. But the board wouldn't be able to see that language. If the board was interested in seeing that drafted language before public comment, we would have to do that somehow electronically. That language has not currently been drafted, but if that is the boards will we will quickly work to do that.

MR. JOHN CLARK: I'm just a little confused, because the plan does allow for the retention of claws only, and the new addendum doesn't have anything about that so status quo to my understanding would be that we would continue to allow claw retention, correct?

MS. WARE: Yes so this would be I guess Issue 3, we'll call it in the addendum. The addendum would address both incidental bycatch and claws. Under the claw issue there would be, I'm not trying to put words into the board's mouth, but two options could be status quo, which would be the whole crab fishery with the exemptions for New Jersey through Virginia and Option 2 could be a strictly whole crab fishery coast wide.

CHAIRMAN BORDEN: One of the things that I would put out here is that one of the concerns; well I think a number of individuals are rightly worried about an expansion of the fishery. When we originally discussed this, and I think I was one of the ones that spoke in favor of the claw fishery because of the Mid-Atlantic situation. If we could figure out a way to cap it, for instance at the existing landings, then I could see that working in a conceptual manner in support of the concept.

MR. MICHAEL LUISI: Maybe this is a question for Megan. How does the addendum that we just approved for public comment, how do the trip limits in that addendum apply to the majority of landings under the claw fishery that we're currently discussing, such that what I'm thinking about is if through the Addendum 1 process we establish some form of a trip limit on the number

of crabs that are effectively handled and dealt with on these bycatch trips.

If those bycatch trips make up 90 percent of the reported landings of these claws that we're talking about right now, then we could essentially use those trip limits as a mechanism for establishing claw limits that would go hand in hand, perhaps in some way like that. I am confused about the idea of adding something to the document that we just approved for public comment. Before lunch we just approved Addendum 1 to go to the public and to add something in now I think is a little last minute, if not already past the time.

CHAIRMAN BORDEN: Yes since there has been no action on that my suggestion would be let Addendum 1 move forward the way it is currently cast, and if we want to do another addendum we simply do it. We work out, I think your advice is well put that we simply start the process. We draft an addendum, circulate the language, let everybody look at it and put it on an agenda for the next meeting.

MS. WARE: Just to get to your point, Mike. That is one of the questions we do need to solve is who can land claws. If someone is now going to be using a non-lobster trap and they're catching claws that is something that the board needs to decide; who can land claws.

MR. LUISI: Okay yes, I understand the two points. I just want to be clear that I wasn't suggesting in my comment that we initiate a new addendum. I was simply saying maybe we should let this other addendum play itself out, and then have an opportunity to see how this claw issue and the limits that we establish in that addendum can be viewed together. Maybe that would be the guidance we would need to start something if need be.

CHAIRMAN BORDEN: All right comments on that suggestion? What is the preference? I've got a couple of hands up. Eric Reid.

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MR. ERIC REID: I'm good with what Mike said, let Addendum 1 take its course, and I would look forward to having a conversation about a whole crab only fishery and a limit for personal use, whether it's a pound, a peck or a pen worth of claws after that.

MS. ALLISON MURPHY: Back in August we commented that we thought it would be hard to justify a claw only fishery without better mortality information. At that time we supported a claw only fishery. It is good to see that a lot of work has been done on this issue in the last few months.

But at this stage I think we would still support a claw only fishery, given the high level of mortality to crabs with one or both claws removed. That being said, I think we would be supportive of the process playing out, whether it be through an addendum initiated at this meeting or in the future.

MR. GILMORE: I am kind of lost so I have a couple of questions. If we let the addendum play out, there are four states that have an exemption. Then New York being one of the states that don't have an exemption, we wouldn't have a claw fishery until we started a new addendum to add that in, which is not making me particularly happy.

Here is a suggestion, and hear me out, and Bob and Toni pay attention, because I'm not sure if we can do this or not. That motion that was passed that gave the exemption, and I hope everyone will agree was based on no data. We essentially did that seat of the pants. We didn't have the data and we essentially gave those exemptions.

If we head back to that point and I was sitting here, I would have added my state in and probably other states would. Is there a possibility in a cleaner way to revisit that motion and just take that exemption away and then not

deal with the claw fishery so we don't have to do another addendum?

MS. KERNS: Typically once we approve an FMP you have approved that FMP. In order to make a change in one of the regulations that has been codified you would need to do an addendum to remove that regulation.

CHAIRMAN BORDEN: What is the preference here? Does anyone want to speak to that?

MR. AUGUSTINE: I think Jim had his hand up. He wants some clarification.

MR. GILMORE: If that's the case, I did not want to initiate an addendum on a claw only fishery, but I'm going to be forced to do it because I have to include New York in the fishery. I can give you that motion now or what is your preference, Mr. Chairman?

CHAIRMAN BORDEN: Go ahead. Do the motion now.

MR. GILMORE: All right, initiate an addendum to create standards and management measures for a Jonah Crab claw only fishery.

CHAIRMAN BORDEN: Second anyone? Motion dies due to lack oh, Pat? No, you're in the same delegation. Bill Adler. Motion by Jim Gilmore, seconded by Bill Adler, motion is on the table, discussion.

MR. McKIERNAN: Whatever we do in the end on this, we have to ask the National Marine Fishery Service to adopt rules in the federal zone that they're going to be comfortable with, in terms of the equal protection issues and treating states fairly. I just want us to be realistic, and maybe each of us ought to be talking to NMFS if we want to have an EEZ fishery for Jonah Crabs with rules that pertain to landing in certain states.

I think that would be unprecedented and I just want us to really think that through. I just can't

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imagine that being the case. I would rather see some kind of a uniform standard applied to the entire fishery, whether it be some nominal amounts, whether it be a prohibition on parts, whether it be parts have to be accompanied by totes of clawless crab bodies. Something has to be consistent. We can't have the motion that was passed in August live on; because it won't be enacted I don't believe by NMFS in a final rule.

CHAIRMAN BORDEN: One option here would be to not proceed with this strategy in terms of the motion and simply ask NOAA General Counsel to provide us with some written guidance on that for the next meeting. What is the preference? I mean we have a motion on the table that we should vote on in deference to Jim and Bill, but if they prefer to withdraw the motion I would be happy to entertain that and we could seek some legal advice between now and the next meeting on the legal issue that Dan. Jim, have you got a preference? We'll vote on it if you want.

MR. GILMORE: That's okay with me, Mr. Chairman. I would withdraw the motion under that.

CHAIRMAN BORDEN: Okay Pat Augustine, oh no it was Bill Adler, excuse me. Bill, are you comfortable with withdrawing the motion? Okay the motion has been withdrawn then; any further action on this? A letter is going to be sent then to the National Marine Fisheries Service asking them the specific question that Dan raised.

MR. DENNIS ABBOTT: Yes point of order. You can't withdraw the motion; the motion belongs to the board.

CHAIRMAN BORDEN: Okay. Well the one thing you can do is somebody can make a motion to table it. Dan.

MR. McKIERNAN: Motion to table Mr. Gilmore's motion until the next meeting pending a General Counsel review from NOAA.

CHAIRMAN BORDEN: Seconded by Pat Augustine. Discussion of the motion to table, there is no discussion. Are you ready for the question, need a caucus? No one needs a caucus. All those in favor raise your right hand. Eleven in favor, opposed, no opposition, any abstentions, null votes? **Okay motion passes, motion has been tabled.**

MR. AUGUSTINE: Mr. Chairman, point of information. I don't think Mr. Abbott seconded that unless he did and I didn't know it.

CHAIRMAN BORDEN: Okay so, Pat.

MR. AUGUSTINE: Did Mr. Abbott second that before I did? Up there, I think I seconded it, if Mr. Abbott wants it he can have it.

MR. ABBOTT: Excuse me; I think if Mr. Gilmore made the motion Mr. Augustine is not supposed to second it. That's why I jumped in.

CONSIDER APPROVAL OF IMPLEMENTATION PLANS FOR THE JONAH CRAB FMP

CHAIRMAN BORDEN: The next issue is the implementation plans, and I hope this will go easier than the last issue. Megan.

MS. WARE: All right so implementation plans for the Jonah Crab FMP were due January 1st. I received plans from all states. I've contacted all the states that had state specific issues or the PDT was recommending some sort of change, so I am not going to discuss those today. If a state has a question or concern you could talk to me and we'll work it out. What I would like to talk about today is how to move forward with implementation, given that we have an addendum right now for public comment to potentially alter the incidental bycatch limit.

What I would like to hear from the board is how we would want to proceed with that. Is the board interested in implementing the incidental bycatch as is now, which again is a 200 crab per

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day, 500 crabs per trip incidental bycatch limit for non-trap gear, or would the board like to hold off on implementing anything in regards to that specific issue and wait for final action on Addendum 1?

CHAIRMAN BORDEN: Comments?

MR. GILMORE: Well, first I would like to hold off on taking Option 2 for a number of reasons. First off this thing became extremely messy. We've got so many pieces to it. I think we have a June 1st implementation date. I don't even have my rulemaking yet done, and now I will have to put one in to try to make June 1st, which typically takes me six months. I'm going to miss that and I'll have to put a second one in to do this, and it is going to be logistically very difficult to get both those through, so I would prefer to wait.

CHAIRMAN BORDEN: Other comments? Any objections to waiting, how long are we going to wait?

MS. WARE: That is something we can discuss in May when we do final action on the addenda. We could discuss implementation of the bycatch limit at that point if people are okay with that. If each state could come with a date by which they could implement that; that would be great.

CHAIRMAN BORDEN: Any objections to handling it in that manner? Okay no objections, so we'll do that.

UPDATE ON NEFMC DEEP SEA CORAL HABITAT AMENDMENT

CHAIRMAN BORDEN: Next item is the deep sea corals, and I'm going to recognize Doug Grout and possibly Terry.

MR. DOUGLAS E. GROUT: The New England Fisheries Management Council a number of years ago initiated an amendment on deep sea coral habitat. We did set it aside while we were doing the Omnibus Habitat Amendment. We've

now picked it up. During this period of time one of the things that has been good about delaying is that we have a lot more information about where deep sea corals actually occur, based on surveys compared to what we were basing our original amendment on, which was based essentially on habitat. Now we have empirical evidence of it. One of the issues that the council has asked us to help out with is apparently there is some offshore lobster fishing that is occurring out near some of the deep sea canyons out there where some of the deep sea corals have been documented. But we don't have specific BTR data that outlines exactly where that fishing effort is.

They've asked the commission if we have some other information that may be able to help out with this. Furthermore, because we are potentially going to contemplate applying any measures to a lobster trap fishery out there, we wanted to have a member of the board here participate in the Habitat Committee.

Our Chairman of the Lobster Board here has graciously agreed to be the commission's representative on the Habitat Committee for now. That is basically where we're going with this. We're going to have a meeting here, I believe in March. Megan, do you have anything else you would like to bring up about it?

MS. WARE: As Doug was saying, we were asked to provide information on the distribution of lobster fishing effort in the canyons, so that the council can look at the potential economic impact if they were to limit lobster fishing in these deep sea coral areas. I am currently working now with a group to draft a survey on that; since we don't actually have that sort of detailed information. That will be being sent out to Area 3 fishermen. Our goal is to be able to present that data to the council in April. I can give more updates as we go, but that is where we are right now.

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CHAIRMAN BORDEN: Any questions for Doug or Megan? I would just add to this. I mean one of the issues here is that not all of the boats that are fishing the canyons have to do complete logbooks, and so there is a lack of information from certain areas along the shelf. As was stated by a number of the offshore representatives, I mean that entire edge, you can go from the Canadian line all the way down off of New Jersey. That edge, all those canyons are being fished by fishermen up and down.

They are either being fished for lobsters, there is a red crab fishery that takes place outside in the really deep water and then there is a Jonah Crab fishery that takes place in the shallower extent. Unfortunately that information is not well detailed in the database, with the result that when the council staff does their examination of the issue, they end up with this patchy exposure. It is really critical to get that information as we move forward; any further action? Dan.

MR. McKIERNAN: Yes, David, can I recommend for the next meeting you prepare a report or consult the National Marine Fisheries Service about the potential for requiring VTRs of all federal lobster permit holders?

CHAIRMAN BORDEN: You actually raise an interesting question. I would have no objections to doing that. But that is one of the issues that the Technical Committee specifically identified as one of the flaws in the existing plan. My expectation would be that as we get into fleshing out the details of the next amendment, we should look at those recommendations and then include provisions that address some of those data deficiencies. I think it is appropriate. I have no objections. If Peter, for instance would like to go back to the agency and discuss that internally and then come forward with some advice to the board. I think that is useful. But you've already got a recommendation to do that from the Technical people.

MR. McKIERNAN: To follow up. Could you write a letter specifically to NOAA Fisheries on this matter and ask for a response?

CHAIRMAN BORDEN: Sure. Any objection to that? No objection, okay. We have a short, oh excuse me. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a real quick procedural thing. Usually if the commission is going to send a letter to NOAA Fisheries you run that by the Policy Board, just essentially inform all the states that we're requesting some feedback from NOAA Fisheries.

