



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** American Lobster Management Board

**FROM:** Megan Ware, FMP Coordinator

**DATE:** January 24, 2018

**SUBJECT:** Draft Addendum XXVI/III Public Comment Summary

The following pages represent a summary of all comments received by ASMFC on American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III during the public comment period.

8 public hearings were held in 7 jurisdictions (Maine through New Jersey), with 130 individuals attending the hearings. A total of 13 written comments were received on the Draft Addendum. A majority (9) were from organizations including NGOs and industry associations, while the rest were from individuals. One comment letter was received after the deadline so its preferred management alternatives are not included in the subsequent tables; however, it is included at the end of the written comments should Board members wish to read it.

The following tables (pages 2-4) provide an overview of the support for specific options and issues contained in the Draft Addendum. A summary paragraph is also provided for each issue as an overview of the public comments. Public hearing summaries follow and are ordered north to south. This is then followed by written comments.

## Issue 1: Percent Harvester Reporting

	Option A	Option B	Option C Sub-Option 1	Option C Sub-Option 2
Written Comments				
Individual		4		
Organization	1	2	11	2
Public Hearings				
ME	1	57		
NH				24
MA				
RI	1			
CT	3			
NY			5	
NJ				
<b>Total</b>	<b>6</b>	<b>63</b>	<b>16</b>	<b>31</b>

Overall, the greatest support was for maintaining current harvester reporting effort but allocating this through an optimal approach (Option B). Much of the support for this option came from the Maine public hearings, individual letters from Maine residents, and several industry organizations. Comments in favor of Option B included: it is the best use of Maine’s time and money; 10% harvester reporting is statistically valid; harvester reporting should focus on active permit holders. 100% harvester reporting (Option C) was the second most supported option, with much of the comments coming from the New Hampshire and New York hearings, letters from NGOs, and the NEFMC. Comments in support of Option C included: all fishermen should be treated the same and be required to report; 100% reporting should be required from Maine which comprises 83% of the fishery; 100% reporting is needed to address data gaps and understand the offshore movement of the fishery. In particular, several NGOs recommended immediate adoption of 100% harvester reporting rather than the five-year year phase-in approach outlined in the Draft Addendum. Finally, maintaining the status quo requirements (Option A) received the least amount of support. Comments in favor of Option A included: the current 10% reporting is statistically valid; 100% reporting is redundant given there is 100% dealer reporting; it is a better use of Maine’s budget to focus on biological sampling as opposed to harvester reporting. In addition to the comments above, there were 16 comments in support of 100% harvester reporting for federally permitted vessels. These individuals commented that there is a lack of data from the offshore waters, an area which is becoming increasingly important to the fishery. Finally, several NGOs supported the immediate adoption of electronic reporting while one industry organization supported the real-time collection of landings data.

## Issue 2: Harvester Reporting Data Components

	Option A	Option B	Option C
Written Comments			
Individual			
Organization	1	8	12
Public Hearings			
ME	60		
NH	24		1
MA	1		
RI		1	1
CT	1		
NY	5		
NJ		10	10
<b>Total</b>	<b>92</b>	<b>19</b>	<b>24</b>

For Issue 2, the greatest support was for status quo (Option A). At almost every hearing, participants commented that their state is collecting more data elements than what is stipulated under the FMP, and so they are already exceeding the plan requirements. However, there was resistance to requiring additional data elements in the FMP as participants generally commented that they are already providing enough data. In particular, there was little support for requiring 'bait type' and 'depth', with concerns that a single trawl covers a wide depth range. The exception was at the Rhode Island and New Jersey hearings, where participants did not object to the data elements in Options B and C. Many of the NGOs, a few individuals at hearings, and the NEFMC supported requiring additional data elements, particularly those under Option C, given the on-going discussions regarding protected resources. An industry association (the ME MLA) supported the inclusion of depth, soak time, number of sets, and number of buoy lines on harvester reports.

### Issue 3: Spatial Resolution of Harvester Data

	Option A	Option B	Option C	Option D	Option E
Written Comments					
Individual			2		
Organization	1	1	2	9	7
Public Hearings					
ME	51		50	3	
NH	2		3	3	
MA				2	
RI		1			
CT		1		1	
NY					
NJ				1	
<b>Total</b>	<b>54</b>	<b>3</b>	<b>57</b>	<b>19</b>	<b>7</b>

Overall, the greatest support was for including distance from shore (Option C) and statistical area (Option A) on harvester reports. Much of this support came from the Maine public hearings where fishermen already report statistical area and distance from shore, so Options A and C do not add additional requirements for those fishermen. At the Connecticut hearing, there were questions about the efficacy of distance from shore in Long Island Sound since it is all state waters. The addition of 10 minute squares (Option D) got moderate support at several hearings, as well as from several industry organizations, the NEFMC, and NGOs. These participants commented that a greater spatial resolution of data is needed to show a history of where the lobster and Jonah crab fisheries take place. Importantly, many participants commented fishermen should not be required to fill out a new trip report for every square fished since this would significantly increase the burden on fishermen. Finally, several NGOs recommended the immediate adoption of electronic tracking in the lobster fishery.

## Additional Comments

- 5 individuals at hearings and 2 written comments supported the recommendation to develop a fixed-gear VTR for federal waters. Several fishermen commented that the federal VTR does not follow a logical order and different fishermen interpret the data columns differently. As a result, they recommended the VTR form be revised to focus on fixed gear and be more 'user friendly'.
- 1 individual and 2 written comments supported the recommendation for targeted biological sampling program in federal waters. Others cautioned that increased biological sampling should not mean increased observer coverage in the fishery.
- Several NGOs recommended the Lobster Board initiate subsequent action to address the recent North Atlantic right whale deaths. In particular, they recommended the Board require gear markings, 1,700 pound break-away rope, and evaluate ropeless fishing gear.
- At the Connecticut and New Jersey hearings, fishermen discussed the impacts of seasonal closures in LCMAs 4 and 6. In particular, they commented that the requirement to remove gear from the water extends the length of the season closure and prevents them from fishing for other species. They asked ASMFC and NOAA Fisheries to address these concerns.
- There was a comment regarding the applicability of provisions in the Draft Addendum to the recreational fishery. Specifically, there was a recommendation for a voluntary recreational report so that the recreational fishery can help address the data gaps and provide their knowledge to managers.
- There was a comment regarding a low-cost GSM device for electronic tracking in the lobster fishery.

## **American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing**

*Scarborough, Maine*

*January 10, 2018*

*10 Participants*

Staff: Pat Keliher (ME DMR), Sarah Cotnoir (ME DMR), Kathleen Reardon (ME DMR), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

- One individual supported Option A: Status Quo. He commented that there is no reason to go to 100% reporting in Maine if 10% is statistically sufficient. He also stated that 100% reporting is asking a lot of fishermen, both in time and information provided, and the Board needs to recognize the effort associated with giving that information. He commented that he doesn't have the time for increased reporting. He also stated that sampling non-fishing licenses (latent licenses) is relevant information.
- Seven individuals, including a representative of the Maine Lobstermen's Association, supported Option B. These individuals generally supported the optimal reporting strategy because it does not increase the burden on the State while improving the statistical power of the data. One individual commented that he supports this option because reporting should focus on active permit holders. Another individual recommended that harvester reporting be stratified between state and federal permit holders so that enough information is collected from the offshore areas.
- Several individuals supported greater offshore sea sampling and commented that this is a better use of the State's funds than a higher percentage of harvester reporting.

### **Issue 2: Harvester Reporting Data Elements**

- All participants supported Option A: Status Quo. One representative of the MLA commented that Maine is already exceeding the current requirements by collecting information on soak time, depth, and distance from shore.

### **Issue 3: Spatial Resolution of Harvester Reporting**

- 1 individual supported Option A: Status Quo. He commented that a fisherman's information is akin to intellectual property. If the Commission wants this information, they should pay fishermen for the data.
- Several individuals expressed mild support for Option D: 10 Minute Squares. One individual commented that the statistical areas currently reported are big and as a result it is hard to show where the lobster fishery is, or isn't.
- One individual cautioned that just because someone doesn't fish in an area one year doesn't mean that that individual won't fish there in a future year.



## **American Lobster Draft Addendum XXVI/Jonah Crab Addendum III Public Hearing**

*Ellsworth, Maine*

*January 11, 2018*

*50 Participants*

Staff: Pat Keliher (ME DMR), Sarah Cotnoir (ME DMR), Kathleen Reardon (ME DMR), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

- Participants did not support 100% harvester reporting and supported maintaining 10% harvester reporting in Maine. One individual commented that 100% harvester reporting is not needed because there is 100% dealer reporting; since we know what zone the dealers are in, it is easy to determine what zone the landings are coming from. Another participant commented that given the older age of lobstermen, 100% reporting is not feasible.
- Overall, there was support for the modified 10% harvester reporting (Option B), including support from the Maine Lobstermen's Association. Those who supported this option generally commented that fishermen who are not actively fishing (i.e. latent permits) should not be sampled for harvester reporting. Moreover, it is a better use of the state's funds and time to focus on those individuals who are actively fishing.
- There were several comments that Option A: Status Quo is not a true status quo option because it reads that there is an expectation of 100% reporting over time. They commented that a true status quo option should just require 10% harvester reporting.

### **Issue 2: Harvester Reporting Data Elements**

- Participants were in support of status quo, but noted that status quo in Maine includes data elements from the other options including 'depth' and 'soak time'.
- There was no support for reporting on the 'bait type' used by fishermen (Option B).
- Several individuals who complete VTRs commented that this report includes some information on gear configuration.

### **Issue 3: Spatial Resolution of Data**

- There was no support for the 10 minutes squares (Option D) or the electronic tracking pilot program (Option E). Overall, participants supported status quo (stat areas and distance from shore).
- Federal permit holders commented that the VTRs already include information on location via a lat/long.

### **Other Comments**

- One participant expressed concern that not enough information is known about the offshore LCMA 1 fishery, and that there is increased effort and capacity in these regions. As a result, he supported 100% reporting from the federal permit holders so that the changes in the fishery can be documented. He commented that without good data, good management decisions cannot be made.



- Another individual recommended Maine survey fishermen at the start of the year to determine who plans on fishing. This would identify latent effort and inform the selection of those who have to complete trip reports.
- One individual recommended that Maine use the VTR reports for all fishermen so that way the state could collect lat/long information.



Maine, January 11

Name

Company/Organization

City, State

Richard Laitaber  
 Richard Zuzak  
 Mark Bassett  
 Donald Jones  
 KYLE THOMPSON  
 Bill Under  
 St. A. Hutchins  
 Loren Foulkington  
 Kevin L. Beal  
 Ted Bachman  
 Daniel Backman  
 Jason Blue  
 Jeff Thompson  
~~Michael~~  
 Ted Wight  
 Mick Trandy  
~~Chapman~~  
~~David~~  
 Ben Hardy  
 Kenneth Hardy  
 Jarome Briggs  
 DARRELL WILLIAMS  
 Brian Eaton  
 Leroy Wood JR  
 Justin Dunbar  
 GREGG EATON  
 Dennis Damon  
 Donald Havenor  
 Laurie Schermer  
~~Paul~~  
 Kathleen Reardon

Sulis Eaton  
 Zach Wight

Stonington  
 Stonington  
 Sordento  
 Stonington  
 Stonington  
 Trescott ME  
 Deer Isle  
 Sordento  
 Beal's ME  
 WINTER HARBOR ME  
 " "  
 Deer Isle  
 Deer Isle  
 Deer Isle  
 Deer Isle  
 Jonesport  
 Sea Therman  
 Stonington  
 Sullivan  
 DEER ISLE, ME  
 DEER ISLE ME  
 Stonington ME  
 CORCA ME  
 STONINGTON ME  
 Trenton ME  
 BISSWORTH  
 Westbrook, Me.

