

Atlantic States Marine Fisheries Commission

American Lobster Management Board

February 2, 2021
8:30 a.m. – 12:45 p.m.
Webinar

Draft Agenda

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

1. Welcome/Call to Order (*D. McKiernan*) 8:30 a.m.
2. Board Consent 8:30 a.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2020
3. Public Comment 8:35 a.m.
4. Review and Discuss Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 (*J. Anderson*) 8:45 a.m.
5. Consider Management Response to the 2020 American Lobster Benchmark Stock Assessment and Peer Review (*D. McKiernan*) **Possible Action** 10:15 a.m.
 - Review Stock Status, Reference Points and Assessment Recommendations (*C. Starks*)
 - Discuss Development of Draft Addendum XXVII on Gulf of Maine Resiliency (*C. Starks*)
6. Discuss Potential for Conducting a Management Strategy Evaluation for the American Lobster Fishery (*B. Shank/J. Kipp*) 11:25 a.m.
7. Discuss Executive Order on Northeast Canyons and Seamounts Marine National Monument (*C. Starks*) **Possible Action** 12:05 p.m.
8. Review and Populate Jonah Crab Advisory Panel Membership (*T. Berger*) **Action** 12:35 p.m.
9. Elect Vice-Chair (*D. McKiernan*) **Action** 12:40 p.m.
10. Other Business/Adjourn 12:45 p.m.

MEETING OVERVIEW

American Lobster Management Board

February 2, 2021

8:30 a.m. – 12:45 p.m.

Webinar

Chair: Daniel McKiernan (MA) Assumed Chairmanship: 02/20	Technical Committee Chair: Kathleen Reardon (ME)	Law Enforcement Committee Representative: Rob Beal
Vice Chair: VACANT	Advisory Panel Chair: Grant Moore (MA)	Previous Board Meeting: October 19, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 19, 2020

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review and Discuss Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 (8:45-10:15 a.m.)

Background

- NOAA Fisheries has published a proposed rule to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan to reduce the incidental mortality and serious injury to North Atlantic right whales, fin whales, and humpback whales in northeast commercial lobster and Jonah crab trap/pot fisheries to meet the goals of the Marine Mammal Protection Act and the Endangered Species Act (**Briefing Materials**). A summary overview of the proposed rule is also available (**Briefing Materials**).
- The proposed modifications are intended to achieve at least a 60 percent reduction in mortalities or serious injuries of right whales in the Northeast crab and lobster trap/pot fisheries. The Proposed Rule would:
 - Modify gear marking to introduce state-specific marking colors
 - Increase the number of and area of marked lines
 - Modify gear configurations to reduce the number of vertical buoy lines by requiring more traps between buoy lines and by introducing weak insertions or weak rope into buoy lines
 - Modify existing seasonal restricted areas to restrict buoy lines (but allow ropeless fishing)

- Add up to two new seasonal buoy line closures
- Eight or more remote public meetings will be held during the public comment period. Comments must be submitted on or before March 1, 2021.

Presentations

- Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 by J. Anderson

Board Actions for Consideration at the Meeting

- Consider preferred avenues for providing public comment

5. Consider Management Response to the 2020 American Lobster Benchmark Stock Assessment and Peer Review (10:15 a.m.-11:25 a.m.) Possible Action

Background

- The lobster 2020 benchmark stock assessment was completed in July 2020 which evaluated the status of lobster for the Gulf of Maine/Georges Bank and Southern New England stocks. The assessment was peer-reviewed virtually by a panel of independent experts in August 2020. In October 2020, the Board accepted the assessment and peer review for management use, which found that the GOM/GBK lobster stock is not depleted and overfishing is not occurring, and the SNE stock is significantly depleted. In addition, the Board adopted the new reference points recommended in the assessment. **(Briefing Materials)**
 - The American Lobster 2020 Benchmark Assessment and Peer Review Report can be found [here](#).
- The Board agreed to postpone a decision on management responses to the assessment results until the 2021 Winter Meeting. **(Briefing Materials)**

Presentations

- Review of Stock Status, Reference Points and Assessment/Peer Review Recommendations by C. Starks

Board Actions for Consideration at the Meeting

- Consider management response to 2020 stock assessment and peer review

6. Discuss Potential for Conducting a Management Strategy Evaluation for the American Lobster Fishery (11:25 a.m.-12:05 p.m.)

Background

- The ASMFC Management and Science Committee (MSC) formed a subgroup during the ASMFC 2019 Annual Meeting to develop a proposal for Management Strategy Evaluation (MSE) work on ASMFC-managed species. American lobster was among four priority species identified by the MSC that were considered the best candidate species for a MSE in the immediate future **(Briefing Materials)**.
- The MSC subgroup has developed a prospective work plan to outline potential focal areas, resource needs for a lobster MSE and associated workload tradeoffs for competing Lobster Board needs, and next steps if a MSE is identified as a priority by the Lobster Management Board **(Briefing Materials)**.
- The next steps are for the Board to identify the priority level and preferred focal area of a lobster MSE, identify roles and responsibilities for all personnel and potential funding

sources for contracted personnel, and identify the timeline for MSE milestones and completion depending on focal area.