UPDATE ON THE STATE/FEDERAL AMERICAN LOBSTER OBSERVER PROGRAMS

CHAIRMAN BORDEN: All right we'll follow that procedure. Okay the next item on the agenda is update on the observer program and we'll go into the election and hopefully adjourn after that.

MS. WARE: I'll keep this really short. One of the issues with the federal observer program was that the sampling frame was quite small. It only looked at VTR fishermen. I am happy to report that that has been changed, it now looks at all lobstermen that fish in federal waters, whether you report on a VTR or not. I think that is a really big improvement for the observer program, and that went into effect January 1st. Our next task is to try and create uniform codes, so codes for egg status or shell disease and we'll be working on that.

CHAIRMAN BORDEN: Any questions for Megan?

ELECTION OF VICE-CHAIR

CHAIRMAN BORDEN: Okay next item is election of a Vice-Chairman, the floor is open.

MR. GILMORE: **I nominate Steve Train from the state of Maine as the next Vice Chairman for the Lobster Board.**

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CHAIRMAN BORDEN: Is there a second? Seconded by John. Any other nominations? Pat Augustine.

MR. AUGUSTINE: **I move that you close the nominations and cast one vote on behalf of the board for our new Vice Chairman.**

CHAIRMAN BORDEN: Any objections to that course of action? If not, there are no objections, congratulations, Steve! I am going to be on vacation for the next board meeting. Okay other business? Is there any other business to come before the committee? If not, I would just like to remind everybody; what you agreed to do today is basically we've got a schedule of public hearing on Jonah Crabs, Lobster PDT has to meet and redefine a number of those answers on those questions that they're still working on.

Rhode Island has to submit their analysis to the PDT. We're going to need the PDT was basically charged to formulate recommendations on goals and management measures that will be considered by the board at the next meeting. We're also going to have a separate discussion on the Gulf of Maine and the overfishing standard. Did I miss anything? If not, any objection to – Ritchie.

MR. RITCHIE WHITE: Wasn't the agenda going to include kind of a discussion of goals?

CHAIRMAN BORDEN: Yes. That was going to be part of it too. We'll get a recommendation from the PDT on that.

MR. GILMORE: Not on that just, Mike it is Vice Chairman. I was trying to help Dave out and get them knocked out quicker, but it didn't work.

ADJOURNMENT

CHAIRMAN BORDEN: All right, any objection to adjourning? If not, meeting is concluded. Thank you.

(Whereupon, the meeting was adjourned at 1:31 o'clock p.m., February 2, 2016.)



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board

FROM: American Lobster Plan Development Team

DATE: April 11, 2016

SUBJECT: Potential Management Objectives for SNE Lobster Stock

The American Lobster Plan Development Team (PDT) met via conference call on March 23, 2016 to develop potential management objectives for the Southern New England (SNE) stock, a task assigned by the Lobster Board at the February meeting. The PDT discussed a spectrum of management objectives, ranging from increasing spawning stock biomass (SSB) through significant reductions in harvest to perpetuating the fishery at the expense of rebuilding the stock. Throughout the discussion, the PDT found the objectives of increasing the stock and preserving the fishery to be in conflict with one another. Moreover, the PDT felt increasing the stock size would not be possible if the goal was to maintain the current lobster industry.

This report is presented in two sections. The first section outlines the various management objectives developed by the PDT, as well as management tools which could be used to achieve these goals. The second section looks at the pros and cons of standardizing specific management measures in each Lobster Conservation Management Area (LCMA) within the SNE stock range.

PART 1: POTENTIAL MANAGEMENT OBJECTIVES

1. Increase Spawning Stock Biomass

According to the projections presented by the Technical Committee (TC) at the February meeting, an 80-90% reduction in the current harvest rate would be needed to increase SSB under current levels of natural mortality. This could be achieved through a moratorium or the use of several management tools such as a quota, a narrow slot limit, or a long season closure. While these actions would likely lead to the loss of the SNE lobster industry, including the loss of fishing infrastructure and market space, increasing SSB through large reductions in harvest could lead to improved recruitment and higher stock abundance in the near future. Depending on the management tools chosen, some of the economic and infrastructure losses could be mitigated by the Jonah crab fishery if it is not constrained by trap reductions and/or closed areas.

2. Stabilize Spawning Stock Biomass

The projections presented by the TC show a 75% reduction in the current harvest rate would be needed to stabilize SSB. Similar to the first objective, this large reduction in fishing mortality could be achieved using several management tools including a quota, changes to

the gauge size, targeted season closures, trip limits, or lower trap limits. Stabilizing SSB may help prevent further declines in abundance; however, it would negatively impact the fishery, with economic and infrastructure losses similar to those expected under the 80%-90% reduction in fishing mortality.

3. 50% Reduction in Fishing Mortality

In an effort to find an objective which balances biological benefits to the stock with mitigating hardship on the fishery, the PDT explored an objective which seeks a 50% reduction in fishing mortality. While a 50% reduction in harvest would primarily serve to slow the decline of the SNE stock, some biological benefits could be seen, such as a few years of improved adult survival and reproduction if environmental conditions are favorable. This objective would also allow a portion of the fishery and associated infrastructure to remain in place. Several management measures could be used to achieve a 50% reduction in fishing mortality including gauge size changes, season closures, area closures, quotas, or trap reductions.

4. Optimize the Number of Eggs per Recruit

This objective seeks to take advantage of cool water temperatures and favorable climate conditions to produce several years of good recruitment. The PDT discussed that, while we cannot control many of the environmental factors which have contributed to the decline of the SNE stock, it is possible to implement management tools which optimizes the number of eggs in the water. If the Board were to choose this objective, the goal would be to maximize the probability of a successful recruitment event when there are favorable environmental conditions for settlement. Achieving this objective would require a decrease in the maximum gauge size and an increase in the minimum gauge size so as to leave as many spawners in the water as possible. The PDT warns against creating a male-only fishery as, given the low abundance of the stock, a decrease in the proportion of males may result in sperm limitations and eliminate the benefits of this species' social structure in maximizing successful reproduction.

5. Perpetuate the Fishery

This socio-economic objective seeks to preserve and maintain a viable fishery in the short-run and does not address the need to increase or stabilize SSB. The PDT categorizes all measures which would reduce fishing mortality by 10-40% under this objective. Management tools which could be used to perpetuate the fishery include trap reductions, changes in the minimum or maximum gauge size, area closures, and season closures. While the biological benefits of this objective may be minimal and projections suggest the stock will continue to decline, this option would allow the SNE lobster fishery to continue until it is no longer economically viable.

6. Improve Knowledge on Effectiveness of Management Measures

This objective seeks to learn about the success and/or failure of different management measures as they pertain to the improvement of various portions of the stock. The PDT highlights this objective can be combined with any percent reduction in fishing mortality. Implementing this objective would provide the opportunity to advance our knowledge on the

effectiveness of management tools so the lessons learned can be applied to other stocks as needed. This evaluation would be achieved through an iterative process in which areas (whether that be LCMA's, states, or smaller sub-regions) implement a percent reduction through different management tools such as a quota, closed season, or area closure. After implementing the selected management measures, analysis would be conducted to determine their impact on lobster abundance and stock health. For example, the effectiveness of an area closure could be analyzed by measuring the incidence of shell disease, the growth and size of lobsters, and spawning success within the closure and comparing this to areas outside of the closure. Several PDT members raised concerns regarding the feasibility of this objective, including the large budget associated with this project, the time needed to evaluate changes in stock condition, the high level of coordination and monitoring required, and the need for heavy industry cooperation; however, the PDT agreed that, if successful, the results would help inform future management of all American lobster stocks.

PART 2: PROS AND CONS OF STANDARDIZING MANAGEMENT MEASURES IN SNE

The following section looks at the cost and benefits of standardizing regulations in SNE. Overall, uniform regulations would likely improve enforcement and reduce uncertainty in the stock assessment. The PDT recommends many of the management tools outlined below be used in combination with one another to achieve desired reductions in the SNE lobster fishery. Furthermore, the PDT notes that standardizing management measures throughout SNE may require splitting LCMA 3 into two sections based on stock boundaries or by creating a SNE designation for Area 3 fishermen.

1. Closed Seasons

There are currently three different closed seasons within the SNE stock: LCMA 4 is closed between April 30th and May 31st, LCMA 5 is closed between February 1st and March 31st, and LCMA 6 is closed between September 8th and November 28th. The PDT feels closed seasons are an effective tool to reduce harvest in the lobster fishery and a standardized closed season throughout SNE could be used to protect lobsters during vulnerable life stages. In SNE, a closed season would have the greatest conservation benefit if it occurred during the molt (June-July) and/or just prior to the time most females extrude eggs (July-August). Staggered closed seasons between the inshore LCMA's and Area 3 could also be implemented to protect lobsters as they migrate offshore in the winter and inshore in the spring and summer. While the PDT supports the use of closed seasons, they note the ability of fishermen to potentially recoup their landings by fishing more intensely during the open season.

2. Trap Reductions

LCMA's 2 and 3 are currently undergoing a 50% and 25% reduction in traps, respectively. Analysis conducted by the Rhode Island Division of Fish and Wildlife suggests these reductions are expected to decrease fishing effort and could be a viable tool for other LCMA's. The PDT notes the effectiveness of trap reductions to decrease harvest is limited and delayed since the relationship between traps fished and landings is non-linear, causing latent effort to be removed first. As a result, the PDT recommends trap limits be used in combination with other

management tools to reduce exploitation. The PDT also highlights that, given lobster and Jonah crab are part of a mixed crustacean fishery, trap reductions in the lobster fishery could also impact the Jonah crab fishery.

3. Minimum Gauge Size

LCMA's 2, 4, 5, and 6 currently have a minimum gauge size of $3\frac{3}{8}$ " while LCMA 3 has a minimum gauge size of $3\frac{17}{32}$ ". Given the current status of the stock, standardizing the minimum gauge size would likely require an increase in the gauge size for LCMA's 2, 4, 5, and 6. This action would significantly impact the inshore fishery while having smaller effects on the offshore fishery. The primary benefits of increasing the minimum size are allowing lobsters to contribute to the stock's egg production before they are legally susceptible to harvest and reducing stock assessment uncertainty and enforcement challenges. The PDT does not recommend an increase in the minimum gauge size be the sole management tool used by the Board, as the fishery will continue to be largely dependent on newly-recruited lobsters. Should recruitment fluctuate, this dependence will result in an unstable fishery. Furthermore, an increase in the minimum size will result in increased discards, causing lobsters to encounter additional stress due to handling, temperature fluctuations, and exposure to predation.

4. Maximum Gauge Size

LCMA 3 currently has a maximum gauge size of $6\frac{3}{4}$ " while all other LCMAs in SNE have a maximum gauge size of $5\frac{1}{4}$ ". Efforts to standardize regulations and protect large spawners would likely result in a decrease in the maximum size in LCMA 3. This would have a negative impact on offshore fishermen where the lobsters tend to be larger. A benefit of a reduced maximum gauge size is the lobsters are protected in perpetuity and allowed to contribute to the spawning population. Furthermore, a uniform maximum gauge size would address concerns about diminished conservation value from non-uniform size limits as lobsters move between jurisdictions. A concern noted by the PDT is a decrease in the maximum gauge size will increase discards and, similar to an increase in the minimum gauge size, result in increased stress due to handling and temperature fluctuations. The PDT does not recommend a maximum gauge size decrease as the sole means to reduce exploitation in the SNE stock.

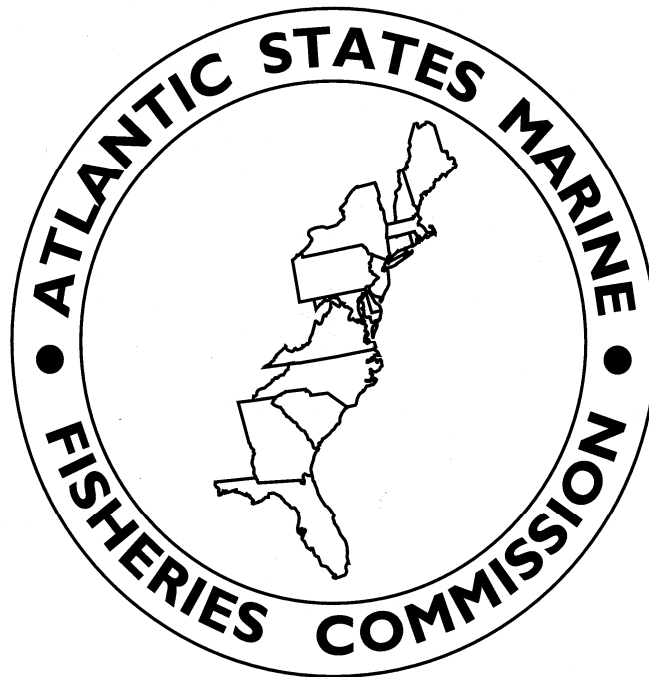
5. V-Notch Requirement

Currently, LCMA 6 and state waters of LCMA 4 do not have a mandatory v-notch requirement. While a v-notch requirement would serve to protect known spawners, the PDT does not have any empirical evidence to show a mandatory v-notch program would significantly reduce exploitation of the SNE stock, especially given the precipitous decline in landings inshore. Other concerns include the fact that the effectiveness of v-notching is dependent on fishermen maintaining substantial harvest rates and high levels of compliance. Furthermore, the PDT cautions against a management approach which focuses solely on females as this could create a de facto male-only fishery and disrupt the reproductive dynamics of the SNE stock. The PDT notes a mandatory v-notch requirement would have to be combined with other management measures, in all SNE LCMAs, to achieve sizable reductions in harvest.