## **American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing**

*Portsmouth, New Hampshire*

*January 16, 2018*

*24 Participants*

Staff: Doug Grout (NHFG), Ritchie White (NH Commissioner), Cheri Patterson (NHFG), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

- Participants supported 100% reporting for all harvesters (Option C, sub-option 2). Individuals commented that everyone should be treated the same and be required to report. Another participant commented that reporting requirements should be standardized across jurisdictions so there are not different requirements in different states. Several individuals expressed frustration that the largest producer of lobsters only completes 10% harvester reporting.
- One individual commented that he would support 10% harvester reporting inshore, but that there should be 100% reporting in federal waters. He also commented that he would have liked to see an option for a minimum of 20% or 50% harvester reporting.
- One individual commented that electronic reporting should be an option for fishermen, but it should not be a requirement. He noted that some fishermen prefer paper reports while others prefer the tablets.

### **Issue 2: Harvester Reporting Data Elements**

- Participants supported status quo (Option A), but commented that NH has already gone above and beyond by collecting information on soak time and gear configuration. Participants did not support expanding the data elements to include 'bait type' and 'depth fished'.
- One individual commented that Option C should be mandatory for everyone from a whale standpoint.

### **Issue 3: Spatial Resolution of Harvester Reporting**

- Two individuals supported status quo (Option A).
- Three individuals supported adding either distance from shore (Option C) or the 10 minute squares (Option D) to harvester reports. One participant commented that, from an ALWTRT perspective, it is important to improve the spatial resolution of harvester data so that the fishing effort in the co-occurrence model reflects where fishing is actually taking place.
- One individual did not support the 10 minute squares but commented that 30 minute squares would be ok.

## **Additional Comments**

- Several individuals supported the recommendation to create a fixed-gear VTR form; however, they commented that the data required on the fixed-gear VTR should not exceed what is currently being asked. One individual asked, if there is a fixed-gear VTR, would he have to fill out a fixed-gear or regular VTR given he has both a lobster and groundfish permit.
- 3 individuals expressed concern about the recommendation for increased biological sampling in federal waters. They commented that the recommendation reeks of observers and they don't want to go down the road of the groundfish sector which now has to pay for observers.
- One individual commented that the federal VTR could be improved by having a cover page with all of a fisherman's basic information (permit number, name, etc) and then having sheets for each trip.
- One fisherman expressed concern that fishery managers, who have access to harvester reporting data, could use that information to go fishing in the most profitable areas. He recommended there be rules which prevent those who have access to harvester data from commercially fishing.



## **American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing**

*Hyannis, Massachusetts*

*January 19, 2018*

*21 Participants*

Staff: Dan McKiernan (MA DMF), Bob Glenn (MA DMF), Story Reed (MA DMF), Tracy Pugh (MA DMF), Raymond Kane (MA Commissioner), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

*No comments were given on this issue.*

### **Issue 2: Harvester Reporting Data Elements**

- One participant expressed concern with reporting 'depth fished', commenting that some trawls go from 10 feet to 10 fathom (60 feet). He also commented that reporting 'bait type' is asking too much given there are hundreds of different baits used in the fishery.

### **Issue 3: Spatial Resolution of Harvester Reporting**

- Two participants supported use of the 10 minute squares (Option D). One individual commented that he supports this option as long as fishermen don't have to fill out a new trip report for each square fished. The other individual commented that this option will provide better detail of the fishery.
- One participant noted that MA already divides the inshore regions into sub-divisions which provide good spatial resolution.

### **Additional Comments**

- One individual supported 100% reporting for federal permit holders.





## **American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing**

*Narragansett, Rhode Island*

*January 17, 2018*

*5 Participants*

Staff: Scott Olszewski (RI DEM), Conor McManus (RI DEM), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

- One participant recommended 100% harvester reporting for federal permit holders.
- Another participant commented that, based off the TC analysis, it appears the 10% harvester reporting in Maine is cost effective and is providing the same information as 100% reporting. He expressed concern that 100% reporting in Maine could be redundant.
- One participant preferred not to comment since RI already has 100% reporting so the options don't affect him.

### **Issue 2: Harvester Reporting Data Elements**

- Overall, participants did not object to the additional data elements in Options B and C. One participant commented that the only things he's not reporting on are 'depth' and 'bait type' and he doesn't mind reporting that information. Another individual commented that it doesn't hurt to have more data and it only takes a few minutes to fill out.

### **Issue 3: Spatial Resolution of Data**

- Two participants were against the electronic tracking pilot program (Option E).
- One individual supported Option B (stat area and LCMA).
- Another individual commented that the 10 minute squares (Option D) could be fairly involved for the offshore fishermen.

### **Additional Comments**

- One individual supported the recommendation for a fixed-gear VTR form.



## **American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing**

*Old Lyme, Connecticut*

*January 18, 2018*

*5 Participants*

Staff: Mark Alexander (CT DEEP), Colleen Giannini (CT DEEP), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

- Three participants supported status quo (Option A).
  - One individual commented that the TC made a strong case that 10% harvester reporting in Maine is adequate and Maine should work internally to focus on sampling active permits. He expressed concern that implementing 100% harvester reporting in Maine would divert funds from critical surveys such as the VTS or settlement survey. This individual also commented that if 10% reporting is sufficient in Maine, other state like Massachusetts may be able to reduce their percent harvester reporting and put additional funds towards biological sampling.
  - Another individual commented that everything should stay status quo until we figure out what is happening in Long Island Sound vs. offshore. He recommended the Board focus on answering this question as opposed to instituting more regulations on fishermen.
  - A third individual supported status quo, commenting that there are so many regulations on fishing that it is not even worth putting traps in the water. He also commented that fishermen don't stand a chance with all of the pesticides in the water. He recommended that Connecticut manage its own waters as opposed to the Commission.

### **Issue 2: Harvester Reporting Data Elements**

- One individual supported Option A, plus the inclusion of 'soak time' as a required data component. He did not support the inclusion of 'depth' or 'bait type', commenting that depth can be tricky since trawls can be set over a range of depths. This same individual had several comments on the federal VTR form, noting that the form does not follow a logical order and was created with enforcement in mind, not fishermen. He recommended that the form be reworked and that ASMFC create a harvester reporting form for the fishery that the states and NOAA can adopt. This way a uniform report is used throughout the fishery.

### **Issue 3: Spatial Resolution of Harvester Reporting**

- Two participants did not support the electronic tracking pilot program (Option E). One individual commented that the fishery is becoming micro-managed. The other individual commented that tracking is not applicable to inshore waters or small boats.
- One individual did support the use of LCMA (Option B) and 10 minute squares (Option D) as long as fishermen do not have to fill out a new VTR form each time they enter a new square. This same individual did not support the use of distance from shore (Option C), commenting that it does not work inshore or in Long Island Sound.

- One individual did not support the use of 10 minute squares (Option D), commenting that it does not identify Connecticut vs. New York waters.

### **Additional Comments**

- One participant commented that the Draft Addendum supports the claim that NOAA Fisheries is behind on data collection. He commented that NOAA should be found out of compliance and actions to address these deficiencies in federal waters are necessary right away.
- Several participants discussed the impacts of the September 8 -November 28 season closure in LCMA 6.
  - One individual commented that the season closure has ruined the fishery because fishermen are required to take their gear out of the water, lengthening the season closure. He commented that as a result, the season closure keeps fishermen out of the water until spring, making it impossible to earn a living. He noted that this impacts fishermen, trap companies, wholesalers, and bait companies. He also commented that the minimum gauge size is too high in Long Island Sound, with 3-1/4" being a recommended gauge size.
  - Another individual asked if there is a happy medium such that the season closure could be shortened for changes in the gauge size. He also commented that there is nowhere to store pots on land during the closure.
  - A third individual noted that there are only a few fishermen left. Specifically, in Connecticut there are only 183 lobster permits, of which 83 landed lobster last year.



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Marine Resources

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## Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III

ASMFC / NYDEC

January 9, 2018

### Attendees:

*NY 1 9 18 LCMT 6 attendees who commented on Addendum A* Al Schaffer, Antone Skrezec, Larry McLoughlin

*NY Public Hearing attendees* John Davi, Daniel Hurley

*ASMFC* Emerson Hasbrouck (NY Commissioner), Kim McKown (NY Lobster Technical and Stock Assessment), Sean Reilly (NY Lieutenant Environmental Conservation)

### Hearing Summary:

*Issue 1: Percent Harvester Reporting*

The attendees who voiced an opinion supported Option C. They believed all states should have 100% reporting, the same as New York

*Issue 2: Reporting Data Components*

The attendees who voiced an opinion supported Option A: Status Quo. New York permit holders are already required to submit most of the data elements. In general, they didn't want to collect additional data because it might take more time.

*Issue 3: Spatial Resolution*

The attendees had a strong opposition to Option E: Electronic tracking. They thought it would be too expensive and too invasive to their privacy.

## **American Lobster Draft Addendum XXVI/Jonah Crab Addendum III Public Hearing**

Wall Township, New Jersey

January 8, 2018

10 Participants

Staff: Jeff Brust (NJ DFW), Peter Clarke (NJ DFW), Megan Ware (ASMFC)

### **Issue 1: Percent Harvester Reporting**

- Given the fishermen at the hearing complete trip-level reporting with VTRs, they didn't have a preference on the percent harvester reporting; however, several participants commented that the stock assessment should have a greater reliance on fishery dependent data. They commented that data from fishermen reports should be used more frequently than information from the trawl surveys.
- One participant asked what implications there would be for Maine, in terms of cost, if the percent harvester reporting increased.

### **Issue 2: Harvester Reporting Data Elements**

- One participant commented that NJ fishermen already report most of the data elements except 'bait type'.
- Overall, there was no objection to reporting on the data elements proposed in the addendum.

### **Issue 3: Spatial Resolution of Reporting**

- Several fishermen commented that they already report latitude and longitude on VTRs so they are reporting their location. As a result they supported Option A (status quo). They commented that they are doing enough.
- Another individual commented that fishermen should either report lat/long or shade in boxes (i.e. the 10 minutes squares in Option D) but not both.
- Participants did not support the electronic tracking pilot program (Option E). One fishermen commented that those technologies are never cheap to fishermen.
- One fisherman expressed concern that giving more location data will lead to greater regulations because regulators will see where people are fishing.

### **General Comments**

- Several fishermen expressed frustration regarding the LCMA 4 season closure and the requirement that traps be removed from the water. They commented that the 1 month closure is really a multi-month closure because it takes time to remove traps from the water and then put them back in the water following the closure. They also commented that removing the traps prohibits them from fishing for Jonah crab and that there are limited places to store traps on land. The fishermen asked for NOAA Fisheries to find a solution ahead of the 2018 fishing year.

- One fishermen recommended a new tagging program. He commented that this information would help fishermen, scientists, and fishery managers. He also expressed concern that fishermen are not respected as humans and they keep getting cut down by regulations.
- Another participant expressed concern that when people talk about the decline of the SNE stock, they don't talk about the decline in effort and active fishermen that contributed to the trends.





**Conservation Law Foundation \* Earthjustice \*Greenpeace \***  
**Natural Resources Defense Council \* Oceana \* The Pew Charitable Trusts**

January 22, 2018

Ms. Megan Ware  
Atlantic States Marine Fisheries Commission  
States Marine Fisheries Commission  
1050 North Highland Street, Suite 200A-N  
Arlington, Virginia 22201

**Re: Lobster Draft Addendum XXVI**

Dear Ms. Ware:

The undersigned groups support the Atlantic States Marine Fisheries Commission's (ASMFC) efforts to improve catch reporting and monitoring in the lobster and Jonah crab fishery through Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan and Addendum III to the Jonah Crab Fishery Management Plan. Measures that require 100 percent reporting, finer spatial reporting requirements, and electronic vessel tracking will improve management of the lobster and Jonah crab fisheries, provide critical information on interactions with other commercial fisheries, improve marine planning and efforts to protect important habitat such as deep sea corals, and provide information to determine where risk of entanglements of marine mammals occurs, including the critically endangered North Atlantic right whale.