Presentations

- American Lobster Management Strategy Evaluation Prioritization by J. Kipp

Board Actions for Consideration at the Meeting

- Provide guidance on the priority level and preferred focal area of a lobster MSE

7. Discuss Executive Order on Northeast Canyons and Seamounts Marine National Monument (12:05 p.m.-12:35 p.m.) Possible Action

Background

- On January 20th, 2021, President Biden issued an Executive Order (EO) on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. Section 3 of the EO, *Restoring National Monuments* requires mandates a review of the 2020 proclamation allowing commercial fishing in the Northeast Canyons and Seamounts Marine Monument The Interior Secretary shall report his/her findings to the President by March 21, 2021 (**Supplemental Materials**).
- The Northeast Canyons and Seamounts Marine Monument was created in September 2016 by [Presidential Proclamation 9496](#). The Proclamation prohibited *commercial* fishing with a seven-year exemption for American lobster and red crab fishing. In a May 9, 2016 letter to the Obama Administration, the Commission stated its preference for the NEFMC regulatory process over the establishment of a marine monument in the region (**Supplemental Materials**).
- On June 5, 2020, President Trump issued a Proclamation on Modifying the Northeast Canyons and Seamounts Marine National Monument that returned commercial fishery management authority to the Magnuson-Stevens Act (and other applicable laws) but does not otherwise modify the Monument.

Presentations

- Summary of Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis by C. Starks

Board Actions for Consideration at the Meeting

- Determine if the Board would like to provide comments to the Secretary of the Interior

8. Review and Populate Jonah Crab Advisory Panel Membership (12:35-12:40 p.m.) Action

Background

- Jon Williams, and offshore commercial trap fisherman representing RI, has been nominated to the Jonah Crab Advisory Panel (**Briefing Materials**).

Presentations

- AP Nominations by T. Berger

Board Actions for Consideration at the Meeting

- Approve Advisory Panel nomination

9. Elect Vice-Chair (12:40-12:45 p.m.)

10. Other Business/Adjourn



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: American Lobster Management Board

FROM: Caitlin Starks, FMP Coordinator

DATE: January 26, 2021

SUBJECT: January 20, 2021 Executive Order on Northeast Canyons and Seamounts Marine National Monument

Summary

On January 20th, 2021, President Biden issued an Executive Order (EO) on [*Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*](#). The EO requires federal agencies to review more than 120 Trump administration actions related to energy and the environment. Section 3 of the EO, Restoring National Monuments requires a review of the 2020 proclamation allowing commercial fishing in the Northeast Canyons and Seamounts Marine Monument.

Biden EO & the Northeast Canyons and Seamounts Marine Monument

Section 3 of President Biden's EO, *Restoring National Monuments*, requires the Secretary of the Interior to conduct a review of President Trump's 2020 Proclamation for the Northeast Canyons and Seamounts Marine Monument. The review shall be conducted in coordination with other agencies including the Commerce Department and the Council on Environmental Quality. The Interior Secretary shall report his/her findings to the President by March 21, 2021. Additionally, the Attorney General may request a stay of proceedings in any court with jurisdiction over pending litigation related to the Northeast Canyons and Seamounts Marine Monument.

Background

Antiquities Act

The Antiquities Act of 1906, signed into law by Theodore Roosevelt on June 8, 1906, permits the President to create national monuments from federal lands to protect significant natural, cultural, or scientific features.

Establishment of the Northeast Canyons and Seamounts Marine Monument

The Northeast Canyons and Seamounts Marine Monument was created in September 2016 by [*Presidential Proclamation 9496*](#). The Proclamation prohibited *commercial* fishing with a seven-year exemption for American lobster and red crab fishing. In a May 9, 2016 letter to the Obama Administration (enclosed), the Commission stated its preference for the NEFMC regulatory process over the establishment of a marine monument in the region. Additionally the Commission requested that, should a national monument be established, any designated areas be limited to the smallest area necessary and only waters deeper than 900 meters, and only bottom tending fishing gear be prohibited in the designated areas.

M21-18

The Northeast Canyons and Seamounts Marine Monument is 130 miles southeast of Cape Cod and encompasses 4,913 square miles. It is the first Atlantic marine monument, comprised two distinct areas: three canyons and four seamounts.