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM I TO THE JONAH CRAB FISHERY
MANAGEMENT PLAN FOR PUBLIC COMMENT**

Incidental Bycatch Limits for Non-Trap Gear and Non-Lobster Traps



Vision: Sustainably Managing Atlantic Coastal Fisheries

February 2016

This draft document was approved by the Management Board for public comment to solicit input on the issues contained in the document.

Public Comment Process and Proposed Timeline

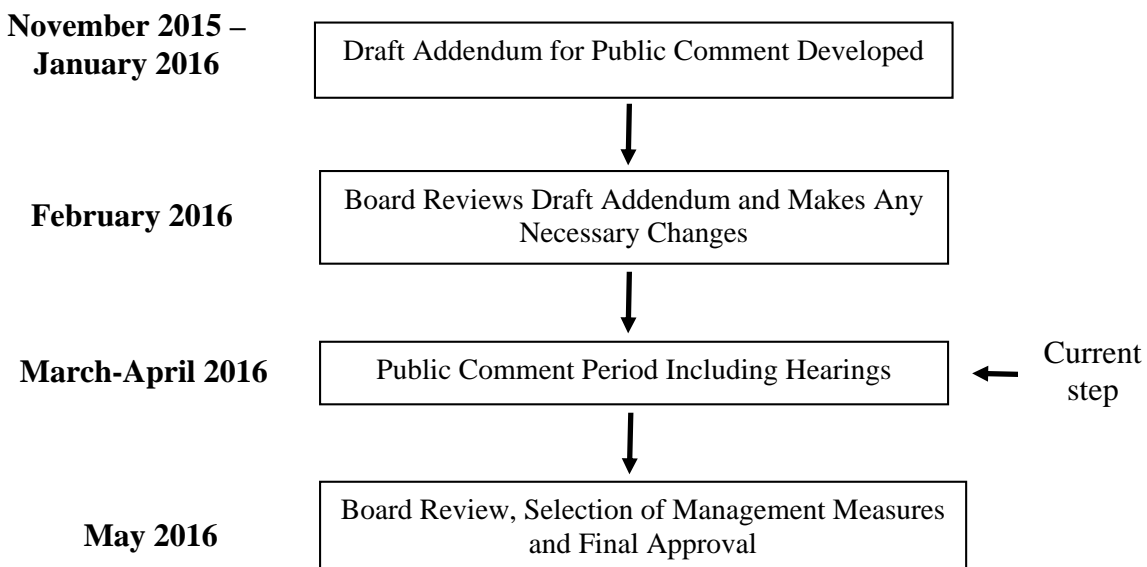
At its November 2015 meeting, the American Lobster Management Board (Board) discussed concerns over the appropriateness of the incidental bycatch limit for non-trap gear in the Jonah Crab Fishery Management Plan (FMP). The Board initiated Draft Addendum I to consider increasing or removing the bycatch limit to address the potential inadequacy of the trip limit provision. At the February 2016 meeting, the Board added a second issue to consider bycatch limits for non-lobster trap gear given concerns regarding the possibility for increased effort and trap proliferation.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the addendum process. The final date comments will be accepted is **April 8, 2016 at 5:00 p.m. EST**. Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Megan Ware

Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200A-N
Arlington, VA 22201
Fax: (703) 842-0741

Email: mware@asmfc.org
(Subject line: Jonah Crab
Draft Addendum I)



Draft Document for Public Comment

1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) coordinates the interstate management of Jonah crab (*Cancer borealis*) in state waters (from 0-3 miles offshore). ASMFC manages Jonah crab through an Interstate Fishery Management Plan (FMP), which was approved in August 2015 under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (1993). Management authority in the exclusive economic zone (EEZ), which extends from 3-200 miles offshore, lies with NOAA Fisheries. The management unit for Jonah crab includes the Atlantic states from Maine through Virginia. The biological range of the species is primarily from Newfoundland, Canada to Florida.

The Board initiated Addendum I to the FMP after concern that the incidental bycatch limit of Jonah crab for non-trap gear was not appropriate. Specifically, there was concern that the original 200 crab per calendar day, up to 500 crab per trip limit did not encompass all fishermen who currently land Jonah crab as bycatch. Since a goal of the Jonah Crab FMP is to prevent expansion of the fishery while including all current participants, the Board directed the Plan Development Team (PDT) to draft an addendum to change the bycatch allowance for non-trap gear, either by increasing or removing the trip limit.

At the February 2016 meeting, the Board added a second issue to Draft Addendum I to consider bycatch limits for non-lobster traps. Currently, fishermen using non-lobster traps, such as whelk, crab, and fish pots, must obtain an incidental permit to harvest Jonah crab; no catch or trap limits are in place for these gears. Given concerns regarding the lack of effort controls on these fishermen and the potential for trap proliferation, the Board added options to Draft Addendum I to establish a bycatch allowance for non-lobster traps.

2.0 Overview

2.1 Statement of the Problem

The Jonah Crab FMP established a 200 crab per calendar day, 500 crab per trip incidental bycatch limit for non-trap gear. However, an investigation of data found, while the majority of non-trap trips from 2010 through 2014 were within the current limit, there were several trips above the bycatch limit. Furthermore, while Jonah crab are also caught as bycatch in non-lobster traps, there are no effort controls for these gears, raising concern about the potential for trap proliferation. Since the goal of the FMP is to cap landings of Jonah crab while ensuring the inclusion of current participants in the fishery, the Board initiated this addendum to consider increasing or removing the bycatch limit for non-trap gear and establishing a bycatch allowance for non-lobster traps.

2.2 Background

Jonah crab has long been considered a bycatch of the lobster industry; however, in recent years there has been an increase in targeted fishing pressure and demand for

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Jonah crab. Since the early 2000s, landings of Jonah crab have increased 650% creating a mixed crustacean fishery that can target lobster or crab at different times of the year based on slight, legal gear modifications and small shifts in the areas in which traps are fished. This rapid and recent increase in demand can be attributed to an increase in the price of other crab (such as Dungeness), creating a substitute market for Jonah crab, as well as a decrease in the abundance of lobsters in Southern New England, causing fishermen to supplement their income with Jonah crab. As a result of this growing demand, ASMFC approved a FMP for Jonah crab to support the implementation of a unified coastal management program which promotes the conservation and full utilization of the Jonah crab resource.

While the majority of Jonah crab are harvested by lobster fishermen using lobster traps, roughly 0.1% of Jonah crab are caught as bycatch in non-trap gear such as bottom otter trawls and gillnets (Table 1). The FMP addresses the bycatch fishery through the establishment of a 200 crab per calendar day, up to 500 crab per trip incidental bycatch limit for non-trap gears. However, the Board expressed concern that the bycatch allowance is not high enough to include all current participants in the fishery.

Table 1: Number of trips landing Jonah crab with non-trap gear and estimated total landings (2010-2014). Provided by New England Fishery Management Council (NEFMC).

| Year | Number of Permits Landing Jonah Crab w/ Non-Trap Gear | Number of Trips Landing Jonah Crab w/ Non-Trap Gear | Total Non-Trap Jonah Crab Landings (lbs) | % of Year's Total Jonah Crab Landings |
|-------------|--|--|---|--|
| 2010 | 20 | 109 | 10,815 | 0.099% |
| 2011 | 23 | 72 | 2,986 | 0.032% |
| 2012 | 14 | 53 | 4,099 | 0.035% |
| 2013 | 22 | 109 | 6,081 | 0.038% |
| 2014 | 17 | 114 | 13,306 | 0.078% |

An investigation of trip-level data across the entire management unit found while 97-99% of trips from 2010 through 2014 were within the current FMP limit, 23 trips were above the trip limit (Table 2). 3 trips landed over 900 crab between May 2013 and August 2015.¹

Table 2: Percentage of trips affected by the current ASMFC bycatch limit for non-trap gear (2010-2014). Spreadsheet submitted by NEFMC and is based on data provided by NOAA Greater Atlantic Regional Fisheries Office (GARFO) using the Data Matching Imputation System. Assumes that 1 crab=1 pound.

| Year | Average Number of Days Fished | Percentage of Trips Constrained by Crab Limit |
|-------------|--------------------------------------|--|
| 2010 | 1.17 | 2.33% |

¹ Data provided by NOAA GARFO from the Vessel Trip Report database. Assumes that 1 crab=1 pound.

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| | | |
|------|------|-------|
| 2011 | 1.72 | 0.61% |
| 2012 | 1.26 | 3.03% |
| 2013 | 1.18 | 2.38% |
| 2014 | 1.23 | 2.86% |

Catch and landings records showed Jonah crab are also harvested by non-lobster traps, such as whelk pots, crab pots, and fish pots. The Jonah Crab FMP requires that individuals fishing with non-lobster trap gear obtain an incidental permit from the appropriate jurisdiction in which the vessel is fishing. The FMP does not prescribe a catch limit for these gear types and there is a concern that increased effort could lead to trap proliferation.

Data submitted by NOAA Fisheries show between May 1, 2013 and August 31, 2015, 194 trips landed Jonah crab with whelk pots, crab pots, and fish pots.² Of these, 80 trips landed 100 crab or fewer and 115 trips landed 200 crab or fewer. Approximately 45 trips landed between 200 and 500 crab and 40 trips landed more than 450 crab. Trips with the highest landings came from whelk pots. Trip reports from Maryland show between 2012 and 2015, 33 trips landed Jonah crab with fish pots. All of these trips were under 200 pounds. Reports also indicated from 2014-2015, 36 trips landed Jonah crab with whelk pots. Average landings per trip with whelk pots were under 500 pounds but considerably higher than those from fish pots. There is concern that these whelk pot landings may in fact be rock crab, a closely related species which is often misreported as Jonah crab.

The Board initiated this addendum to the Jonah Crab FMP to address the small amount of harvest by non-trap gears in excess of the trip limit and the potential for increased harvest and trap proliferation by non-lobster traps. For non-trap gear, the Draft Addendum includes options to maintain, increase, or eliminate the bycatch limit, while options for non-lobster traps include establishing bycatch limits of varying size or maintaining no catch limit on these gears.

3.0 Proposed Management Options

The following are management options currently being considered by the Board. Please indicate your preference for any issue in submitted comments.

For the purpose of this addendum, a day means a 24-hour period.

1 day fishing trip means a trip 24 hours or less

2 day fishing trip means a trip greater than 24 hours up to 48 hours

3+ day fishing trip means a trip greater than 48 hours

ISSUE 1: INCIDENTAL BYCATCH BY NON-TRAP GEAR

² Data provided by NOAA GARFO from the Vessel Trip Report database. Assumes that 1 crab=1 pound.

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This section proposes to replace the “Incidental Bycatch limit for non-trap gear” in *Section 5.1* of the Jonah Crab FMP.

Option A: Status Quo

Under this option, the incidental bycatch limit for non-trap gear would remain at 200 crab per calendar day, up to 500 crab per trip.

Option B: Incidental Bycatch Limit of 1,000 crab per trip.

Under this option, the incidental bycatch limit for non-trap gear would be a 1,000 crab trip limit for a trip of any length.

Option C: Remove the Incidental Bycatch Limit for Non-Trap Gear

Under this option, there would be no bycatch limit for non-trap gear in the Jonah crab fishery.

ISSUE 2: INCIDENTAL BYCATCH LIMIT FOR NON-LOBSTER TRAPS

The following options would apply to trips by all vessels hauling traps which do not have a valid lobster tag. These include, but are not limited to, fish pots, whelk pots, and crab pots.

Option A: Status Quo

Under this option, there would be no incidental bycatch limit for non-lobster trap gear. Those wishing to harvest Jonah crab with traps that do not have a valid lobster tag would be required to obtain an incidental permit as stipulated in Section 5.1 of the Jonah Crab FMP. There would be no limit on the number of crab caught by these fishermen.

Option B: Incidental Bycatch Limit of 200 Crab per Day, 500 Crab per Trip

Under this option, the incidental bycatch limit by all vessels hauling traps that do not have a valid lobster tag would be 200 crab per day, up to 500 crab per trip, for trips three days or longer.

Option C: Incidental Bycatch Limit of 200 Crab per Day, 1000 Crab per Trip

Under this option, there would be a trip limit of 200 crab per day, up to 1000 crab per trip for trips 2 days or longer.

Option D: Incidental Bycatch Limit of 1,000 crab per trip.

Under this option, the incidental bycatch limit for non-lobster traps would be 1,000 crab per trip, regardless of the length of the trip.

4.0 Compliance

If approved, states must implement the management measures in Addendum I by **Month, 201X.**

5.0 Recommendation for Federal Waters

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The management of Jonah crab in the EEZ is the responsibility of the Secretary of Commerce through the National Marine Fisheries Service (NMFS). The Atlantic States Marine Fisheries Commission recommends that the federal government promulgate all necessary regulations in Section 3.0 to implement complementary measures to those approved in this addendum.