**We urge the ASMFC to adopt measures that:**

**I.. Require 100 percent Catch Reporting for All State and Federal Permit Holders:**

Catch reporting in the lobster and Jonah crab fishery has been inadequate for decades. Currently, in Maine where 83 percent of the total catch is landed, only 10 percent of the current lobster and crab permit holders submit landings reports and only 3 percent of all permit holders report through vessel trip reports (VTRs).<sup>1</sup> This creates a data gap that makes it impossible to ascertain when, where, and how this public resource is harvested. Additionally, new information shows that the offshore lobster fishery is growing rapidly. Because the same inadequate reporting requirements apply to offshore catch landed in Maine, there is an increasing amount of

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<sup>1</sup> Nov. 2017. Atlantic States Marine Fisheries Commission. [Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan](#); Draft Addendum to the Jonah Crab Fishery Management Plan. P. 5.

inadequate offshore catch reporting.<sup>2</sup> This 100 percent reporting requirement should be implemented immediately, rather than phased in over five years as proposed.<sup>3</sup>

In addition to 100 percent reporting, the ASMFC should require that additional data is reported to help ensure protection of important benthic habitat and marine mammals. All vessel trip reports should include information on the gear used, depth, trip length, length of time traps soaked, and landings data. In particular, reporting where traps are placed by large statistical area is simply not sufficient to make management decisions about the health of the marine resources with which this fishery interacts. Nor is it sufficient to make decisions about matters like habitat protection or development of offshore energy that can have economic impacts on this fishery and others. It is also insufficient to help determine where marine mammal entanglements are likely to occur. The ASMFC should immediately require that the location of fishing effort be reported on the finest scale possible or 10-minute squares (whichever offers the finest spatial resolution).<sup>4</sup> This is already information that the offshore boats record for their own use.

Furthermore, the ASMFC should require permit holders to transition to electronic reporting as soon as possible. As the addendum acknowledges, the SAFIS application, eTrips, and eTrips Mobile “can be implemented at little to no cost to the states or fishermen, it is approved by GARFO as a platform to submit eVTRs, and there is a well-established working relationship between ASMFC and the data collection and storage program (Atlantic Coast Cooperative Statistics Program, ACCSP).”<sup>5</sup> Swipe card reporting systems are fast, efficient, and used successfully in other fisheries including Maine’s American eel fishery where it reduced infractions from 200 in 2012, to fewer than 20 in 2014 and 2015.<sup>6</sup> Additionally, lobster harvesters in New Hampshire state waters are already using eTrips, as are blue crab harvesters in Maryland,<sup>7</sup> crab harvesters in New Jersey,<sup>8</sup> and urchin harvesters in Maine.<sup>9</sup> And as of March of 2018, all party and charter boats must submit reporting through eTrips.<sup>10</sup> There is no reason why the transition to electronic reporting could not begin immediately.

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<sup>2</sup> Daily or weekly vessel trip reports are required in every federal fishery except the lobster fishery in order to help ensure effective monitoring and sustainable management of fisheries and protected resources. Sept. 2017. Greater Atlantic Regional Fisheries Office (GARFO). [Fishing Vessel Trip Report \(VTR\) Reporting Instructions](#). P. 1.

<sup>3</sup> Nov. 2017. Atlantic States Marine Fisheries Commission. [Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan](#); Draft Addendum to the Jonah Crab Fishery Management Plan. P. 18.

<sup>4</sup> Even reporting by 10-minute squares (100 square miles) is inadequate, particularly around the shelf break where habitat changes are significant on a spatial scale, providing further support for electronic monitoring.

<sup>5</sup> Nov. 2017. Atlantic States Marine Fisheries Commission. [Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan](#); Draft Addendum to the Jonah Crab Fishery Management Plan. P. 16-17.

<sup>6</sup> [ASMFC 2015 Annual Report](#). P. 13.

<sup>7</sup> Maryland – Department of Natural Resources. [E-reporting with FACTS](#).

<sup>8</sup> [New Jersey Application for Electronic Trip Reporting](#)

<sup>9</sup> Sept. 2016. [Maine Goes Live with eDR/mobile for Sea Urchins](#).

<sup>10</sup> Sept. 2017. GARFO. Mid-Atlantic Species Charter and Party Vessels - [Electronic Vessel Trip Reports Required for all Mid-Atlantic Charter and Party Trips](#).

Specifically, in this Addendum the ASMFC should:

- 1) Require 100 percent of active federal and state commercial harvesters in the lobster and Jonah crab fisheries to report trip-level landings (Issue 1: Option C, Sub-option 1).
- 2) Require that trip-level harvester reports contain an expanded set of data elements including bait type and soak time (Issue 2: Option B);
- 3) Require harvesters to report their fishing location based on 10 minute squares (Issue 3: Option D);
- 4) Require an expanded set of data elements focused on gear configuration including the number of traps per trawl and number of buoy lines (Issue 2: Option C); and
- 5) Recommend states implement an electronic catch and effort reporting requirements consistent with the SAFIS e-VTR approved by GARFO as soon as possible, not to exceed one year (see pages 16 and 17).

## **II.. Transition to Electronic Monitoring**

To increase the precision of effort tracking, the ASMFC should require all participants in the lobster and Jonah crab fisheries use an electronic tracking system no later than the completion of the one year pilot program. Low cost technologies with fast ping rates currently exist and are used successfully in other fisheries. The electronic tracking system ultimately selected must ensure the highest level of spatial, temporal, and landings information based on a fast ping rate to provide accurate and precise information. In 2015 and 2016, the ACCSP did a pilot program testing the use of eTrips to implement electronic monitoring.<sup>11</sup> As of 2016, the eTrips application features an opt-in setting for any user to supply their location data if their tablet has the technical capability (GPS). This pilot project has created the foundation to expand electronic vessel monitoring to large-scale use.

Specifically the ASMFC should:

- 1) Establish a one year pilot program to test multiple electronic tracking devices (Issue 3: Option E);
- 2) At the same time, through this addendum, require a low cost, fast ping technology (such as including solar-powered devices and tracking through the eTrips Mobile application as recommended on page 20 of the addendum) while the pilot study program is being conducted; and
- 3) Through this addendum require that the results of the pilot program are evaluated and that adjustments are made to implement the electronic tracking technology that is determined to be most appropriate for the lobster and Jonah crab fishery within one year of completion of the pilot program.

## **III.. Recommend Complementary Measures in Federal Waters**

We support the ASMFC's Recommendations for Actions in Federal Waters (Section 5.0), carried out through NMFS's promulgation of all necessary regulations to implement complementary measures in federal waters.

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<sup>11</sup> ASSCP and SeaPlan. [2016 Pilot Party and Charter Vessel Mapping Study](#).

#### **IV.V. Initiate a Trailing Action to Address North Atlantic Right Whales**

In addition to the measure recommended above, ASMFC should initiate a trailing action to help address recent North Atlantic right whale deaths. Measures in this action, while necessary and steps in the right direction, are still inadequate to address the most recent North Atlantic right whale deaths due to entanglement in commercial fishing gear. We recognize that not all of these deaths were due to entanglements in U.S. lobster gear. However, fixed fishing gear, including lobster gear, is the biggest threat to the continued existence of right whales and it is incumbent upon the ASMFC to initiate and complete an action that includes additional gear modifications and reporting requirements to address this crisis. There is also important new research that concludes that whale entanglements with these fixed fishing gears may be adversely affecting the whale's physical condition, leading to unacceptable declines in reproduction success, even if the animal manages to disentangle itself.

Specifically, the new action should:

- 1) Require implementation of an electronic tracking system, if Addendum XXVI fails to ensure implementation, within one year;
- 2) If not otherwise required, all state and federal permit holders should be required to mark their gear at top, middle, and bottom<sup>12</sup> specific to fishery, area fished, and permit holder in order to establish the relevant fishery and location where gear was employed, within one year;
- 3) Require the transition to 1,700-pound breakaway rope<sup>13</sup> in the lobster and Jonah crab fisheries, in those areas where a lower breaking strength is not already required, by January 1, 2019; and
- 4) Implement a pilot program to introduce and evaluate ropeless gear in the lobster and Jonah crab fisheries.

#### **V.V. Conclusion**

We appreciate the Commission's efforts to require accountability in the lobster and Jonah crab fisheries. Improved catch reporting and vessel monitoring are necessary and long overdue. Informed management that considers and evolves with new reporting and gear technology will help minimize interactions with other fisheries, important habitat, and protected species. We look forward to contributing further as the ASMFC works to ensure sustainability and accountability in the American lobster and Jonah crab fishery.

Sincerely,

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<sup>12</sup> This is consistent with requirements of the Atlantic Large Whale Take Reduction Plan. See [https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Updated%20Docs%2082514/northeast\\_trap\\_pot\\_jan\\_2015\\_with\\_caveat.pdf](https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Updated%20Docs%2082514/northeast_trap_pot_jan_2015_with_caveat.pdf), at p. 11. To ensure that all state and federal permit holders comply, we recommend the removal of any exemptions to ALWTRP requirements.

<sup>13</sup> For example, in the Cape Cod Bay there are already requirements for breakaway ropes on various gear types that are less than 1,700 pounds. The breakaway strength required in any given area should adhere to the most restrictive regulation applicable.

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Roger Fleming  
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The Pew Charitable Trusts

**The Humane Society of the United States • Humane Society International  
Whale and Dolphin Conservation • Center for Biological Diversity  
Defenders of Wildlife**

Megan Ware  
Atlantic States Marine Fisheries Commission  
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Arlington, VA. 22201  
VIA: comments@asmfc.org

January 22, 2018

**RE: Lobster Draft Amendment XXVI**

Dear Ms. Ware,

On behalf of the members and constituents of The Humane Society of the United States, the Humane Society Legislative Fund and Whale and Dolphin Conservation, Defenders of Wildlife and Center for Biological Diversity; we offer these brief comments on portions of the Atlantic States Marine Fisheries Commission (ASMFC) Draft Addendum XXVI to Amendment 3 to The American Lobster Fishery Management Plan and Draft Addendum III to The Jonah Crab Fishery Management Plan (the draft Amendment).<sup>1</sup> A major focus of our comments will be on portions of the draft Amendment that may affect our ability to understand impacts of these fisheries on critically endangered North American right whales (*Eubalaena glacialis*).

As noted in the draft Amendment, input is sought on three main issues:

- What percentage of harvesters should be required to report in the lobster and Jonah crab fisheries;
- Whether data elements currently collected should be expanded to provide a greater amount of information on lobster and Jonah crab fisheries; and
- How and at what resolution should spatial information be collected?

**Percentage of harvesters required to report in the lobster and Jonah crab fisheries**

We support a requirement for 100 percent catch reporting by all state and federal permit holders. As we understand it from information reported to the National Marine Fisheries Service's (NMFS') Atlantic Large Whale Take Reduction Team (ALWTRT), to which some of our organizations are appointed members, although the state of Maine accounts for over 80% of all lobster harvest, only approximately

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<sup>1</sup> Available at:

[http://www.asmfc.org/uploads/file//5a0f06afLobsterDraftAddXXVI\\_JonahDraftAddIII\\_PublicComment.pdf](http://www.asmfc.org/uploads/file//5a0f06afLobsterDraftAddXXVI_JonahDraftAddIII_PublicComment.pdf)

10% of their harvesters report their effort and other information important to responsible management. Only a small minority of the Maine fishermen report through vessel trip reports (VTR). The draft Amendments note that an ASMFC advisory sub-group focused on reporting had recommended the creation of a fixed gear VTR for federal permit holders. This would appear to help alleviate confusion caused by the current VTR form that is used by a variety of gear types and limits the collection of information most pertinent to understanding effort and impact of fixed gear and trap/pot fisheries. We support the ASMFC recommendation that a fixed-gear VTR form be established to fulfill the data needs specific to these fisheries, including information on soak time, number of hauls, and total gear in water. Reporting should be required of all participants in state and federal lobster and Jonah crab fisheries, and should be required as well of lobster-only harvesters. We generally support the sub-option in Option C under "Issue 1" which would require 100% trip-level reporting. We also support the need to expand information collected.