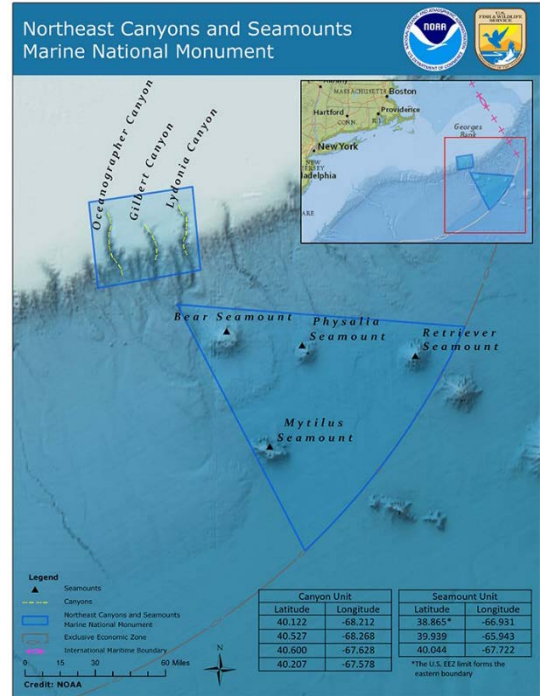
Modification by President Trump

On June 5, 2020, President Trump issued a *Proclamation on Modifying the Northeast Canyons and Seamounts Marine National Monument* at a fishing industry roundtable in Bangor, Maine. The proclamation returned commercial fishery management authority to the Magnuson-Stevens Act (and other applicable laws) but does not otherwise modify the Monument.

Considerations for the Board

The Board should consider if it would like to provide comments on this issue during the review period.

While there is not an open public comment period, the Board could send a letter to the Secretary of the Interior reflecting the position of the Board on potential modifications to the Northeast Canyons and Seamounts Marine National Monument by the Biden Administration.





Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201

703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

Douglas E. Grout (NH), Chair

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

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

May 9, 2016

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President,

On behalf of the Atlantic States Marine Fisheries Commission (Commission), I am writing to express the Commission's preference for the continuation of the current New England Fishery Management Council's (NEFMC) regulatory process as the primary approach to protect deep-sea corals in the Atlantic Ocean.

The Commission was formed by the 15 Atlantic coast states in 1942 in recognition that fish do not adhere to political boundaries. The Commission serves as the deliberative body, coordinating the conservation and management of the states shared fishery resources – marine, shell, and anadromous – for sustainable use. The Commission manages several species which are harvested in and around the New England canyons and seamounts area, including American lobster and Jonah crab. These two fisheries have been prosecuted in the offshore canyons for close to five decades and generate over \$15 million per year in direct revenue from the canyons alone.

The NEFMC is currently drafting an Omnibus Deep-Sea Coral Amendment which considers protection of corals in and around the canyons of the Atlantic Ocean. Per the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the creation of such an Amendment includes multiple stakeholder comment opportunities, public hearings, detailed cost benefit analysis, and NEPA impact analyses. The transparency of the amendment process allows for collaboration between the Commission, NEFMC and stakeholders. In fact, the Commission is currently working with the NEFMC to collect data on the offshore lobster and Jonah crab fishery to fully understand potential impacts to the industry.

The Commission has been informed that you, Mr. President, are considering utilization of the American Antiquities Act of 1906 to protect similar deep-sea coral areas through the designation of a national monument. While the Commission fully supports actions which ensure healthy oceans, there is concern over the lack of public input or impact analysis required in the establishment of a monument through the Antiquities Act. Without specific details on the proposed areas which may be included in a national monument or a potential timeline, it is difficult to characterize the potential impacts to the fishing industry or provide meaningful comments.

President Barack Obama

May 9, 2016

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At its spring meeting, the Commission unanimously agreed to the following position on this issue. With two separate processes ongoing to protect deep-sea corals in New England waters, the Commission is requesting the NEFMC regulatory process be allowed to continue without the potential for a Presidential proclamation of a national monument. Should you decide to establish a New England waters monument prior to the end of your presidency, the Commission requests any designated areas be limited to the smallest area compatible with the proper care and management of the objects to be protected, as required by the Antiquities Act. Furthermore, the Commission proposes that if you, Mr. President, pursue the designation of a national monument, the area be limited to waters deeper than 900 meters to the outer margin of the exclusive economic zone and only bottom tending fishing gear be prohibited. All other mid water/surface fishing methods, both recreational and commercial, could continue within the designated area with no impact to corals. Finally, the Commission requests the public and affected user groups be allowed to review and comment on any specific proposal prior to its implementation.

Thank you for considering the Commission's comments on this important issue. Please contact me if the Commission can provide any additional information.

Most Respectfully,



Douglas E. Grout
Chairman ASMFC

cc: ASMFC Commissioners

John Bullard, Regional Administrator NOAA Fisheries

Thomas Nies, NEFMC Executive Director