6.0 Literature Cited

ASMFC, 2015. Interstate Fishery Management Plan for Jonah Crab.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: Megan Ware, FMP Coordinator
DATE: April 15, 2016
SUBJECT: Public Hearing Summary for Draft Addendum I to Jonah Crab FMP

The following pages represent a summary of the public hearings conducted by ASMFC for Draft Addendum I to the Jonah Crab Fishery Management Plan. Seven public hearings were held within the management unit: Maine, Massachusetts (New Bedford and Gloucester), Rhode Island, New York (East Setauket and Montauk), and Maryland. Approximately 55 individuals attended the public hearings. A brief summary of the comments received at the public hearings is provided below, followed by detailed summaries for each hearing (pages 2-8)

Since the public comment period did not close until April 18, 2015, a complete summary of the public comments, including letters submitted, will be included in the supplemental materials for the May Board meeting.

Public Hearing Executive Summary

Issue 1: Incidental Bycatch by Non-Trap Gear

Comments were split between maintaining the current bycatch allowance of 200 crab per day, 500 crab per trip (Option A) and eliminating the bycatch limit for non-trap gear (Option C). Individuals from Rhode Island and Maryland supported eliminating the bycatch limit for non-trap gear highlighting that landings from these gears represent less than 1% of total harvest in the fishery. Several individuals commented there is no need to limit a portion of the fishery that makes up such a small percentage of total harvest when landings by the majority of the fishery (lobster permit holders) are not limited. The majority of New York fishermen supported the current bycatch limit, commenting that this is an adequate level of bycatch and would prevent non-directed fishermen from targeting Jonah crab. One NY fishermen supported the 1,000 crab limit per trip (Option B), stating it is a reasonable allowance for a fishermen to make a living. Comments at the Massachusetts public hearings were split between all three options, with fishermen giving similar justifications as stated above.

Issue 2: Incidental Bycatch Limit for Non-Lobster Trap Gear

Comments were split between maintaining no bycatch limit for non-lobster traps (Option A) and establishing a bycatch allowance of 200 crab per day, 500 crab per trip (Option B). Individuals from Rhode Island and Maryland supported no bycatch limit for non-lobster trap gear, citing the small portion of landings from these gears. Maryland fishermen also did not feel that the stock was in decline and in need of restrictive management measures. New York

fishermen supported the establishment of a 200 crab per day, 500 crab per trip bycatch limit as they felt this was an adequate level of bycatch which would prevent increased effort in the fishery. Comments from Massachusetts were again split between the various options, with similar justifications given as described above. A common theme among all public hearings was the fact that, whatever the bycatch limit, it should be consistent among non-trap gear and non-lobster trap gear. Moreover, people were not in favor of different bycatch limits for non-trap gear and non-lobster trap gear.

Jonah Crab Draft Addendum I Public Hearing

*Portland, ME
March 17, 2016
6 Participants*

ASMFC: Megan Ware (staff), Terry Stockwell (ME Commissioner)

Attendees: Peter Roberts (lobsterman), Maria Jacob (NEFMC), Kathleen Reardon (ME DMR), Katherine Thompson (ME DMR)

Issue 1: Non-Trap Bycatch Limit

Participants did not have any comments on this issue.

Issue 2: Non-Lobster Trap Bycatch Limit

Participants did not have any comments on this issue.

Other Comments:

One participant noted the confusion between Jonah crab and rock crab in Maine as the local name for *Cancer borealis* is rock crab. He highlighted the need for education in Maine so fishermen know which species is being impacted.

Jonah Crab Draft Addendum I Public Hearing

Gloucester, MA

March 15, 2016; 6:00 pm

6 Participants

ASMFC: Megan Ware (staff)

Attendees: Arthur Sawyer (MLA), Tom Nies (NEFMC), Alli Murphy (NOAA), Tracy Pugh (MA DMF), Michelle Bachman (NEFMC)

Issue 1: Non-Trap Bycatch Limit

- One participant was in favor of maintaining the current bycatch limit of 200 crab per day, 500 crab per trip (Option A). He stated that he was not in favor of an expansion of the Jonah crab fishery since the large increase in the number of boats landing Jonah crab is likely not sustainable. He noted that down the road, a stock assessment may put limits on the fishery so there should be no increase in the bycatch limit at the present time.
- NEFMC supports bycatch options that allow all current catch rates. NEFMC does not support the status quo as it constrains trips by current fishermen. NEFMC does not believe that fishing by non-trap permit holders will jeopardize the Jonah crab stock. Likewise, NEFMC does not believe that a large increase in fishing effort is likely given significant gear changes are required to catch crab (ie: bait and a holding tank). The Council is concerned that Draft Addendum I does not meet the requirements of ACFCMA, specifically Standards 6 and 7, as they believe management actions are not needed in the non-trap fishery since it is such a small portion of Jonah crab landings and effort is not increasing.

Issue 2: Non-Lobster Trap Bycatch Limit

- One participant was in favor of a bycatch limit of 200 crab per day, 500 crab per trip (Option B). He was not in favor of options that allowed expansion in the Jonah crab fishery.
- NEFMC does not support the differential treatment of non-trap and non-lobster trap fisheries but does understand a need for a preliminary limit for non-lobster trap fishermen.

Other Comments:

- NEFMC is concerned that the Jonah crab claw fishery will jeopardize the resource. The Council supports landing Jonah crabs whole and is concerned that the claw fishery compromises the 4 ¾ minimum size.

Jonah Crab Draft Addendum I Public Hearing

New Bedford, MA

March 14, 2015

22 Participants

ASMFC: Megan Ware (Staff), Dan McKiernan (Commissioner), Bill Adler (Commissioner), Bob Glenn (TC Chair), David Borden (Lobster Board Chair)

Attendees: Grant Moore (AOLA), Alan Dean (Claws RNC), Ali Murphy (NMFS), Pete Burns (NMFS), Jan Horecky (NBCC), David Soares (NBCC), Michelle Bachman (NEFMC), Marc Palomdo (fisherman), Quinn RW (AOLA), Peter Wakam (Palomdo Fisher Corp), Ron Swolomo (FSF), Craig Weedon (MD DNR), Bill Dub (NOAA), Theresa Burnham (MA DMF), Noelle Olsen (UMES), Derek Perry (MA DMF), Captain Pat Moran (MA LEC)

Issue 1: Non-Trap Bycatch Limit

- Two participants were in favor of eliminating the Jonah crab bycatch limit for non-trap gear (Option C). Participants cited the low Jonah crab catch by non-trap gear (0.07% of total pounds landed in the fishery) as evidence that there is no need for a bycatch limit. They felt a limit would just add burden to enforcement officers on the docks. One participant noted that while scallop dredges do not land Jonah crab, their current catch rates are higher than the 200/500 limit. He is in favor of fishermen being able to land as many Jonah crab as they can.
- Two fishermen were in favor of a 1000 crab bycatch limit (Option B).
- One participant expressed concern that without a bycatch limit, there is the possibility for increased directed effort.

Issue 2: Non-Lobster Trap Bycatch Limit

- Two participants were in favor of a bycatch limit of 200 crab per day, 500 crab per trip (Option B).
- One participant was in favor on maintaining no bycatch limit for non-lobster trap gear (Option A). He cited the low catch levels as evidence that there is currently no need for a bycatch limit. He also stated that in order to make a profit on Jonah crab you need volume and these small traps do not have that capacity.

Other Comments:

- One participant asked for clarification in the document to highlight the addendum applies to bycatch landings and not a catch or possession limit.

Jonah Crab Draft Addendum I Public Hearing

Rhode Island

March 16, 2016; 6:00 pm

6 Participants

ASMFC: Megan Ware (staff), David Borden (Lobster Board Chair)

Attendees: John Moran (Athearn Marine), Jerry C. (RIFA), Scott Olszewski (RI DEM), Conor McManus (RI DEM)

Issue 1: Non-Trap Bycatch Limit

- One participant was in favor of eliminating the bycatch limit for non-trap gear (Option C) since landings are such a small portion of the fishery. He stated that until landings by non-trap gear exceed 10% of total landings in the fishery, there should be no limits on their harvest or on the number of participants. He does not think it is appropriate for 99% of people who land Jonah crabs (ie: those with lobster permits) to have no limit imposed on them and for the Board to state that they are trying to cap effort in the fishery. He noted that the number of lobster trap tags available and the amount fished are considerably different and this could allow for expansion in the Jonah crab fishery.

Issue 2: Non-Lobster Trap Bycatch Limit

- One participant was in favor of maintaining no bycatch limit for non-lobster trap gear (Option A). He stated that until landings by non-lobster trap gear exceed 10% of total landings in the fishery, there should be no limits on their harvest or on the number of participants.

Jonah Crab Draft Addendum I Public Hearing Summary

*East Setauket, NY
April 6, 2016 – 6:30 pm
4 Attendees*

ASMFC: James Gilmore (ASMFC Commissioner), Emerson Hasbrook (ASMFC Commissioner), Kim McKown (ASMFC Lobster TC)

Attendees: John Aldridge

Issue 1: Bycatch by non-trap gear

- Mr. Aldridge would support any of the options.

Issue 2: Bycatch by non-lobster trap gear

- Mr. Aldridge would support any of the options.

Other Issues:

- Mr. Aldridge indicated that prohibition of landing and sale of claws would be very detrimental to his business. It's an important fishery in the summer time when the whole crabs don't survive without refrigeration. He could deal with a claw size limit. He recommended that we review how the State of Florida implements the claw size limit on the stone crab fishery. He mentioned that FL has a gauge to measure the claws, and suggested we look into it. He would like to be able to harvest both claws from the crab, which is allowed in the FL stone crab fishery.
- Mr. Aldridge fishes for Jonah crab with crab pots, which have modified heads that limit the number of lobsters caught and are also not as tall as lobster pots. It's critical for his business that these pots be included in any rules for the fishery.

Jonah Crab Draft Addendum I Public Hearing Summary

Montauk, NY
April 14, 2016 – 5:00 pm
8 Attendees

ASMFC: Rachel Sysak (ASMFC Jonah Crab PDT), Kim McKown (ASMFC Lobster TC)

Attendees: Chuck Mallinson, Vincent Dam, Thomas Eckardt, Brian Rade, James Auteri, Anthony Sosenski

Issue 1: Bycatch by non-trap gear

- The majority of the fishermen supported the status quo (200 crab per day/ 500 crab per trip). They felt this was an adequate amount for bycatch but would prevent non-directed fishermen from targeting Jonah crab. If the harvest and sale of claws are permitted, they would support a 400 claw per day or 1,000 per trip bycatch limit (2 claws per crab).
- One fisherman supported 1,000 crab per day. He felt this was a reasonable amount of bycatch for a fisherman to make a living.

Issue 2: Bycatch by non-lobster trap gear

- All the fishermen supported Option B - 200 crab per day/ 500 crab per trip. In general they felt this was adequate amount for bycatch but would prevent non-directed fishermen from targeting Jonah crab.

Other Issues:

- All the fishermen rely on the harvest and sale of claws. Both directed pot fishermen and gillnetters have difficulty keeping whole crabs alive in the summer, and rely on the harvest of claws. In addition, many crabs have recently molted in the summer and are not readily salable, but the claws are.
- Gillnetters are unable to harvest whole crabs. Jonah crab clamp down on gill nets, making it difficult to impossible to remove them without removing their claws. Gillnet fishermen remove the claws from the crabs and throw the live crabs back in the water. The gillnetters feel there should be a 400 claw per day/1,000 claw per trip bycatch limit.
- Most of the Jonah crab fishery takes place in Federal waters. There was some concern/questions about how the Federal and State permitting would be worked out.
- There was a lot of discussion about the number of black sea bass the fishermen have been seeing. They feel they should be able to get a larger bycatch of black sea bass to make up for the fact the lobster stock has declined.

Jonah Crab Draft Addendum I Public Hearing

*Ocean City, MD
April 4, 2016; 2:00 pm
9 Participants*

ASMFC: Megan Ware (staff)

Attendees: JC Banks (commercial-fishing.org), Craig Weedon (MDNR), Stephen Yunns (fishermen), Mark Hill (fishermen), Noelle Olsen (UMES), Brad Steven (UMES), Jimmy Holm (fishermen), Steve Ellis (NOAA)

Issue 1: Non-Trap Bycatch Limit

- Three participants were in favor of eliminating the Jonah crab bycatch limit for non-trap gear (Option C). The participants stated that there is no need to limit a portion of the fishery that makes up less than 1% of total landings when landings by the majority of the fishery (lobster permit holders) are not limited.

Issue 2: Non-Lobster Trap Bycatch Limit

- Three participants were in favor of maintaining no bycatch limit for non-lobster trap gear (Option A). They again felt that there was no need to limit a portion of the fishery that only makes up 1% of total landings. They also did not feel that there was any concern about the stock status which would precipitate the need to limit bycatch landings. If the stock was in trouble, the participants felt measures to limit catch by lobster permit holders would be more effective.
- One participant felt the term 'bycatch' is not appropriate to this category as he targets Jonah crab with conch pots. If his catch were limited by this addendum, he would be required to obtain a lobster permit to continue harvesting Jonah crabs at his current rates. The current price of a MD lobster permit is \$25,000 which is cost prohibitive.