### **Expansion of data elements to provide greater amount of information on lobster and Jonah crab fisheries**

Discussion in the draft Amendment highlights the discrepancy between data collected in state and federal waters, particularly as effort in federal waters may be expanding and the Jonah crab fishery is conducted primarily in federal waters.<sup>2</sup> Section 2.6.2 of the draft Amendment delineates a number of areas in which sampling is deficient. As we understand it from information provided in several public meetings, most sampling surveys are conducted largely, sometime solely, within 12 nmi of shore. We agree with the recommendation that significant expansion is needed with regard to biological sampling in the offshore fisheries. To that purpose, we support Option C in Issue 2, expanding reporting to include the number of traps per trawl and number of buoy lines, all of which can help quantify risk of entanglement to whales.

That said, we take issue with some of the information provided in section 2.7 which discusses the ALWTRT. This team is mandated under the Marine Mammal Protection Act and exists with the primary mandate of advising NMFS on measures needed to reduce mortality of critically endangered North Atlantic right whales. The draft Amendment notes that part of the current take reduction plan (TRP) for reducing mortality rests on assessing risk via a "co-occurrence model which pairs information regarding the distribution of whales and commercial fishing gear to predict areas where whales may be prone to entanglement."<sup>3</sup>

The ALWTRT meets periodically to recommend measure to reduce mortality and, from time to time, small subsets of the ALWTRT that are self-selected "work groups" are convened to discuss challenges to the success of the TRP. As the draft Amendment notes, just such a meeting was convened in May of 2016. However, contrary to assertions in this draft Amendment, it was this small work group and *NOT* the ALWTRT that recommended surveys and other means of collecting additional information on important aspects of the fishery such as the color of the buoy line and buoy, weight of each trap, number of traps per trawl, buoy configuration, buoy line diameter, weight of anchor lies and general

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<sup>2</sup> Draft Amendment at 10

<sup>3</sup> Draft Amendment at 13



fishing areas.<sup>4</sup> We agree that all of this information is critical but it was not the entire ALWTRT that recommended this and, it was not even discussed in the April 2017 meeting of the ALWTRT. It is manifestly inaccurate to state—as the draft Amendment states—that “[c]urrently, the ALWTRT is developing this annual survey” and that it is expected “that it would be implemented December 2018.”<sup>5</sup> This task was intended for the NMFS to address. As of the date of these comments, we understand that the NMFS is working with their contractor, Industrial Economics, to develop such a survey that would be *entirely voluntary*, would target only some segments of the fishery (and may not include the Jonah crab fishery). This section (2.7) of the discussion in the draft Amendment paints an overly rosy picture of the status of data gathering to better inform effort and risk to endangered large whales. Indeed we believe the ASMFC could do a major service to conservation if it would make collection and provision of all this suite of information *mandatory* for both state and federal waters trap/pot fisheries.

Section 2.8 of the draft Amendment discusses the lobster Reporting Work Group convened by the Board to include “state agency staff, TC, members, Board members, federal representatives, ACCSP staff, and ASMFC staff.” As noted, this group met in September of 2016 with 5 goals for harvester reporting that included improving spatial resolution of harvester reporting, using latest technology to improve and increase reporting, collecting greater effort data in reports; defining inshore vs. offshore fishing; and “proactively address[ing] data concerns of the ALWTRT.” This discussion resulted in a list of short, intermediate and long term recommendations reported in this draft Amendment in Table 7, with time frames of less than one year, one to two years or longer term for intermediate goals and more than 2 years respectively.<sup>6</sup> Given the dire straits for right whales, with scientists postulating that extinction of the species is possible within a slightly over two decades,<sup>7</sup> we take issue with some of these time frames for implementation which appear overlong and thus risk prone.

For example, we strongly urge that some of the intermediate term objectives be made “short term” in order to expedite our understanding of both harvest of lobsters and crabs and the risk to protected species. This would include expediting the requirement to “[a]dd the following data components to current harvester reporting coastwide: number of trap hauls, soak time, catch disposition, gear configuration, number of vertical lines, LCMA, depth” which is currently listed as an intermediate goal in table 7. As noted above, ASMFC should also expedite and made universal, the requirement for 100% reporting of active harvesters for all state and federal permitted lobster license holders. This too should be a short-term goal. However, we are concerned that the language for this goal in table 7 is likely to moot any gains in information collection since it would allow “resource limited jurisdictions” to “require reporting [only] from a statistically valid sample.” This degree of flexibility seems likely to lead to having every state that does not currently require 100% reporting claim that they are “resource limited” and

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<sup>4</sup> See ALWTRT Monitoring Work Group Key Outcomes May 17-18, 2016 Gloucester, MA. At: [https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/2016%20Monitoring%20Subgroup%20Meeting/key\\_outcomes.pdf](https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/2016%20Monitoring%20Subgroup%20Meeting/key_outcomes.pdf),

<sup>5</sup> Id.

<sup>6</sup> See Table 7 in the draft Amendment

<sup>7</sup> See “North Atlantic right whale faces extinction” Science Magazine. A publication of the American Association for the Advancement of Science. November 7, 2017. At: <http://www.sciencemag.org/news/2017/11/north-atlantic-right-whale-faces-extinction>

thus maintain something of a status quo of under-reporting. This language should be made firm—100% reporting should be required across the board.

With regard to Issue 2: Reporting Data Components; as noted above, we support Alternative C which appears would *add* the requirement to report number of traps per trawl and number of buoy lines in addition to the current requirement to report the unique trip ID, vessel number, trip start date, statistical area, number of traps hauled, number of traps set, species, pounds, trip length (and soak time for Jonah crab). All of this information should be mandates for reporting.

### **Recommendations for Actions in Federal Waters**

Section 5 summarizes recommendations of ASMFC. As noted above, we support establishing a harvester reporting system that expands upon the amount of information collected, including “lobster only” permit holders. This information should be collected for all trap/pot fisheries including lobster and Jonah crab, however the Council should consider similar requirements for all trap/pot fisheries including snow crab, red crab, and other species not currently required to have reporting similar to that being sought here for lobster fisheries.

We also agree with the recommendation that would require fixed gear VTR for all federal permit holders. The revised reporting will allow clearer understanding of the types, places and temporal dimension of gear used and thus the risk to protected species as we are gaining greater understanding of the seasonal movements of right whales.<sup>8</sup>

We support the recommendation for a targeted lobster sampling program in federal waters, particularly in light of the apparent shift in effort to greater use of federal waters and growing interest in expanding fisheries for Jonah and snow crabs. Appendix 3 of this draft Amendment notes that “Statistical areas with the greatest need for increased sampling include 522, 525, 526, 561, 562, and 616. More specifically, four of these statistical areas (522, 525, 526, and 616) do not meet the minimum sampling threshold in three out of the four quarters.” We note with concern that areas 522, 525 and 526 are in the area of Georges Bank, which is a seasonal high use area for endangered whales who are at risk of entanglement in this gear type.<sup>9</sup> It seems clear that shifts in trap/pot gear effort into offshore areas are increasing the encounter risk in well-known high use areas for endangered whales. Better quantifying effort, gear types and encounter risk should be a clear priority that this amendment may help address.

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<sup>8</sup> See for example a brief description of this seasonal movement and habitat use based on acoustic monitoring by NOAA/NMFS in “Distribution and seasonal occurrence throughout the Northeast U.S.” At: <https://www.nefsc.noaa.gov/psb/acoustics/psbAcousticsMigration.html> AND see figure 3 at Davis, G. and M. Baumgartner. 2017. Long-term passive acoustic recordings track the changing distribution of North Atlantic right whales (*Eubalaena glacialis*) from 2004 to 2014. *Scientific Reports* 7, Article number: 13460 <https://www.nature.com/articles/s41598-017-13359-3#Fig3>

<sup>9</sup> Sightings information by area and across years is available from NMFS’ Protected Species Branch at: <https://www.nefsc.noaa.gov/psb/surveys/> and see right whale sightings aggregated off George’s Bank and eastward in Figure 4 at: NMFS undated: Ecology of the Northeast US Continental Shelf. At: <https://www.nefsc.noaa.gov/ecosys/ecosystem-ecology/cetaceans.html>

In addition, a variety of recent research has provided a broader understanding of the habitat use by whales in some of these under-sampled areas because many of these same areas are targeted for offshore commercial-grade wind energy facilities. One such marine mammal monitoring project has better mapped right whale use of the areas south of New England<sup>10</sup> which lends urgency to the recommendation to increase sampling in co-occurring fisheries. Moreover, area 616, which was identified as not meeting minimum sampling in most quarters, has well-documented seasonal movements of right whales through the area.<sup>11</sup>

We strongly support the need for increased sampling across statistical areas—particularly in those offshore area that are currently under-sampled.

## Conclusion

We applaud the intent and effort of the ASMFC to better characterize gear and catch in lobster and Jonah crab fisheries. There is a clear need to collect additional information in order to assess impacts to the target species as well as to protected species, particularly in under-sampled areas. Better information on the prosecution of the lobster and Jonah crab fisheries—and other trap/pot fisheries—in state and federal waters is a key to assuring sustainability of catch of the target species and to better document the need for, or designing the type of, risk-reduction measures important to protected species.

Sincerely,



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Whale and Dolphin Conservation North America  
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<sup>10</sup> See for example figures 3 and 4 in Leiter, S, K. Stone, J. Thompson, C. Accardo et al. 2017. North Atlantic right whale *Eubalaena glacialis* occurrence in offshore wind energy areas near Massachusetts and Rhode Island, USA. *Endangered Species Research*. v. 34 pp.45-59 At; <http://www.int-res.com/articles/esr2017/34/n034p045.pdf>

<sup>11</sup> See, for example, detections in all seasons except summer off the coast of NJ in figure 3 of Davis and Baumgartner, Fn 8.

*Jane P. Davenport*

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## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

December 11, 2017

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

Dear Bob:

On behalf of the New England Fishery Management Council, please accept the following comments on American Lobster Addendum XXVI/Jonah Crab Addendum III. While our comments below focus mainly on the lobster fishery, we support enacting these monitoring improvements in both the lobster and Jonah crab fishery management plans. In general, the Council supports adopting any recommendations for improved monitoring in federal waters (Section 5.0). While most of the species we manage occur in both state and federal waters, overlap between the lobster fishery and Council-managed fishing effort and Council management areas is most likely in federal waters.

### **Question 1 – Percent of harvesters reporting**

On the first question, what percentage of harvesters should be required to report in the American lobster and Jonah crab fisheries, the Council supports Option C, 100% trip-level harvester reporting. Harvester reporting rates are 100% for most states, but only 10% for Maine. While many Maine vessels fish in state waters only, a large number fish in federal waters using federal permits. Requiring full reporting from these federally permitted vessels will create parity with other federal waters fisheries managed by the New England and Mid-Atlantic Fishery Management Councils.

More importantly, as the lobster fishery continues to shift its operations farther offshore, it will increasingly interact with other federally managed fisheries, and the species targeted in those fisheries. It is important that we understand patterns of effort so that we can better estimate bycatch and consider other overlaps between the lobster fleet and the fisheries and habitats we manage. As noted in the draft addendum, an eventual increase to 100% harvester reporting rate was a goal of Addendum X to the American Lobster FMP, which was approved ten years ago. Now is the time to achieve that goal, at least for federal waters.

The Commission's Lobster Technical Committee (TC) examined the statistical validity of harvester reporting using six different metrics – number of trips per year, number of trap hauls

per year, total landings, total soak nights, average number of traps in the water, and maximum number of traps in the water for the year. Coefficients of variation were low and stable across these six variables, suggesting that present levels of reporting are adequate to estimate these data elements. However, the TC did not examine whether present reporting rates are sufficient to fully understand the spatial distribution of fishing activity (see question 3, below). In the context of Council management actions, a solid understanding of the spatial distribution of fishing effort is very important.

We do not have a strong preference for Sub-Option A or B under Option C, but Sub-Option B that allows monthly reporting for vessels landing less than 1,000 lb of lobsters or crabs in the prior year appears to reduce administrative burden for vessels that land few lobsters. This seems a reasonable tradeoff between administrative costs and the need to better characterize fishing effort. Assuming monitoring rate Option C is selected by the Commission, as harvester reporting ramps up over time it seems appropriate to optimize sampling as suggested under Option B. Optimized sampling would allocate by permit type, according to an approach developed by the TC. Under this approach latent vessels are allocated less effort than active vessels.

### **Question 2 – Data elements**

The second question is should current data elements be expanded to collect a greater amount of information in both fisheries. The Council supports Options B and C, which would expand data elements related to depth fished/bait type/soak time (Option B) and number of traps per trawl and number of buoy lines (Option C).

As you know, the Council manages the Atlantic herring fishery in federal waters, and herring is an important source of bait for the lobster fishery. It would be very informative to our management of Atlantic herring to have a clearer understanding of bait use by area and season. We suggest distinguishing between fresh, salted, and frozen herring when collecting data on bait usage. In addition, information on the number of traps and the number of traps per trawl will help us to estimate the seabed effects of the lobster fishery as we revise our habitat impact modeling in the coming years. Information on the number of buoy lines will inform estimates of risks to protected resources, an issue that is of concern to both the Council and the Commission.

### **Question 3 – Spatial scale**

The third question is at what scale should spatial information be collected. The Council supports combining Options B-D in this section to obtain the most comprehensive understanding possible of the spatial distribution of lobster fishing effort. The Council supports Option B, NMFS Statistical Area and LCMA, at a minimum. Because vessels are permitted by LCMA this data element seems essential to the reporting program.

Higher resolution spatial data including distance from shore (Option C) and reporting catch by ten-minute square (Option D) would allow users of lobster fishery data to more accurately attribute effort to specific management areas. Maine already collects distance from shore data, and continued collection of this information seems prudent to track the seasonal shifts in effort by distance from shore, as well as increasing use of the portions of LCMA 1 that lie further from

shore. Reporting by ten-minute squares would allow the Council to estimate the magnitude of lobster and Jonah crab fishing at a scale relevant to the development and evaluation of spatial management area that are hundreds to thousands of square kilometers in size. We collaborated closely with your members, staff, and the TC during development of our Deep-Sea Coral Amendment, and additional data would have improved our analysis of potential effects on the lobster fishery.

Regardless of the spatial scale at which data are collected, the Council also supports Option E, electronic tracking, as a pilot program. Electronic tracking should improve accuracy and reduce costs.

Overall, the Council appreciates the Commission's work on these addenda. Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies  
Executive Director



# MAINE

## Lobstermen's Association, Inc.

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Megan Ware  
Atlantic States Marine Fisheries Commission  
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Arlington, VA 22201

January 22, 2018

Dear Ms. Ware:

The Maine Lobstermen's Association (MLA) provides the following comments on Draft Addendum 26 to the Lobster FMP. The MLA is Maine's oldest and largest fishing industry association dedicated to sustaining the lobster resource and the fishermen and communities that depend on it. Maine's lobster industry contributes \$1.5 billion to the Maine economy. The MLA fully supports collecting adequate data for scientists to assess the health of the stock and managers to have robust information to inform decisions that support a healthy lobster industry.

### Dealer and Harvester Reporting – Issue 1

With regard to Issue 1, Percent Harvester Reporting, the MLA strongly supports Option B to maintain current harvester reporting effort and allocate reporting through an optimal approach.

Based on the Technical Committee's statistical analysis outlined on pages 6 and 7 of the document, Maine's current 10% harvester reporting program provides an excellent representation of the fishery, with confidence intervals ranging from 95% to 98%. Maine DMR estimates it would cost more than \$500,000 for Maine to meet a 100% lobster harvester reporting requirement. This level of investment is not justified given the marginal improvements in data that would be gained given the strong statistical validity of the current harvester reporting program.

The MLA strongly supports optimizing how the harvester reporting sample is conducted. This will improve the coverage of the fishery without requiring additional resources. To achieve this, the MLA supports stratifying the samples to maximize representation of active harvesters, geographic areas (by zone in Maine), license types, and state vs federal permit holders. The MLA does not support sampling latent lobster licenses as these can be accounted for through the dealer reporting system.

While the MLA does support the development of an electronic reporting system to streamline the collection of both dealer and harvester reporting data, the association does not support a future goal of all states achieving a 100% harvester reporting level.



The MLA strongly recommends that the Lobster Board instead adopt a valid statistical standard for harvester reporting programs, to be established by the TC, and require states and the federal government to implement the corresponding percentage of coverage to achieve that standard. Universally requiring a predetermined percentage ignores the widely varying sizes of the state's lobster fisheries, statistical validity of the data, and may impose unnecessary burden on states and fishermen with a minimal gain in better understanding the fishery.

#### Dealer and Harvester Reporting – Issue 2

With regard to Issue 2, the MLA supports expanding data collection elements but does not support any of the options directly outlined in the draft document. The MLA supports expanding the status quo to collect data on depth, soak time, number of sets and number of buoy lines. Average gear configuration can be calculated from number of traps hauled and number of sets.

The MLA is concerned about the potential to create redundant data collection programs. If ASMFC collects data on number of buoy lines and calculates average gear configuration, this data must be used to satisfy the data needs of the whale plan. The MLA strongly opposes the creation of multiple reporting programs that collect redundant information.

#### Spatial resolution of harvester data – Issue 3

The MLA supports improving the spatial resolution of harvester data. The MLA supports Maine continuing to collect data by zone and distance from shore, and would support the adoption of this method by all states (Option C).

The MLA further supports Option D to collect data by 10 minute squares. However, it is important that harvesters only fill out one report per day, even if they fish in more than one 10 minute square. The MLA recommends this spatial standard of data collection for both state and federal permit holders.

#### Fishery Dependent and Fishery Independent Sampling

The MLA supports adopting all of the minimum standards for both fishery dependent and fishery independent sampling outlined in the draft document. Maine already has programs in place that achieve these standards.

#### Recommendations for Actions in Federal Waters

The MLA supports improving harvester data collection standards in federal waters. The harvester reporting program, as currently executed, does not adequately represent federal permit holders across all geographic areas.

To remedy this, the MLA recommends that harvester reporting for federal lobster permit holders, who also hold a state lobster permit, be covered by each state's harvester reporting program. By optimizing how sampling is conducted as outlined under Issue 1, Option B, federal permit holders can be adequately sampled. This will require proper stratification by area, license type and by federal permit holders to ensure that an adequate percentage of federal permit holders are being sampled in each geographic area (by lobster zone in Maine).

The percentage of federal permit holders to be sampled should be determined through a statistical analysis to ensure robust data, as described above. Federal permit holders who do not hold a state permit should also report by 10 minute square.

The MLA supports ASMFC's efforts to improve the data collection programs for the lobster fishery to ensure a more comprehensive understanding of the fishery and its spatial footprint. The MLA supports creating a statistical standard for harvester data collection to determine the appropriate percent of lobstermen to be sampled in each state and in the federal fishery. The MLA opposes the creation of any redundant programs to collect the same data. We urge ASMFC to work closely with NMFS to ensure there are not duplicative programs for those who hold state and federal permits, or for those reporting through ASMFC and any future data collection programs which may be established under the whale plan.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Patrice McCarron". The signature is written in a cursive, flowing style.

Patrice McCarron  
Executive Director

## Megan Ware

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**From:** Beth Casoni <beth.casoni@lobstermen.com>  
**Sent:** Sunday, January 21, 2018 12:42 PM  
**To:** Megan Ware  
**Cc:** Beth Casoni  
**Subject:** MLA Comments DRAFT ADDENDUM XXVI TO AMENDMENT 3

Good afternoon Megan,

The 1800 member Massachusetts Lobstermen's Association (MLA) submits the following comments to you regarding the *DRAFT ADDENDUM XXVI TO AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN; DRAFT ADDENDUM III TO THE JONAH CRAB FISHERY MANAGEMENT PLAN*

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously with the Lobster Foundation of Massachusetts, MA Division of Marine Fisheries, the Atlantic States Marine Fisheries, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the many resources in which our fishermen depend upon.

### **Issue 1: Percent Harvester Reporting**

#### **The MLA SUPPORTS - Option A: Minimum 10% Harvester Reporting (Status Quo)**

Under this option, at least 10% of active commercial harvesters in the lobster and Jonah crab fisheries are required to report trip level landings, with the expectation of 100% harvester reporting over time. States which currently require greater than 10% harvester reporting are required to maintain that higher level of reporting.

### **Issue 2: Harvester Reporting Data Components**

#### **Option A: Status Quo**

Harvester trip-level reports must include: a unique trip ID (link to dealer report), vessel number, trip start date, location (NMFS Statistical Area), number of traps hauled, traps set, species, quantity (lbs), and trip length. Soak time is also required on Jonah crab harvester reports. For

clarification, traps set means the total number of traps that are in the water for a permit holder, including traps that were hauled and re-set as well as traps which are in the water but were not hauled.

### **Issue 3: Spatial Resolution of Harvester Data**

#### **Option D: 10 Minute Squares**

Under this option, harvesters will report their fishing location based on 10 squares which divide the North Atlantic coast. The intent of this option is to provide more fine-scale data on where the fishery is occurring. See Appendix 4 for a figure of 10 minute squares along the Atlantic coast.

While ASMFC is looking to increase reporting and reporting requirements we encouraged The Lobster Board members to think about the daily activities a fishermen must do and then to Have multiple reports to fill out on a weekly or monthly basis is daunting. Please look at consolidating ALL reports onto one page and for the 10 minute squares please make this one report for ALL Squares and not one report for one square.

The MLA recognizes the importance of increasing the data collection to document the spatial Footprint of the lobster fleet. We also understand how the lack of spatial data is putting the lobster industry at a Disadvantage by not being able to show where they are fishing as this has been demonstrated under the Obama Administration when the National Marine Monument Designation was created.

Thank you for your thought and consideration.

Kind regards,  
Beth Casoni, *Executive Director*  
*Massachusetts Lobstermen's Association*  
8 Otis Place~Scituate, MA 02066  
o. 781-545-6984 xt 1 c. 508-738-1245  
[www.lobstermen.com](http://www.lobstermen.com)

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January 22, 2018

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

Re: Comments on Lobster Draft Addendum XXVI

Dear Megan:

I submit the following comments on behalf of Maine Certified Sustainable Lobster Association, Inc. (MCSLA).

The MCSLA supports efforts that will improve the quality of the scientific information that is collected and used by federal and state fishery management bodies. The MCSLA believes the following options are consistent with the intent of the Magnuson-Stevens Fishery Conservation and Management Act, which mandates that fishery conservation and management measures be based on the best scientific information available.

Issue 1: Option C, Sub-option 2. The MCSLA supports allowing management to phase-in trip level landings over 5 years as well as allowing a monthly summary of landings data by commercial harvesters landing less than 1,000lbs of lobster in the previous year.