Other Comments

- Participants stated they are concerned that Jonah crab effort from New England will migrate down to Maryland and suggested the Jonah crab fishery adopt the Management Areas in the lobster fishery. They also felt that since Maryland fishermen land such a small portion of Jonah crab catch, the regulations should be focused on states such as Massachusetts and Rhode Island, who are the primary contributors to harvest.
- Attendees noted the continued confusion between rock crabs and Jonah crabs and the need for clarification between the two species.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: Jonah Crab Advisory Panel
DATE: April 12, 2016
SUBJECT: AP Recommendations on Draft Addendum I to the Jonah Crab FMP

The Advisory Panel (AP) met via conference call on April 5, 2015 to comment on Draft Addendum I to the Jonah Crab Fishery Management Plan. Below is a summary of the meeting.

Advisory Panel Attendees

Todd Richard Ellis (NH) commercial
Brian Thibeault (RI) commercial

Sonny Gwin (MD) commercial
Staff
Megan Ware, FMP Coordinator

Issue 1: Incidental Bycatch for Non-Trap Gear

The AP unanimously favored increasing the bycatch limit for non-trap gear to 1,000 crabs per trip (Option B). The AP felt that this option would cap effort in the Jonah crab fishery without restricting the harvest rates of current participants.

Issue 2: Incidental Bycatch Limit for Non-Lobster Traps

AP members were in favor of establishing a bycatch limit of 1,000 crabs per trip for non-lobster traps (Option D) because it would cap effort while allowing current participants to continue business as usual; however, the AP expressed several concerns regarding trap proliferation. Comments on this issue included:

- Setting a 1,000 crab bycatch limit could cause effort in non-lobster trap fisheries to expand as current fishermen increase their harvest to meet the bycatch allowance. This could result in a significant increase in the number of traps in the water, especially in the conch fishery where traps can be easily converted to target Jonah crab. The AP felt that some level of trap proliferation could occur at any bycatch level presented in Draft Addendum I, albeit to different degrees, as pot fishermen harvest more Jonah crabs. This is particularly concerning to lobster fishermen in LCMAs 2 and 3 who are going through significant trap reductions.
- The AP believes that unlimited catch by non-lobster traps (Option A) would lead to increased effort and trap proliferation and should not be adopted by the Board.
- Trap limits in the pot fisheries would be a more effective effort control; however, the AP recognizes that this may be out of the regulatory authority of the Lobster Board.
- The bycatch allowances for non-trap gear and non-lobster trap gear should be uniform to ensure simplicity in the regulations and improve enforcement.



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MEMORANDUM

April 10, 2016

To: American Lobster Management Board
From: Law Enforcement Committee
RE: Draft Addendum

The LEC met via teleconference call on March 11, 2016 to review draft management options for Jonah Crab as identified in Draft Addendum I. The following members were in attendance: **LEC:** Capt. Steve Anthony (NC); Deputy Chief Kurt Blanchard (RI); Chief Jon Cornish (ME); Lt. Michael Eastman (NH); Lt. Col. Larry Furlong (PA); Special Agent-in-Charge Honora Gordon (USFWS); Capt. Robert Kersey (MD); Capt. Doug Messeck (DE); Major Pat Moran (MA); Director Kyle Overturf (CT); Capt. Jason Snellbaker (NJ)

LEC ALTERNATE: Asst. Special Agent-in-Charge Jeff Ray (NOAA OLE)

STAFF: Mark Robson; Megan Ware; Ashton Harp; Max Appelman

After reviewing proposed bycatch options for the non-trap and non-lobster-trap harvest of Jonah crab, the LEC reiterates its previous positions and rationales for bycatch limits as described in memoranda to the American Lobster Board, dated July 24, 2015 and January 15, 2016. These comments include the concern that large bycatch limits, particularly for non-trap gear, could result in directed efforts which may increase gear conflicts in the future. Furthermore, increases to the bycatch limit will significantly increase the time required by enforcement personnel to inspect the catch.

For Issue 1, Non-Trap Gear, the LEC continues to support the adopted measure (Option A-status quo) of 200 crabs per calendar day and up to 500 crabs per trip incidental bycatch limits.

For Issue 2, Non-Lobster-Trap Gear, the LEC recommends adopting Option B specifying an incidental bycatch limit of 200 crabs per day, up to 500 crabs per trip, for trips three days or longer.

The LEC appreciates the opportunity to provide advice and recommendations to the American Lobster Board for the continued development of the management plan for Jonah Crab.



Atlantic States Marine Fisheries Commission

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Douglas E. Grout (NH), Chair

James J. Gilmore, Jr., (NY), Vice-Chair

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

February 17, 2016

John Bullard, Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, Massachusetts 01930

Dear Mr. ~~Bullard~~ ^{John,}

On behalf of the American Lobster Management Board (Board), the Commission is requesting the National Marine Fisheries Service (NMFS) provide the federal perspective on the current claw exemption in the Jonah Crab Interstate Fishery Management Plan (FMP).

In August 2015, the Board approved a Jonah Crab FMP which established the following restriction for the harvest of claws:

“Only whole crabs may be retained and sold with the exception of individuals who can prove a history of claw landings before the June 2, 2015 control date in the states of New Jersey, Delaware, Maryland, and Virginia.”

The intent of this provision was to establish a whole crab fishery while preserving the historic harvest of claws in the Delmarva Peninsula. Following the August meeting, New York and Maine came forward with data showing fishermen from their states were harvesting claws prior to the control date; these fishermen are not included in the current exemption.

In an effort to better characterize the size and scope of the claw fishery, staff worked to compile verifiable landings data, which produced mixed results. Some states were able to furnish SAFIS records which included weight of whole crabs vs. claws, while other states did not have adequate data to determine if whole crabs or claws were landed. Furthermore, some states did not have information on the number of claw fishermen or the total pounds of claws landed.

In February 2016, after receiving the report on the deficiencies in the data for the claw fishery and identifying additional claw fisheries in New York and Maine, the Board considered initiation of an addendum to create standards and management measures for a Jonah crab claw fishery. The Board subsequently postponed the initiation of the addendum after concerns were raised about the need for NMFS to enact complementary measures in federal waters. Specifically, Board members were concerned about unequal standards and exemption eligibility among various states' fishermen who will be harvesting Jonah crab alongside one another in federal waters.

Given that a substantial portion of this fishery is prosecuted in the EEZ, it is desirable and appropriate for NMFS to provide preliminary guidance to the Board concerning the allowance of claw harvest in federal waters. The Board asks NMFS review the current claw exemption language and provide comments regarding the conservation, enforcement, and legal issues the agency anticipates may arise in ongoing rulemaking, especially in regards to National Standard 4. The Board is cognizant of the fact that NMFS cannot provide final guidance until it sees the final action from the Board and rational for the decisions; therefore, the Board will consider any input as preliminary guidance.

It would be beneficial for the Board to have NMFS review the claw exemption language and provide comments to the Commission prior to the May 2016 meeting. This timeline will allow the Board to take up the postponed addendum discussion in May. Thank you for your help to work through the issues associated with developing this new management program. Please contact me if we can provide any additional information.

Sincerely,



Robert E. Beal

cc: Tom Nies, Executive Director, NEFMC
American Lobster Management Board



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

FEB 29 2016

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

Dear Bob:

Thank you for your February 17, 2016, letter requesting preliminary guidance on the development of a claw-only Jonah crab fishery under the Interstate Fishery Management Plan for Jonah Crab. As your letter points out, I cannot provide definitive, final guidance on this issue because the Lobster Board continues to discuss revisions to claw-only measures and my staff have not yet completed the rulemaking process to implement the management measures recommended in the Jonah Crab Plan. I can provide guidance on preliminary conservation, enforcement and legal issues associated with a claw-only fishery.

As you noted, I urged the Lobster Board in my July 16, 2016 letter to develop a whole-crab fishery, as the Jonah Crab Plan did "not contain information on the post-release survivability of Jonah crab after one or both claws has been removed." My staff echoed this concern at the August 2016, Lobster Board meeting. Since that time, the University of New Hampshire and New Hampshire Fish and Game have undertaken a small scale laboratory study to evaluate the impacts of claw removal on the health and behavior of Jonah crabs. Preliminary results from these trials indicate high levels of mortality (approximately 50 percent for crabs with one claw removed and approximately 75 percent for crabs with both claws removed). Unless additional information becomes available indicating that post-claw removal survival is higher than this preliminary study suggests, I believe the Lobster Board would have a difficult time justifying that a claw-only fishery is a sustainable practice and is consistent with the Jonah Crab Plan goals and objectives.

As you noted, the Law Enforcement Committee previously weighed in on the option for a claw-only fishery, stating "Introducing an option to retain parts or remove claws will complicate effective enforcement of a minimum-size standard, and introduces an opportunity to move undersized crabs through the system. Adding an additional measurement standard for claws, such as a count-per-pound or something similar, will greatly complicate enforcement requirements to monitor and inspect fishing." Staff from NOAA's Office of Law Enforcement participated in that discussion and concurred with the Committee's recommendation. In addition, the Office of Law Enforcement has indicated that implementing multiple sets of requirements, such as whole and claw-only provisions, in a single management area complicates and weakens enforcement. This is why we have historically supported one set of regulations that can be applied consistently across jurisdictions and areas. I believe the Lobster Board should



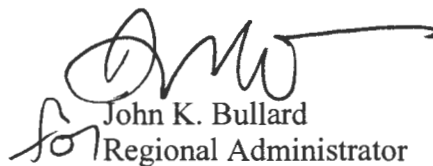
discuss and closely evaluate the potential enforcement concerns associated with a claw-only fishery.

As you know, any regulation promulgated under the Atlantic Coastal Fisheries Cooperative Management Act must be in accordance with the Magnuson-Stevens Fishery Conservation and Management Act's National Standards. Your letter referenced National Standard 4, which states in part that "Conservation and management shall not discriminate between residents of different states..." During our rulemaking process, we would formally review whether the Commission-recommended Jonah crab measures comply with National Standard 4, including whether it is a conservation measure without discriminatory intent. It may prove challenging for us to implement the claw-only exemption, as constructed in the August 2015 Jonah Crab Plan because of National Standard 4. My recollection of the August claw-only discussion is that additional development of claw-only permitting requirements and management measures would be necessary prior to implementation. Once developed and recommended, these measures would be subject to a formal review under National Standard 4.

While I remain in favor of a whole-crab fishery, I am supportive of the Commission's public process. Changes to the Jonah Crab Plan should be considered by Lobster Board through an addendum that encompasses a range of alternatives and subsequently released for public comment.

Thank you for the opportunity to provide additional comments on this important issue. If you have any questions, please contact Allison Murphy at (978) 281-9122 or allison.murphy@noaa.gov.

Sincerely,


John K. Bullard
Regional Administrator

cc: David Borden, American Lobster Board Chairman
Megan Ware, ASMFC Fishery Management Plan Coordinator



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

December 18, 2015

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

Dear Bob:

Our Council is currently working on an omnibus amendment to protect deep-sea coral habitats in the New England region from the impacts of fishing. During a December 15, 2015 meeting of the Habitat Plan Development Team, it came to our attention that Vessel Trip Report (VTR)-based maps of the distribution of effort in the lobster fishery may be missing some important grounds.