Issue 2: Option B. The MCSLA supports maintaining the status quo that trip-level reports must include: a unique trip ID (link to dealer report), vessel number, trip start date, location (NMFS Statistical Area), number of traps hauled, traps set, species, quantity (lbs), and trip length, and also adds the data components of depth, bait type and soak time.

Issue 3: Option A. The MCSLA supports maintaining the status quo that requires harvesters continue to report their fishing location by NMFS statistical area on harvester reports.

The MCSLA appreciates the opportunity to provide these comments.

Regards,

/s/

John F. Whiteside, Jr.  
General Counsel  
John@JWhiteside.com



January 22, 2018

Lobster Draft Addendum XXVI

Ms. Megan Ware  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St. Suite 200A-N  
Arlington, VA 22201

Lobster Draft Addendum XXVI presents us with an excellent opportunity to assess the data we are currently collecting from the industry. We understand that the current 10% harvester reporting is statistically satisfactory and that the Maine Department of Marine Resources would be overwhelmed with an increased reporting requirement. But we believe that moving to a higher quality pool of data gatherers is to the advantage of the resource and the industry. We should not be collecting data from latent license holders and there should be a component to identify geospatial distribution of the fishery.

While it was not included in this addendum, we would be remiss to not mention the need for real-time landings data collection for this fishery. MLDA has collaborated with the DMR to acquire preliminary landings data with the understanding that the data is subject to change. The data is helpful for lobster wholesalers and processors as constantly struggle with supply chain management, staffing, customer expectations, etc. This data would also be helpful for DMR from a resource management perspective. Because this industry is not subject to a TAC or a season, there is no mandate to move to such a system. We know that there are hurdles to the implementation of a system that would support real-time landings data, but the long-term benefit would be financially and strategically significant for the many stakeholders in the Maine lobster industry.

Best regards,

A handwritten signature in blue ink, appearing to read 'Annie Tselikis', with a long, sweeping flourish extending to the right.

Annie Tselikis  
Executive Director



# NEW JERSEY COUNCIL OF DIVING CLUBS

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Tinton Falls, NJ 07724-3143  
www.scubanj.org



Draft Lobster Addendum XXVI

Testimony

It appears that the purpose of this Addendum is to improve data collection, perhaps a laudable goal! As a recreational advisor to the ASMFC, it is very unclear to me how this Addendum will impact the recreational lobster fishery. The Addendum makes repeated reference to permits and dealer reporting, vessel number, pounds of lobster, all of which are not normally involved in the recreational fishery. In Federal waters, recreational divers can only take six lobsters a day. Where is the recreational fishery specifically addressed in the addendum? Does the Draft Lobster Addendum intend to require every recreational diver to report data elements on every lobster every day? Or maybe is it just addressed to commercial dive boats? The entire recreational fishery only takes 1 or 2 % of the total catch based of past performance.

Regarding electronic reporting, you cannot assume that all harvesters have E mail or an operating computer or other electronic devices, especially not all pot fishermen or recreational fishermen. There would have to be an alternative reporting method. Perhaps it could be a seasonal report for the recreational fishery. For example, I only took about 15 lobsters during the entire 2017 open lobster season in NJ. Perhaps commercial dive boat captains would have a monthly report?

One thing the sport diver can do is add data elements that would not be evident to pot fishermen. For example, in 1976 the NJ dive community reported observing lobster on the highest portion of the wrecks, something we had never seen before. It turned out that there was a lack of oxygen on bottom that also had very poor visibility and most of what you refer to as Southern New England area ended up having a fish kill that included lobster. Sport divers can observe the immediate u/w environment and may be able to report data elements a pot fisherman does not observe.

Regarding Issue 3 (Spatial Resolution), I would suggest option C for most Pot Fishing with day boats including location of where docked.. Almost all pot fishing and recreation lobster fishing is done in federal waters off NJ. If there is a large boat involved in multi day trips, that would be the boats to consider for electronic tracking.

Regarding the recreational fishery, which is my main concern, I would suggest you try to enlist commercial dive boats on a voluntary basis, and decide what reporting would be most appropriate or most needed. Concepts such as soak time, number of lines and pots, etc. would be irrelevant in the recreational sport diver fishery.

Jack Fullmer

Legislative Committee

ASMFC Recreational Adviser



## Megan Ware

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**From:** Comments  
**Sent:** Friday, January 19, 2018 11:55 AM  
**To:** Megan Ware  
**Subject:** FW: Lobster Draft Addendum XXVI

**From:** Josiah Hansen [mailto:jhansen2019@nhcshawks.org]  
**Sent:** Friday, January 19, 2018 10:49 AM  
**To:** Comments <comments@asmfc.org>  
**Cc:** Lisa White <lwhite@nhcshawks.org>  
**Subject:** Lobster Draft Addendum XXVI

Hello, I am a Junior at North Haven Community School and I am not in any fishing industry. I went into my research of issue one with the opinion that the most information we could get for science the better. I still believe this but I have changed my opinion to be in favor option B, after talking with my fishermen peers. It seems to me that with the current systems in place, any system of documentation looks like it would be a real pain for people actually doing the work. I encourage the development of very accessible options for fishermen to document their catch. If this can be easily done in 5 years, then I would support 100% reporting.

~ Josiah Hansen



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Fax: 860.848.2704

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December 14, 2017

Ms. Megan Ware  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington, VA 22201

Dear Ms. Ware,

I am submitting these comments in regards Lobster Addendum XXVI, specific to Option E: Electronic tracking.

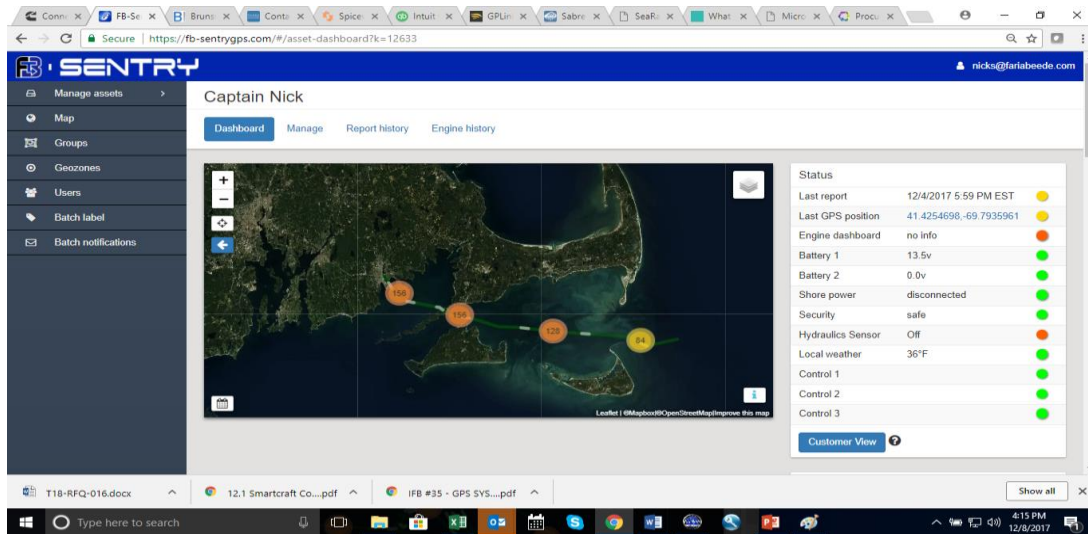
For the past several months Faria Beede Instruments, Inc., a long-standing type approved VMS supplier to NMFS/NOAA, has been conducting an evaluation of a low-cost GSM device and has demonstrated a highly efficient means of monitoring lobster vessels in New England. The subject vessel is an 80' deep sea lobster vessel and licensed permit holder within the Area 3 lobster fishery.

The new technology is a combination of a non-satellite based GSM (cellular) tracking device and a pressure sensor that monitors the winch's hydraulic line. The vessel and hydraulic sensor captures the specific PSI values from the hydraulic line powering the winch and confirms pot-hauling activity at all times. Both the vessel and winch are being monitored at a 1-minute interval during the entire voyage. All winch alerts confirm the specific time and location of when the vessel has engaged its pot-hauler and is harvesting/hauling lobster traps.

The cost of the entire hardware solution is less than \$400 (GSM device and pressure sensor). Install times vary between 2-3 hours.

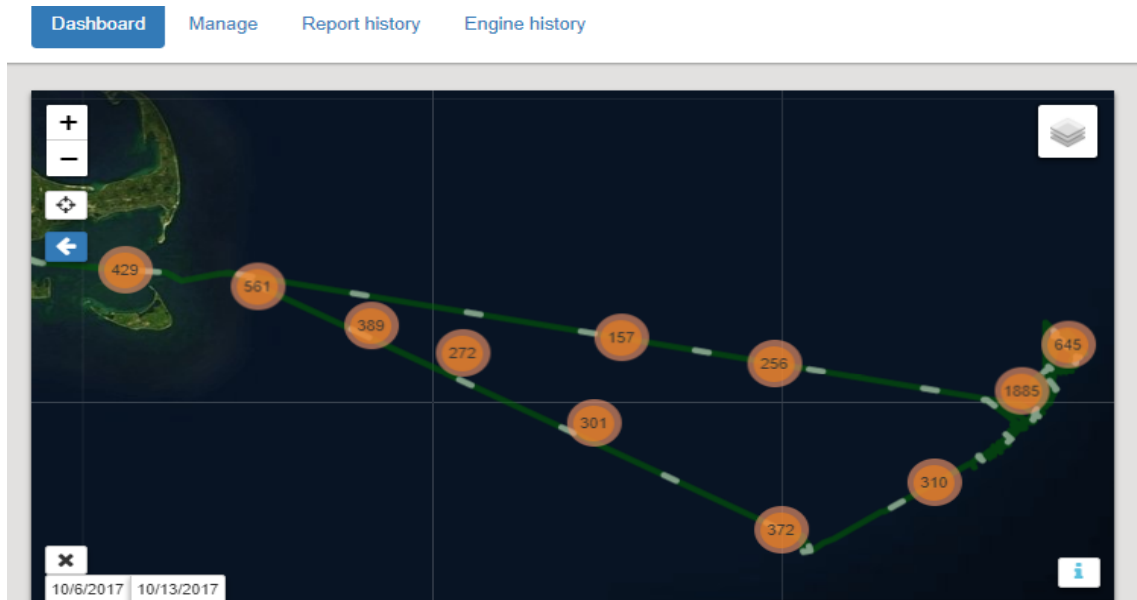
A data sample for this ongoing sea trial was presented to the Law Enforcement Committee during the ASMFC annual meeting in October 2017.

From October 6<sup>th</sup> – 13<sup>th</sup> the subject vessel was tracked at a 1-minute interval 24x7. The vessel exited the GSM coverage area footprint at approximately 12 miles off the coast of Nantucket Island on October 6<sup>th</sup>. During the next 6 days all of the vessel fishing and harvest activities were ongoing beyond the GSM coverage area.

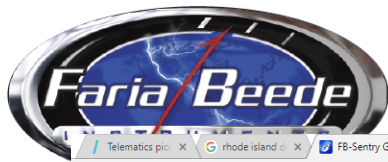


On October 13<sup>th</sup>, when the vessel returned into GSM range, the data-logger uploaded all 20k positions, 2k of which being confirmed winch/pot hauler alerts. The 1-minute “ping rate” provides a high-density track of the vessel’s location at all times while at sea. The 2k confirmed winch alerts confirmed where all lobster harvesting was actually occurring.

The software and website aggregate the 1-minute high-res position points into bundles (orange icons), which are then expanded on the map at varying zoom levels.



The results demonstrate the value and efficiency of this very low-cost technology available today.



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The screenshot shows a web browser window displaying the SENTRY GPS dashboard. The browser address bar shows the URL: <https://fb-sentrygps.com/#/asset-dashboard?k=12633>. The dashboard is titled "Captain Nick" and includes a navigation menu on the left with options like "Manage assets", "Map", "Groups", "Geozones", "Users", "Batch label", and "Batch notifications". The main content area features a map with a green data track and several colored circular markers (yellow, orange, green). To the right of the map is a "Status" panel with the following information:

Item	Value	Status
Last report	10/11/2017 10:44 AM EDT	Green dot
Last GPS position	41.4465336, -70.177391	Green dot
Engine dashboard	no info	Red dot
Battery 1	13.3v	Green dot
Battery 2	0.0v	Green dot
Shore power	disconnected	Green dot
Security	safe	Green dot
Hydraulics Sensor	Off	Red dot
Local weather	63°F	Green dot
Control 1		Green dot
Control 2		Green dot
Control 3		Green dot

The Windows taskbar at the bottom shows the time as 10:48 AM on 10/11/2017.

The high-resolution data track provides fishermen, the scientific community and law enforcement with validation of where a vessel has been and where harvesting occurred.

The screenshot shows a web application interface titled "Specific Coordinates of Hauling Activity". It features a map on the left and a larger map on the right with several red location pins. A blue arrow points from the left map to the right map. Below the maps is a text box with the following content:

**Plot Lat/Long Points on Map by Coordinates**

**INSTRUCTIONS:**  
 Enter Lat/Long Coordinates (one per line in format: lat, long [no spaces] - [see example](#))  
 Note: more than 2,000 points will be slow.

**Coordinates (Format: lat, long in decimal form):**

```
40.4987278, -67.4397573
40.5058758, -67.4379786
40.518303, -67.4417651
40.520495, -67.422228
40.5017418, -67.4040056
41.4929983, -67.0291538
41.486991, -67.0737691
41.47715, -67.0583345
41.4317058, -67.0152143
41.4371361, -67.0331463
41.460243, -67.0503603
41.4490966, -67.054654
41.4428076, -67.0656315
```

At the bottom of the text box is a button labeled "Plot Map Points". The website URL [www.fariabeede.com](http://www.fariabeede.com) is visible in the bottom right corner.

I hope these comments are helpful. Please share a copy of this document with the Lobster Board and the ASMFC lobster Enforcement Committee. Members of the Commission should also feel free to contact me directly if they have questions.

Best regards,

Nick Salvi  
Vice President of Telematics  
Faria Beede Instruments, Inc.  
385 Norwich-New London Turnpike  
Uncasville, CT 06382  
e: [nicks@fariabeede.com](mailto:nicks@fariabeede.com)  
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## Megan Ware

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**From:** Comments  
**Sent:** Friday, January 19, 2018 1:22 PM  
**To:** Megan Ware  
**Subject:** FW: Lobster Draft Addendum XXVI

**From:** Lisa White [mailto:[lwhite@nhcshawks.org](mailto:lwhite@nhcshawks.org)]  
**Sent:** Friday, January 19, 2018 12:28 PM  
**To:** Comments <[comments@asmfc.org](mailto:comments@asmfc.org)>  
**Subject:** Fwd: Lobster Draft Addendum XXVI

----- Forwarded message -----

From: "Sean Haskell" <[shaskell@nhcshawks.org](mailto:shaskell@nhcshawks.org)>  
Date: Jan 19, 2018 11:01 AM  
Subject: Lobster Draft Addendum XXVI  
To: <[comments@asmfc.org](mailto:comments@asmfc.org)>  
Cc: "Lisa White" <[lwhite@nhcshawks.org](mailto:lwhite@nhcshawks.org)>

To whom it may concern:

We are high school students from the island of North Haven, Maine, including students with one student license and one commercial license. We would like to submit comments on Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan.

Regarding Issue 1: Percent Harvester Reporting, we support Option B: Maintain Current Harvester Reporting Effort and Allocate Reporting Through an Optimal Approach. Excluding latent permit holders from reporting will produce more accurate information. We support maintaining the current percentage harvester reporting because existing regulations on dealer reporting and licensing already document how many lobsters are caught, where they are caught, and how much fishermen make. We do not think that any information will be gained by requiring 100% reporting. There could be cost and space issues with the electronic reporting.

Thank you for the opportunity to comment.

Sincerely,

Sean Haskell

Arnd Metzdorf  
Peyton Cooperx

## Megan Ware

---

**From:** Comments  
**Sent:** Wednesday, January 17, 2018 10:41 AM  
**To:** Megan Ware  
**Subject:** FW: Lobster and Crab Management Plan Comments

-----Original Message-----

From: Steve Joyce [mailto:stevejnh@gmail.com]  
Sent: Wednesday, January 17, 2018 7:18 AM  
To: Comments <comments@asmfc.org>; megan@asmfc.org  
Subject: Lobster and Crab Management Plan Comments

I attended the meeting in Portsmouth last night. It's never easy getting a bunch of people in a room to agree on anything.

I haven't been involved in the Lobster management process, but I did live through the NMFS ground fishing mess.

What I don't understand is why it takes 36 pages to provide alternatives to what seems to be a simple problem that can be handled at the State level.

You don't want to get the NMFS involved any more than they are or the Lobster fishery will be over for the small boat fleet.

The problem appears to be that the State of Maine doesn't want to provide 100% landing data like other states. So your going to reach out to the feds because ASMFC figures if they pass a requirement requiring the State's to collect the data, Maine will be non-compliant.

Just pass the requirement that the State's need to collect the data.

Create a standard landing form with the data you agree is required, Lobsters can't be sold in the State to a dealer without the form filled out. This works for both State and Federal waters. The purchase State and Federal Trap tags can be used as an enforcement tool for report compliance.

As for gear location data, normally I wouldn't want this info given out, but the Whale entanglement issues will require more resolution of where gear is fished in the future. I think the 0-3, 3-12 mile, etc is likely the easiest to document. Bait used, I think that can be left off!

Thanks,

Steve Joyce



12 Dover Ave

Hampton NH 03842

## Letter Received After Comment Deadline



### ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President  
[exec@offshorelobster.org](mailto:exec@offshorelobster.org)

David Borden, Executive Director  
[dborden@offshorelobster.org](mailto:dborden@offshorelobster.org)

January 23, 2018

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

Dear Megan,

The Atlantic Offshore Lobstermen's Association (AOLA) submits the following comments toward Draft Addendum XXVI/III to the American Lobster and Jonah Crab Fishery Management Plans.

#### ***Issue 1: Percent Harvester Reporting***

The Association supports "Option C: 100% Harvester Reporting" with sub-option 2. If possible the phase in period for 100% reporting should be implemented in less than five years.

#### ***Issue 2: Harvester Reporting Data Components***

The Association supports "Option B: Expanded Data Elements" and "Option C: Expanded Data Elements Regarding Gear Configuration." Most of this information is currently included in the federal VTR or can be calculated from those reports. However, we question the need of reporting bait type since most fishermen mix baits in the same trap. Bait information would be better obtained from sea sampling.

#### ***Issue 3: Spatial Resolution of Harvester Data***

The Association supports "Option B: NMFS Stat Area and LCMA". This will greatly simplify the assessment process and provide staff information to track the performance of fisheries in specific LCMA's.

We also support the testing of an electronic tracking system with a hydraulic hauling monitor in federal waters as a means of improving federal enforcement. The system must be cost effective and address the electrical draw needs of smaller vessels maintained on moorings where they do not have access to shore power.

#### ***Fishery Dependent and Independent Sampling, Port Sampling, Sea Sampling***

We support the continuation of these programs as described in the draft document. These sampling protocols are needed to fill assessment gaps and improve the spatial and temporal resolution of the state and federal data, and the conclusions rendered from those data.

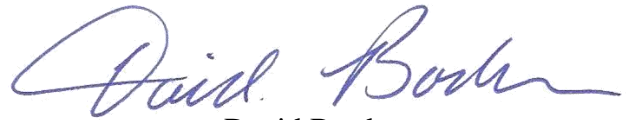
## Letter Received After Comment Deadline

### ***Recommendations for Actions in Federal Waters***

The Association supports the establishment of a 100% harvester reporting requirement for lobster-only federal permit holders and the implementation of the NOAA offshore sampling program as proposed and outlined in Appendix 3 of the Draft Amendment. It is critical to fix the flaws in the offshore sampling program to improve the quality of the stock assessment given the importance of this fishery to the regional economy and coastal communities. NOAA should either implement the program as drafted or provide state and private organizations with funding to implement the program.

Thank you for the opportunity to comment.

Sincerely,



David Borden  
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.asafc.org

## MEMORANDUM

**TO:** American Lobster Management Board  
**FROM:** American Lobster and Jonah Crab Advisory Panels  
**DATE:** January 22, 2018  
**SUBJECT:** Recommendations Regarding Draft Addendum XXVI/III

The American Lobster and Jonah Crab Advisory Panels (APs) met via conference call on January 17<sup>th</sup> to discuss the management options in Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III. On the call, the APs reviewed the management issues, reviewed public comment to-date, and provided recommendations regarding the various management alternatives in the document. This memo summarizes the discussion had by the APs and their recommendations to the Board regarding Draft Addendum XXVI/III.

### **AP Attendance**

Grant Moore (MA – Chair Lobster)	Robert Nudd (NH)
Sonny Gwin (MD – Chair Jonah Crab)	Sooky Sawyer (MA)
David Cousens (ME)	John Whittaker (CT)
Bob Baines (ME)	Jack Fullmer (NJ)

### **Issue 1: Percent Harvester Reporting**

- 5 AP members supported 100% harvester reporting for all federally permitted lobster vessels. Two individuals commented that, as the lobster fishery moves further offshore, the data gaps which already exist in federal waters will become exacerbated. Another individual commented that, at present, there is not a clear picture of where the lobster fishery is taking place in federal waters.
  - Of the five AP members above, two commented that they support 10% harvester reporting in Maine state waters and 100% reporting in federal waters. One individual noted that the TC has shown 10% harvester reporting is sufficient in Maine but commented that greater reporting is needed offshore. The other individual expressed concern that 100% harvester reporting in Maine could force the State to divert funds away from biological sampling and towards harvester reporting.
- 2 AP members supported maintaining the 10% harvester reporting requirement in the lobster fishery. One individual commented that the TC concluded that the 10% harvester reporting in Maine is providing statically precise data and the State could not handle 100% reporting given the number of trips conducted annually. The other individual commented that 100% harvester reporting would be redundant in the lobster fishery and would not improve the statistical power of the data.

- Of the two AP members above, one supported redistributing the current 10% harvester reporting in Maine to focus on active, as opposed to latent, permits (Option B).
- One AP member asked if the recreational lobster fishery could help address the data gaps in the fishery. He recommended that there be an optional reporting program for recreational fishermen.

### **Issue 2: Harvester Reporting Data Components**

- 4 AP members supported a re-design of the federal VTR so that the form encompasses all of the data needs in the lobster fishery and is easy for fishermen to fill out. Specifically, they recommended that NMFS and industry members work together to make the form logical in its design and effective in its content. One AP member commented that a re-design is necessary given the current data requirements on the federal form are interpreted differently by different fishermen.
- One AP member supported the inclusion of 'soak time' as a required data element but did not see the need to report on 'bait type' (both in Option B).
- Another AP member supported the inclusion of gear configuration data elements in harvester reports (Option C), commenting that it is pertinent to the ALWTRT.
- One AP member expressed concern about the inclusion of 'depth' as a data element given a single trawl can span a wide range of depths. He commented that information regarding depth fished could be gleaned from a latitude/longitude point or a 10 minute square.
- Another individual commented that it would be ideal if there was a single coastwide form for the lobster industry.