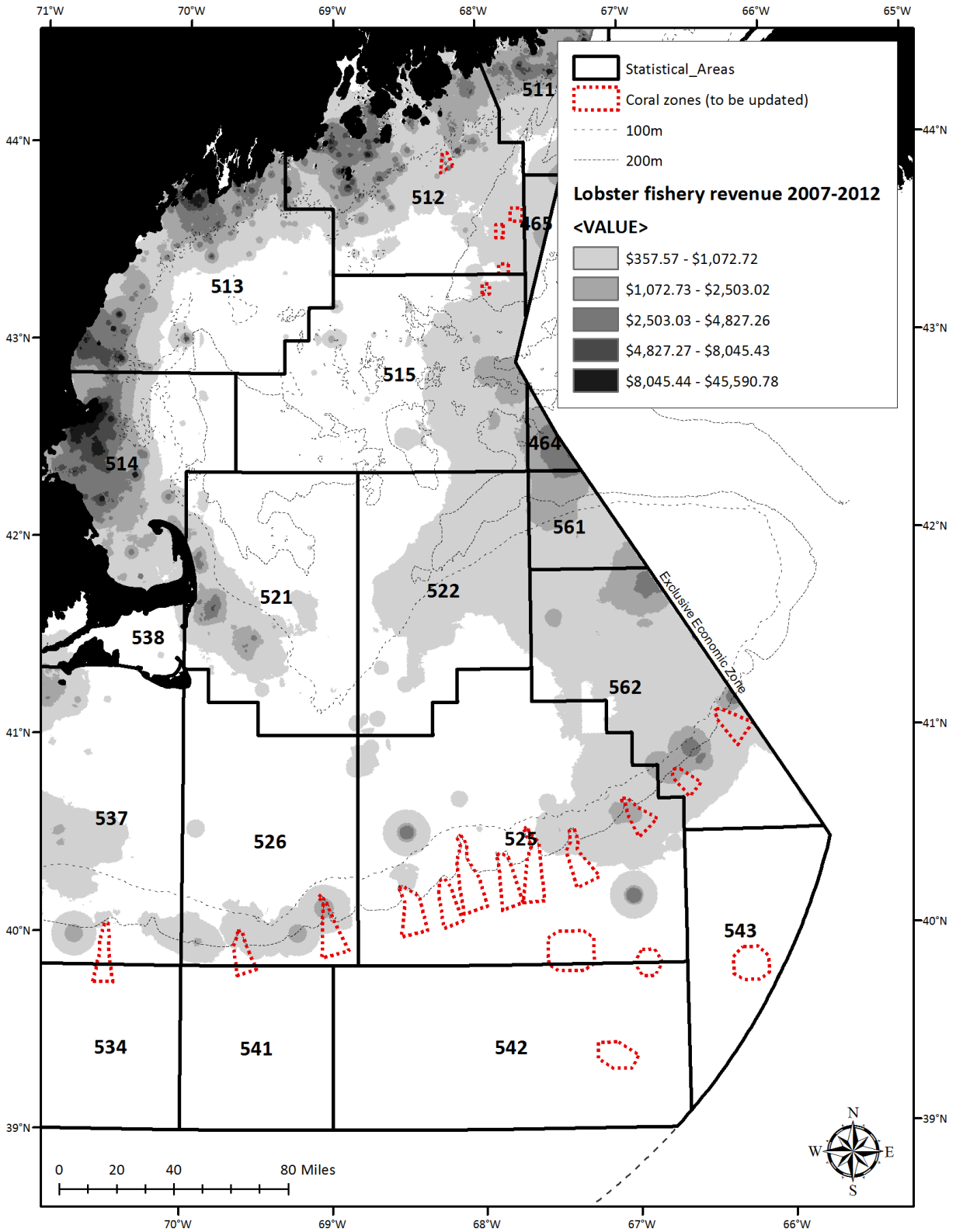
The enclosed figure shows the distribution of revenues in the lobster fishery between 2007 and 2012. More recent data from 2013 and 2014 (not shown) indicate similar patterns of effort. As you can see, there is no reported effort in the vicinity of Lydonia and Oceanographer Canyons. Industry members in the audience said that lobster effort is distributed along the entire shelf edge between Heezen and Alvin canyons, but that vessels fishing in some locations may not be represented in the vessel trip report data. We do not know if this is because they do not hold other federal permits that trigger the VTR requirement, or because VTRs record only one location for each sub-trip (gear/statistical area).

We are reaching out to you and your staff to see if you have data that can help us to better understand the distribution of lobster fishing activity in and around the canyons off Georges Bank and Southern New England. To be clear, the Council has not yet indicated that they intend to restrict the use of lobster traps within coral zones, but we want to be prepared to analyze effects on all fisheries operating within the region.

Michelle Bachman is the plan coordinator for this amendment and can answer any questions you may have.

Sincerely,

Thomas A. Nies
Executive Director





Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

Douglas E. Grout (NH), Chair

James J. Gilmore, Jr., (NY), Vice-Chair

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

February 23, 2016

Dear Area 3 Lobster Fisherman,

Enclosed is a survey to collect data on the distribution of lobster and Jonah crab fishing effort in and around the canyons in Georges Bank and Southern New England. Your participation is valued and important in determining the extent of lobster and Jonah crab fishing in these offshore areas.

The Atlantic States Marine Fisheries Commission (ASMFC) is requesting this information from all active Area 3 lobster permit holders, as ASMFC has been asked to provide the New England Fishery Management Council (NEFMC) with a clearer picture of the extent and magnitude of trap fishing around the canyons. NEFMC is currently drafting an Omnibus Deep-Sea Coral Amendment which could establish discrete deep-sea coral protective zones as well as broad deep-sea coral regions along the edge of the continental shelf, from Alvin canyon to the Hague line (Figure 1). It is unknown if this Amendment will impact the lobster fishery. While lobster is not a species managed under Magnuson-Stevens, the legislation does grant NEFMC the authority to protect deep-sea coral habitats. As the Amendment progresses, NEFMC will debate what types of gear restrictions are appropriate in coral zones. ASMFC plans to provide a summary of the survey results to NEFMC in April in order to inform the discussion on gear use.

Current lobster and Jonah crab trip reports include data on statistical area fished; however, this location information is too coarse to map fishing effort near specific canyons. The attached survey asks for more detailed information on fishing locations, fishing patterns, and the value of your lobster and Jonah crab harvest near the offshore canyons. ASMFC hopes that collecting these data will allow ASMFC to provide NEFMC with a comprehensive picture of the potential impacts on the lobster and Jonah crab fisheries, should lobster traps be proposed as a restricted gear within the deep sea coral zones.

The survey should take 15 minutes to complete. ASMFC will take all measures necessary to ensure that confidential data is protected and an individual fisherman's data will not be shared. Only summaries of the survey responses will be shared with NEFMC. If you do not feel comfortable providing an answer for a particular question, you may choose to leave it blank. Informational meetings on this survey and its purpose will be held on the following dates:

March 14th; 4:30 p.m.

New Bedford Fairfield Inn and Suites
185 McArthur Drive
New Bedford, MA 02740

March 15th; 5:00 p.m.

MA DMF Annisquam River Field Station
30 Emerson Ave.
Gloucester, MA 01930



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

Douglas E. Grout (NH), Chair

James J. Gilmore, Jr., (NY), Vice-Chair

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

ASMFC encourages your participation in this survey, as each fisherman has a unique perspective on fishing in this dynamic offshore region. **Please return the survey using the enclosed postage-paid envelope to Bob Glenn, Chair of the ASMFC Lobster Technical Committee, by March 28, 2016.** If you have any questions about the survey, please contact Megan Ware, ASMFC Lobster FMP Coordinator, at mware@asmfc.org or (703-842-0740).

Thank you for taking time to share your knowledge with us.

Sincerely,

Handwritten signature of Robert P. Glenn in black ink.

Bob Glenn
Senior Marine Fisheries Biologist, Mass DMF

Handwritten signature of Megan Ware in black ink.

Megan Ware
Lobster FMP Coordinator, ASMFC

INSTRUCTIONS

This survey is to be filled out by active Area 3 lobster permit holders. The purpose of this survey is to gather information on the distribution of lobster fishing effort in and around the canyons in Georges Bank and Southern New England. All confidential data will be protected and an individual fisherman's response will not be shared. If you do not feel comfortable answering a question, you may choose to leave it blank. Please return completed surveys by mail or email to:

Bob Glenn, Massachusetts Division of Marine Fisheries
1213 Purchase St., 3rd Floor
New Bedford, MA 02740-6636
robert.glenn@state.ma.us

A. INTRODUCTION

1. Prior to this letter, were you aware that NEFMC is considering an Amendment to protect deep sea corals?
 - a. Yes
 - b. No

B. LOCATIONS FISHED

Please refer to Figure 1 (page 7) to answer the following questions. All confidential data will be protected.

1. In 2014-2015, did you land lobster and/or Jonah crab with traps from Area 3?
 - a. Yes
 - b. No
2. In 2014-2015, did you fish traps within NEFMC's Area of Interest (outlined in orange in Fig. 1)?
 - a. Yes
 - b. No
3. If yes, please circle the statistical areas in which you fished traps in 2014-2015.
 - a. 537
 - b. 534
 - c. 526
 - d. 541
 - e. 525
 - f. 562
4. If yes, please circle any canyons in which you fished traps in 2014-2015. Detailed figures of the specific canyons are available on pages 8-12.

| | |
|-----------------|------------------|
| a. Alvin | l. Oceanographer |
| b. Atlantis | m. Filebottom |
| c. Nantucket | n. Chebacco |
| d. Veatch | o. Gilbert |
| e. Shallop | p. Lydonia |
| f. Hydrographer | q. Powell |
| g. Dogbody | r. Munson |
| h. Clipper | s. Nygren |

- | | |
|-----------------|------------|
| i. Sharpshooter | t. Unnamed |
| j. Welker | u. Heezen |
| k. Heel Tapper | |

5. If yes, did you fish traps in areas between specific canyons in 2014-2015?
 - a. Yes
 - b. No
6. Do you set traps more often in the heads of the canyons or along the shelf between the canyons?
 - a. Heads of canyons
 - b. Between canyons
 - c. Neither

Please describe your fishing practices:

C. DEPTH FISHED

1. In 2014-2015, did you harvest lobster and/or Jonah crab with traps from depths **greater** than:
 - a. 200 meters (109 fathoms)?
Yes No
 - b. 300 meters (164 fathoms)?
Yes No
 - c. 400 meters (219 fathoms)?
Yes No
 - d. 500 meters (273 fathoms)?
Yes No

2. In 2014-2015, what was your maximum depth fished with traps?

3. Approximately how was your total fishing effort (traps fished) allocated across depth in 2014-2015? Please indicate the percentage of total traps fished at each depth range.

- a. <100 m _____%
- b. 100-200 m _____%
- c. 200-300 m _____%
- d. 300-400 m _____%
- e. >400 m _____%

4. In 2014-2015, during which months did you set your traps in the deepest waters?

- a. Jan. – March
- b. April – June
- c. July – Sept.
- d. Oct. – Dec.
- e. No seasonal change

5. In a **single trip**, did you tend to set your traps at a consistent depth along the shelf or at varied depths across a canyon? Please describe your fishing patterns.

D. PATTERNS FISHED

1. In 2014-2015, did you ever set traps in more than one canyon **per trip**?

- a. Yes
- b. No

2. In 2014-2015, did you ever set traps in more than one statistical area **per trip**?

- a. Yes
- b. No

3. In 2014-2015, did you ever set a trap more than once during a **single trip**?

- a. Yes
- b. No

4. In 2014-2015, how many total traps did you typically haul **per trip**?

5. In 2014-2015, during which months did you set the highest number of traps?

- a. Jan. – March
- b. April - June
- c. July – Sept.
- d. Oct. – Dec.
- e. No seasonal difference

6. Do you expect your fishing effort in the NEFMC’s Area of Interest (outlined in orange in Fig 1) to change substantially over the next five years?

- a. Expect it will increase
- b. Expect it will decrease
- c. Do not expect significant change
- d. Unsure

E. FISHERY VALUE

All confidential data will be protected. An individual fisherman’s data will not be shared. If you do not feel comfortable answering a question, you may leave it blank.

1. In 2014 and 2015, what **percentage** of your combined lobster and Jonah crab revenue came from the NEFMC’s Area of Interest (outlined in orange in Fig 1)?

2014:

2015:

2. What was your **average revenue per trip** from lobster and Jonah crab combined in 2014 and 2015, specifically from within the NEFMC's Area of Interest (outlined in orange in Fig.1)?

| |
|-------|
| 2014: |
| 2015: |

3. What was the approximate **total number of trips** you made in 2014 and 2015 within the NEFMC's Area of Interest (outlined in orange in Fig. 1)? Include partial trips within the Area.

| |
|-------|
| 2014: |
| 2015: |

4. What was your **total annual revenue** in 2014 and 2015 from **lobster** caught within the NEFMC's Area of Interest (outlined in orange in Fig 1)?

| |
|-------|
| 2014: |
| 2015: |

5. Which three canyons in the NEFMC Area of Interest (outlined in orange in Fig 1) contributed **most** to your combined revenue of **lobster** in 2015?

| |
|----|
| 1. |
| 2. |
| 3. |

6. What was your **total annual revenue** in 2014 and in 2015 from **Jonah crab** caught within the NEFMC's Area of Interest (outlined in orange in Fig. 1)?

| |
|-------|
| 2014: |
| 2015: |

7. Which three canyons in the NEFMC's Area of Interest (outlined in orange in Fig 1) contributed **most** to your combined revenue of **Jonah crab** in 2015?

| |
|----|
| 1. |
| 2. |
| 3. |

8. Approximately how much of your revenue from lobster and Jonah crab in 2014-2015 came from the following depth ranges? Please indicate the percentage of your total revenue at each depth.

| | |
|-------------|--------|
| a. <100m | _____% |
| b. 100-200m | _____% |
| c. 200-300m | _____% |
| d. 300-400m | _____% |
| e. >400m | _____% |

9. Was 2014-2015 typical in terms of revenue from lobster and Jonah crab in and around the canyons?

| | |
|-----------------------------------|--------------------------|
| a. Yes, my revenue was typical | <input type="checkbox"/> |
| b. No, my revenue was lower | <input type="checkbox"/> |
| c. No, my revenue was higher | <input type="checkbox"/> |
| d. I don't have a typical revenue | <input type="checkbox"/> |

10. How has your revenue from lobster and Jonah crabs in and around the canyons changed over the last 5 years?

| | |
|---------------------------------|--------------------------|
| a. It has steadily increased | <input type="checkbox"/> |
| b. It has steadily decreased | <input type="checkbox"/> |
| c. There has been no change | <input type="checkbox"/> |
| d. It has changed w/out pattern | <input type="checkbox"/> |

F. FISHERMAN INFORMATION

Your answers in this section will help analysts compare data from vessel trip reports with the results of this survey. If you do not feel comfortable answering a question, you may leave it blank.