### **Issue 3: Spatial Resolution of Harvester Data**

- 5 AP members did not support the establishment of an electronic tracking pilot program in the lobster fishery (Option E). One AP member expressed concern that the cost of tracking will fall on fishermen. Another AP member agreed that better spatial data is needed in the lobster fishery but that tracking is not the way to achieve this. Instead, he favored the other options in the document. Another AP member commented that there will be no resolution of data within 12 miles if tracking is used because all of the lines will cover one another. A final AP member commented that there is already VMS on some lobster boats (due to other species permits) and the Board should look to see what location data is currently available.
- One AP member did support the exploration of electronic tracking devices for federal vessels, but noted that this would be too much to ask of state permitted individuals. He commented that he would like to see the results of this pilot program, especially with the expansion of the Jonah crab fishery.
- 2 AP members supported the implementation of 10 minute squares, with one individual commenting that it is important a fisherman does not have to fill out a separate form for each square fished. The other individual commented that a single latitude/longitude point on the VTR form does not give a complete picture of where gear is situated and

improved spatial information will help the fishery in the long run because it will provide a history of where the fishery is taking place.

- One AP member did not support the use of distance from shore (Option C) since SA 616 is all within state waters.
- One AP member supported the inclusion of LCMA on harvester reports (Option B).

#### **Additional Comments**

- One AP member commented that the Board needs to push for greater sea/port sampling over the whole range of the fishery, highlighting the large biological data gap noted in the Draft Addendum.
- Another AP member highlighted the importance of reporting being fishermen friendly, meaning it is intuitive for fishermen to fill out and multiple reports are not needed for the same trip.
- One AP member expressed concern that some options in the document could force the lobster fishery to follow the reporting requirements of the groundfish fishery, and cautioned against making such changes.



# Atlantic States Marine Fisheries Commission

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

## MEMORANDUM

**TO:** American Lobster Management Board  
**FROM:** Southern New England Workgroup  
**DATE:** January 26, 2018  
**SUBJECT:** Goals and Objectives for the Southern New England Stock

The Southern New England (SNE) Workgroup met via conference call on January 22<sup>nd</sup> to discuss the goals and objectives by which the SNE lobster stock is managed. This discussion was prompted by the American Lobster Management Board's (Board's) discussion at the October 2017 meeting regarding future management of the SNE stock and concern that it may not be possible to rebuild the SNE stock to historic levels. As a result, the Board tasked the SNE Workgroup with reviewing the applicability of the goals and objectives in Amendment 3 and subsequent addenda. This memo summarizes the discussion of the SNE Workgroup and outlines potential objectives for Board consideration.

### ***SNE Workgroup Members on Call***

Dan McKiernan (MA - Board)	Kim McKown (NY - TC)
David Borden (RI - Board)	Lanny Dellinger (RI - AP)
Mark Alexander (CT - Board)	Grant Moore (MA - AP)
Jay McNamee (RI - Board)	Megan Ware (ASMFC)
Colleen Giannini (CT - TC)	

### ***Review of Current Purpose, Goals, and Objectives***

The SNE Workgroup began by reviewing the current purpose, goals, and objectives contained in Amendment 3 (a copy of these can be found in Appendix 1 of this memo). While the Workgroup found that some of these objectives are still pertinent, such as "ensuring that changes in geographic exploitation patterns do not undermine success of ASMFC management program", other objectives such as "minimizing the risk of stock depletion and recruitment failure" may no longer be germane given the Board's concern over the ability to rebuild the SNE stock. Overall, the SNE Workgroup concluded that the goals and objectives by which the lobster stock is managed may need to be updated to address current issues in the fishery, including climate change, expansion of a multi-crustacean fishery with Jonah crab, and latent effort. Specifically, members of the Workgroup commented that the goals and objectives in Amendment 3 were developed with the idea that stock health could be managed by dialing up or down regulations; however, today it is clear that changes in stock condition are caused by factors beyond the management measures put in place. This applies to both SNE, where environmental changes have contributed to a stock collapse, and Gulf of Maine/Georges Bank (GOM/GBK), where stock abundance has exponentially increased under a relatively constant

management plan. In addition, the Workgroup concluded that while it is valuable to have a set of overarching goals for the lobster fishery, it may also be appropriate to have further refined goals specific to the two biological stocks (SNE vs. GOM/GBK).

### ***Potential Goals and Objectives for Board Consideration***

Given the Workgroup's conclusion that the goals and objectives in Amendment 3 may need to be updated to address current issues in the fishery, the group brainstormed potential objectives for Board consideration. The objectives are divided between those that apply to the entire lobster fishery, and those that apply to SNE. At present, these objectives are intended to be additive to Amendment 3 to address stock changes and current management issues. Further discussion is warranted to determine if any goals/objectives currently included in Amendment 3 are no longer applicable to either biological stock.

#### ***A. Objectives Applicable to Entire Lobster Fishery***

- Evaluate the differential spatial dynamics between inshore and offshore stocks and fisheries.
- Adopt and/or maintain programs in each management unit to reduce latent effort and manage active effort as a means of protecting and enhancing the lobster resource and reducing interactions with protected species.
- Promote consistency of regulations and regulatory timelines between states and NOAA Fisheries, where possible, to ensure cohesive and effective management of each management unit.
- Promote adequate and effective sampling of harvest, discard, and biological data throughout the lobster stock, particularly in offshore waters.
- Investigate further stock connectivity within, and between, the GOM/GBK and SNE stocks, particularly as it relates to environmental changes, to inform the appropriate scale for management of the species.
- In light of dramatic changes in stock condition in both GOM/GBK and SNE, promote further research of the species, including studies on growth and maturity, mating and reproductive success, and recruitment, particularly offshore. The TC should be consulted to add the most relevant research initiatives, and this list should be updated on a regular cycle.

#### ***B. Objectives Focused on the SNE Stock***

- Given the apparent negative impacts of climate change on the SNE stock, enhance the protection of spawning stock biomass for lobster, where practical, in order to add resiliency to the remaining population by providing the potential for good recruitment if and when environmental conditions are conducive.
- Scale the SNE fishery to the diminished size of the SNE resource, while preserving a viable mixed lobster/ crab fishery.
- Manage the SNE lobster stock in the context of the current multi-species fishery for lobster and crab, ensuring compatible management of all species.



- In light of climate change, evaluate the reference points for SNE based on the current state of the environment, recognizing the effects of changes in habitat availability, predation, stock size, and temperature, which may limit rebuilding of the stock.

### ***Steps Moving Forward***

Moving forward from this discussion, there are several things for the Board to consider. Changes to the goals and objectives in Amendment 3 will require an Amendment. As a result, the Board needs to consider its desire to undertake such action, keeping in mind the on-going benchmark stock assessment, pending action on Draft Addendum XXVI, the development of Draft Addendum XXVII, and discussions regarding protected resources. In addition, if the Board is considering changes to the goals and objectives in Amendment 3, it may be pertinent to include representatives from the GOM/GBK stocks in the discussion. Members of the SNE Workgroup did discuss the potential applicability of a Management Strategy Evaluation (MSE) to understand what management measures are most robust to climate change and, while there is no formal recommendation from the Workgroup regarding a MSE, this is another consideration for the Board.

## Appendix 1

*The language below was pulled from Amendment 3 and associated addenda, and provided to the SNE Workgroup ahead of the call. For addenda which did not have a clearly identified goal, language related to the purpose of the regulatory action was used.*

### 1. Amendment 3 (1997)

**Purpose:** Designed to minimize the chance of a population collapse due to recruitment failure

**Goal:** The Atlantic states will have a healthy American lobster resource and a management regime which provides for sustained harvest, maintains appropriate opportunities for participation, and provides for cooperative development of conservation measures by all stakeholders.

**Objectives:**

- 1) Protect, increase or maintain, as appropriate, the brood stock abundance at levels which would minimize risk of stock depletion and recruitment failure.
- 2) Develop flexible regional programs to control fishing effort and regulate fishing mortality rates;
- 3) Implement uniform collection, analysis, and dissemination of biological and economic information; improve understanding of the economics of harvest;
- 4) Maintain existing social and cultural features of the industry wherever possible;
- 5) Promote economic efficiency in harvesting and use of the resource;
- 6) Minimize lobster injury and discard mortality associated with fishing;
- 7) Increase understanding of biology of American lobster, improve data, improve stock assessment models; improve cooperation between fishermen and scientists;
- 8) Evaluate contributions of current management measures in achieving objectives of the lobster FMP;
- 9) Ensure that changes in geographic exploitation patterns do not undermine success of ASMFC management program;
- 10) Optimize yield from the fishery while maintaining harvest at a sustainable level;
- 11) Maintain stewardship relationship between fishermen and the resource.

### 2. Addendum II (2001)

**Goal:** The fishery management plan seeks to restore egg production from the American lobster resource in each of the management areas to greater than the overfishing definition before the end of 2008.

### 3. Addendum IV (2004)

**Goal:** Goal of reducing fishing mortality through active trap reductions. In addition, goal to rebuild the lobster stocks in Area 2 through an interim benchmark that specifies relative exploitation rates should be at or below the 75<sup>th</sup> percentile of the 1983-2002 time series in order to rebuild the population.

#### **4. Addendum XI (2007)**

**Goals:** Set management measures for Lobster Conservation Management Areas 2, 3, 4, 5, and 6 that should aid in the rebuilding of the SNE lobster stock. In addition, create a species-specific mechanism of ensuring that a state meets its obligations under the plan in a way that minimizes the probability that a state's delay in complying does not adversely affect other states' fisheries or conservation of the resource.

The plan seeks to decrease fishing mortality on the American lobster resource in the SNE stock to less than the fishing mortality reference point immediately.

The plan seeks to restore abundance in the American lobster resource in the SNE stock to greater than the abundance target reference point before the end of 2022.

#### **5. Addendum XVI (2010)**

**Goal:** Maintain a minimum stock size threshold or  $\frac{1}{2}$  BMSY (or a reasonable proxy thereof) at levels which would minimize risk of stock depletion and recruitment failure.

#### **6. Addendum XVII (2012)**

**Goal:** Reduce exploitation in the SNE stock by 10% in each LCMA to initiate rebuilding of the SNE stock and enable each jurisdiction to prepare their fishing industries for more substantive reductions in a subsequent addendum.

#### **7. Addendum XVIII, Addendum XXI, Addendum XXII (2012, 2013)**

**Goal:** Scale the SNE fishery to the diminished size of the SNE resource, including an option that would result in a minimum reduction in traps allocated by 25%. Specific to Addendum XXI and XXII, goal of addressing latent effort in LCMAs 2 and 3 through changes to the transferability programs.

#### **8. Draft Addendum XXV (Not approved for management use)**

**Goal:** Recognizing the impact of climate change on the stock, the goal of Addendum XXV is to respond to the decline of the SNE stock and its decline in recruitment while preserving a functional portion of the lobster fishery in this area.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** American Lobster Management Board  
**FROM:** Southern New England Workgroup  
**DATE:** January 26, 2018  
**SUBJECT:** Goals and Objectives for the Southern New England Stock

The Southern New England (SNE) Workgroup met via conference call on January 22<sup>nd</sup> to discuss the goals and objectives by which the SNE lobster stock is managed. This discussion was prompted by the American Lobster Management Board's (Board's) discussion at the October 2017 meeting regarding future management of the SNE stock and concern that it may not be possible to rebuild the SNE stock to historic levels. As a result, the Board tasked the SNE Workgroup with reviewing the applicability of the goals and objectives in Amendment 3 and subsequent addenda. This memo summarizes the discussion of the SNE Workgroup and outlines potential objectives for Board consideration.

### ***SNE Workgroup Members on Call***

Dan McKiernan (MA - Board)	Kim McKown (NY - TC)
David Borden (RI - Board)	Lanny Dellinger (RI - AP)
Mark Alexander (CT - Board)	Grant Moore (MA - AP)
Jay McNamee (RI - Board)	Megan Ware (ASMFC)
Colleen Giannini (CT - TC)	

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