1. What is the name of your vessel?

2. What is your lobster permit number?

3. What is your home port?

4. From 2014-2015, in what ports did you land lobster and/or Jonah crab?

5. Do you report by VTRs?
a. Yes b. No

Please share any comments you may have about this topic or the survey in the box below. We thank you for participating in this survey and sharing information on this topic as we try to capture more detailed data on lobster fishing effort in and around the canyons.

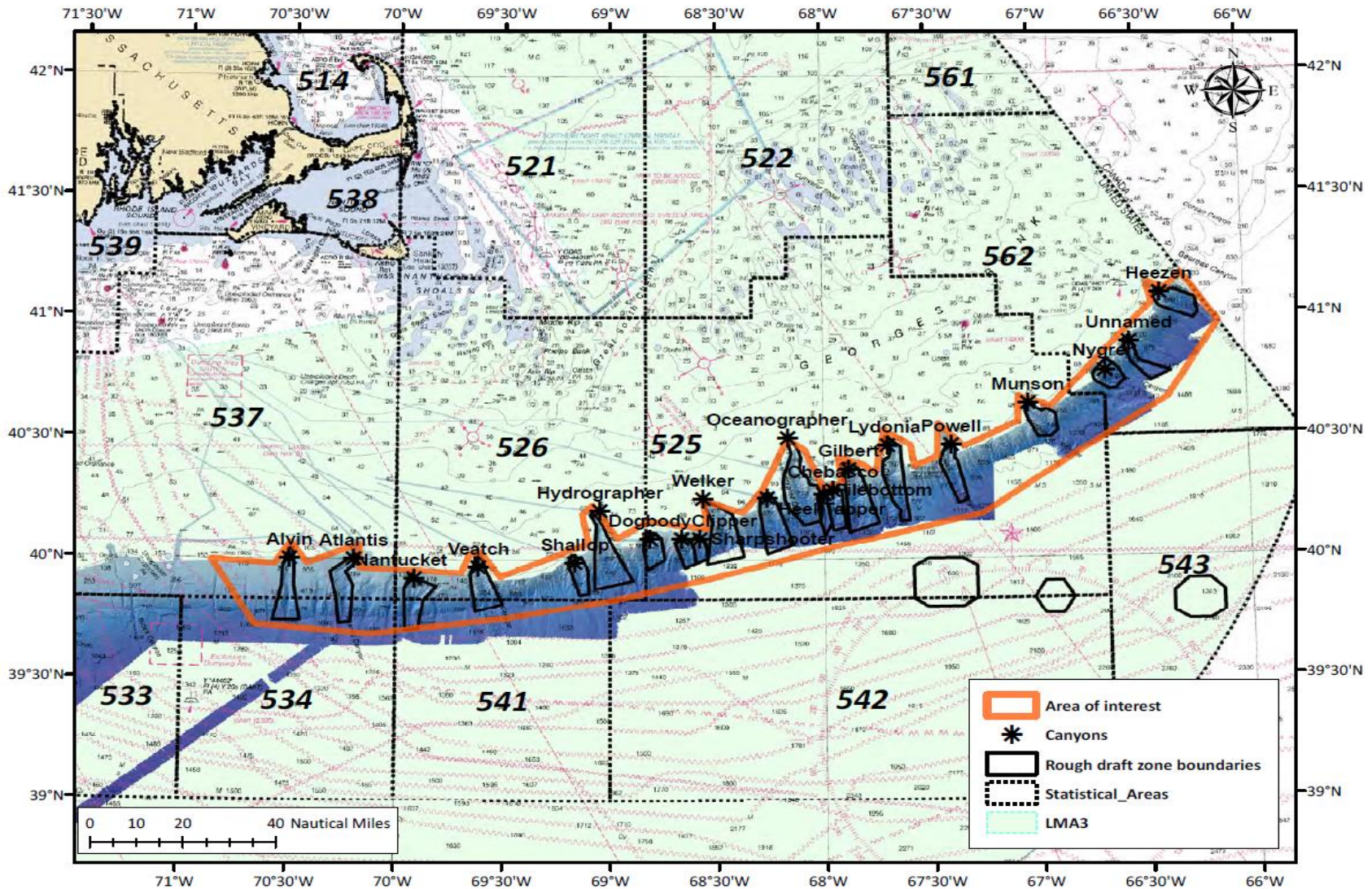


Figure 1: Location of NEFMC Deep-Sea Coral Area of Interest (orange boundary), discrete canyon zones (solid black lines), and statistical areas (dotted black lines).

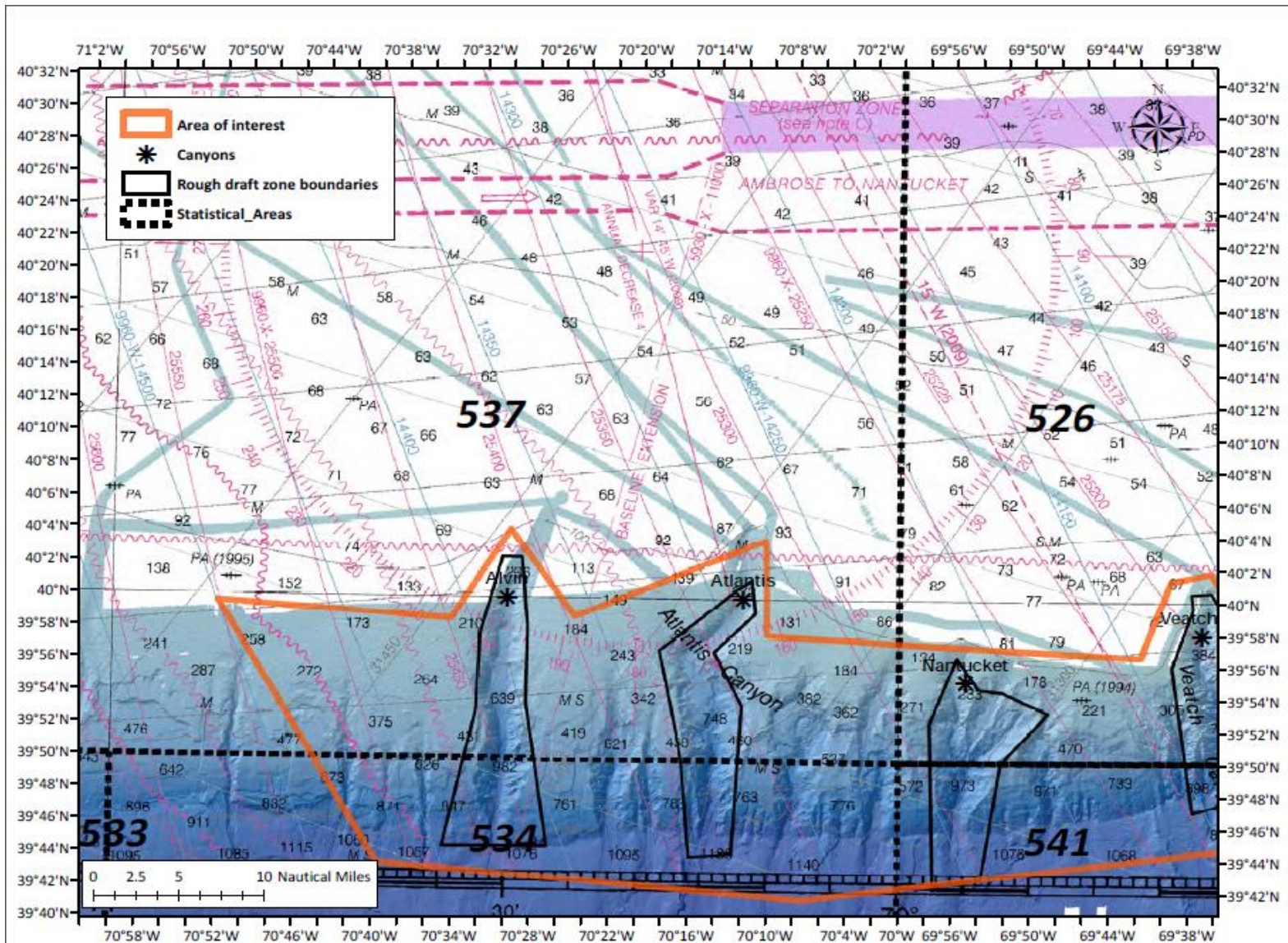


Figure 2: Western most portion of the NEFMC's Area of Interest from Alvin to Veatch.

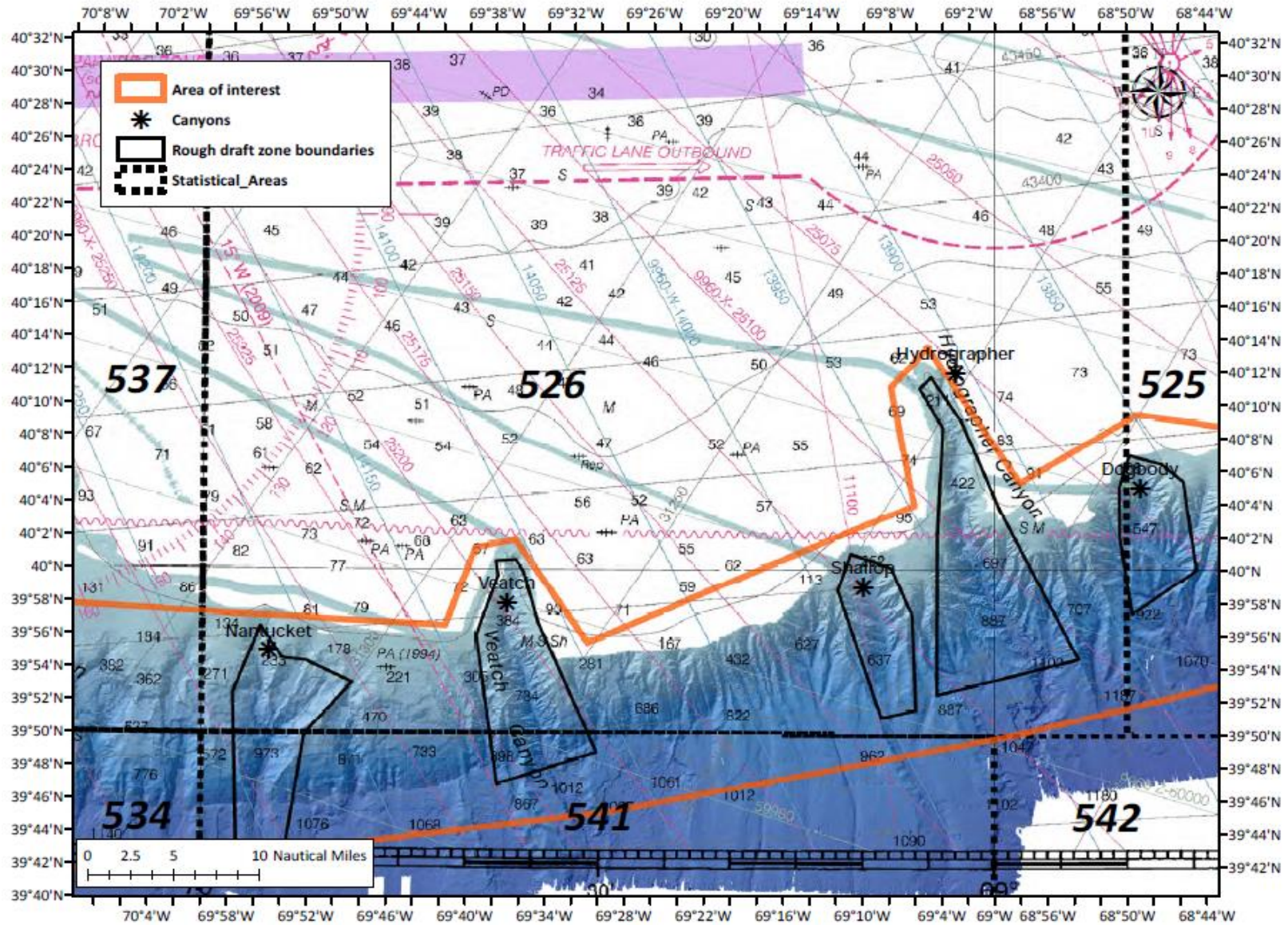


Figure 3: Portion of the NEFMC's Area of Interest from Nantucket to Dogbody.

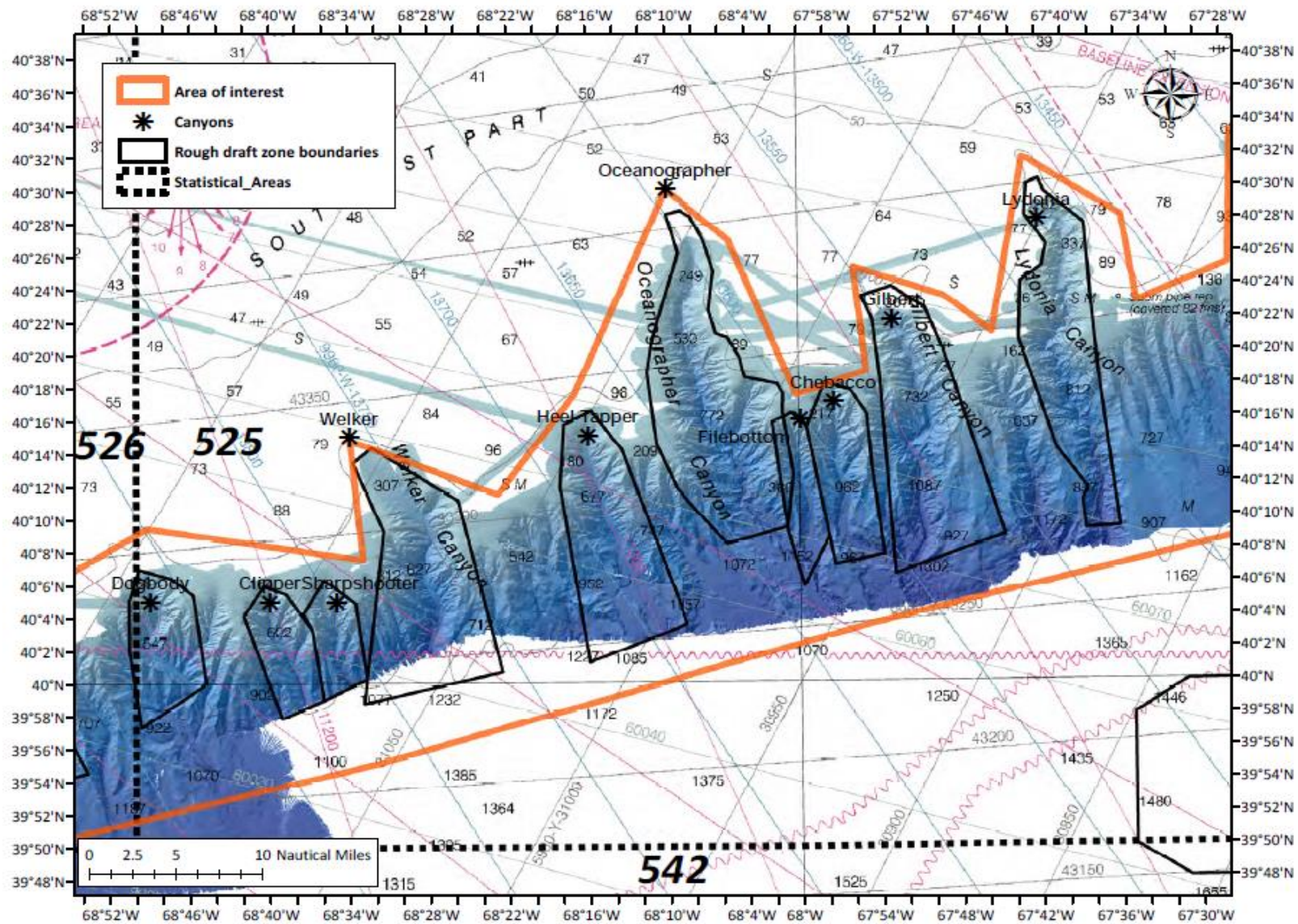


Figure 4: Portion of the NEFMC's Area of Interest from Dogbody to Lydonia.

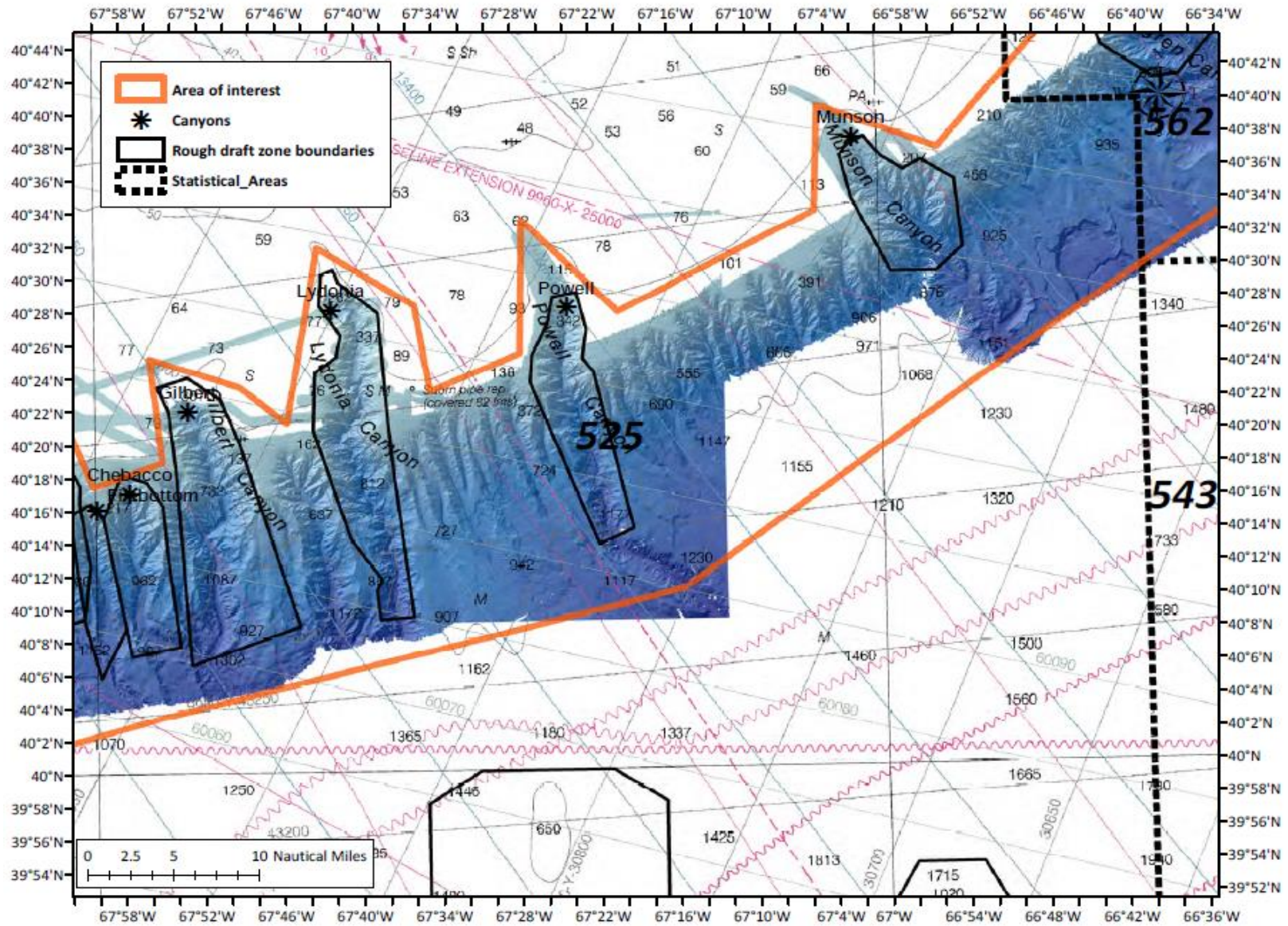


Figure 5: Portion of the NEFMC's Area of Interest from Chebacco to Munson.

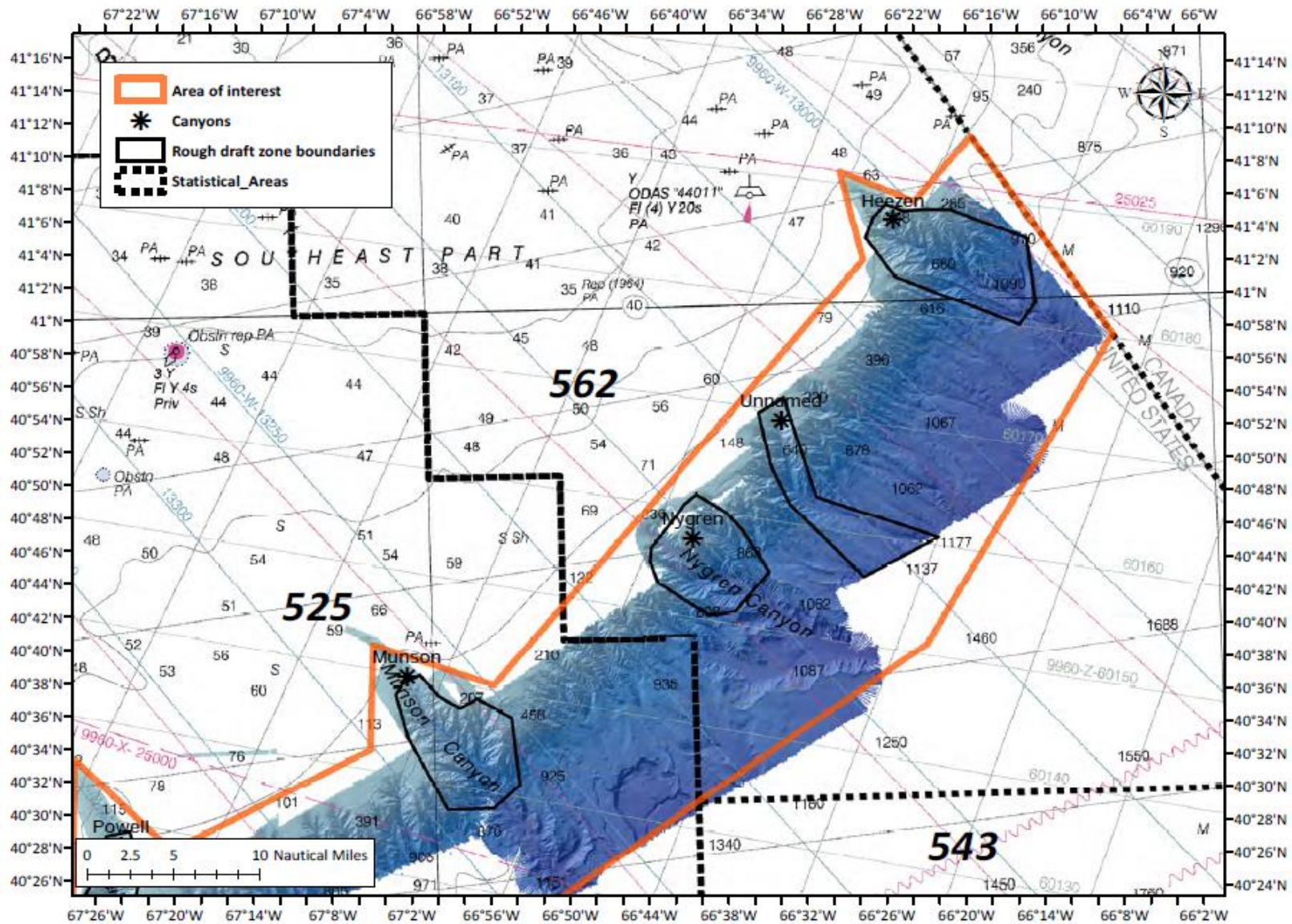


Figure 6: Eastern most portion of the NEFMC's Area of Interest from Munson to Heezen.

MEMORANDUM

TO: American Lobster Management Board
FROM: Area 3 Lobster Conservation Management Team (LCMT)
DATE: April 14, 2016
RE: Trap Haul Validation System

The Area 3 LCMT firmly supports the creation and implementation of a trap haul validation system that would provide a mechanism to enforce the appropriate number of traps fished by each individual fisherman.

The Area 3 LCMT is aware that due to limited manpower and budget constraints, the monitoring and enforcement of trap numbers being fished by an individual fisherman creates a challenging situation in the offshore lobster fishery. However, in recognition of that situation, the Area 3 LCMT continues to believe very strongly that a system must be designed and implemented that will provide accurate monitoring of traps, in order to enforce an individual lobstermen's allocation.

A system is currently in existence in the western Canadian gill net fishery that is able to track the number of gillnets that are pulled each trip. This type of system could be adapted and would likely work in the lobster fishery; at a minimum, it would provide a starting point at which an appropriate system for the lobster fishery could be designed.

Area 3 has reduced their trap numbers significantly over the years and more reductions are on the horizon. There is a significant investment associated with these reductions for many lobstermen. It is imperative that there be some enforcement tools to insure a level playing field for all.

We encourage the Board and the Law Enforcement Committee to create a working group, which would include industry, to start the process of developing such a system. Considering the sizeable investment made by Area 3 lobstermen, a trap haul validation system is of great importance to the offshore lobster and crab fishery.

MEMORANDUM

TO: American Lobster Management Board
FROM: Area 3 Lobster Conservation Management Team (LCMT)
DATE: April 14, 2016
RE: Water Quality Issues in SNE

The Area 3 LCMT feels strongly that there are water quality issues in some of our near shore bays and estuaries and may be having a major impact on the rebuilding process in the SNE lobster resource. Bay fishermen's observations on the lack of starfish, kelp, and rockweed as well as an unnatural clarity to the bay water is certainly cause for concern. Habitat quality is critically important in order to have a vibrant resource. Identifying water quality problems and seeking remedies is essential. We ask that ASMFC become engaged in seeking out appropriate agencies and/or institutions which can determine the cause of these problems and look for remedies. The quality of the water should not be allowed to be a limiting factor in the recovery of the SNE resource.