

Draft Document for Public Comment

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM XXXI TO AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT

Postponing Implementation of Addendum XXVII Measures



September 2024



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Public Comment

Public Comment Process and Proposed Timeline

In August 2024, the American Lobster Management Board (Board) initiated Draft Addendum XXXI to consider postponing implementation of certain measures of Addendum XXVII. Addendum XXVII established a trigger mechanism to automatically implement management measures to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass. Under Addendum XXVII, changes to gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1 (Gulf of Maine), 3 (offshore federal waters) and Outer Cape Cod (OCC) were triggered in October 2023 based on an observed decline in recruit abundance indices of >35% from the reference level (equal to the three-year average from 2016-2018), which triggered management changes to be implemented by June 1, 2024. The Board extended the implementation date of the series of changes to gauge and vent size to begin January 1, 2025 to allow the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications, and give the industry and gauge makers additional time to prepare for these changes.

Draft Addendum XXXI considers further delaying the biological measures (size limits and v-notch definitions) an additional six months to July 1, 2025. The purpose of postponing the changes in minimum gauge size for LCMA 1 and the measures under Section 3.1 of Addendum XXVII to create a common size limit for state-only and federal permit holders fishing in OCC is to reduce negative impacts to the US and Canadian lobster industries in 2025 and allow Canada more time to consider implementing complementary management measures.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the addendum process. The final date comments will be accepted is **October 6, 2024 at 11:59 p.m. EST**. Comments may be submitted by mail or email. If you have any questions or would like to submit comments, please use the contact information below.

Mail: Caitlin Starks
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200A-N
Arlington, VA 22201

Email: comments@asmfc.org
(Subject line: Lobster Draft
Addendum XXXI)

Date	Action
August 2024	Draft Addendum for Public Comment Developed
August 2024	Board Approved Draft Addendum for Public Comment
September-October 2024	Public Comment Period Including Public Hearings
October 2024	Board Reviews Public Comment, Selects Management Measures, Final Approval of Addendum XXXI
TBD	Implementation of certain Addendum XXVII Measures

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1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) has coordinated the interstate management of American lobster (*Homarus americanus*) from 0-3 miles offshore since 1996. American lobster is currently managed under Amendment 3 and Addenda I-XXX to the Fishery Management Plan (FMP). Management authority in the exclusive economic zone (EEZ) from 3-200 miles from shore lies with NOAA Fisheries. The management unit includes all coastal migratory stocks between Maine and Virginia. Within the management unit there are two lobster stocks and seven management areas. The Gulf of Maine/Georges Bank (GOM/GBK) stock (subject of this draft addendum) is primarily comprised of three Lobster Conservation Management Areas (LCMAs), including LCMAs 1 (GOM), 3 (offshore federal waters), and Outer Cape Cod (OCC) (Figure 1). There are three states (Maine, New Hampshire, and Massachusetts) which regulate American lobster in states waters of the GOM/GBK stock; however, landings from the GOM/GBK stock occur from Rhode Island through New York and these states regulate lobsters landed in state ports.

Addendum XXVII was approved on May 2023, establishing a trigger mechanism to automatically implement management measures to provide additional protection of the GOM/GBK spawning stock biomass. Under Addendum XXVII, changes to gauge and escape vent sizes in LCMAs 1, 3 and OCC would be initiated based on an observed decline in recruit abundance indices of 35% from the reference level (equal to the three-year average from 2016-2018). In October 2023, the Technical Committee reported that with the inclusion of 2022 data in the index time series, the trigger index had declined by 39%, surpassing the trigger point of a 35% decline. This decline required the impacted states to change the minimum gauge for LCMA 1 by June 1, 2024.

In October 2023, the American Lobster Management Board (Board) modified the implementation date for the measures in Addendum XXVII to January 1, 2025. The extension of the implementation date was to provide the GOM states the opportunity to coordinate with Canada regarding possible trade implications, and give the industry and gauge makers additional time to prepare for the changes.

In August 2024, the Board passed the following motion:

Move to initiate an addendum to delay the biological measures implementation date of Addendum XXVII until July 1, 2025. Specifically, biological measures under Section 3.1 that created common size limits for state-only and federal permit holders fishing in Outer Cape Cod would be implemented effective July 1, 2025. Similarly, management measures triggered under Section 3.2 would be implemented by July 1, 2025 starting with the Year 1 measures, and subsequent management measures (additional minimum size increase in Area 1 in year 3; vent size increase in Area 1 in year 4; maximum size reduction in Area 3 and Outer Cape Cod) would be implemented by July 1 of the calendar year for which they are required. Trap tag issuance regulations regarding the routine issuance of 10% additional trap tags in Areas 3 and 1 above the trap limit or allocation would remain unchanged.

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The action proposed in this document would be to postpone the gauge and escape vent size changes in sections 3.1 and 3.2 of Addendum XXVII for an additional six months to July 1, 2025. The Draft Addendum does not consider postponing regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation.

2.0 Overview

2.1 Background and Statement of Problem

In June 2024, a meeting was held between US and Canadian lobster fishery managers and industry members to discuss lobster management structures and stock assessments of the two countries. There was some interest on the part of Canadian fishing representatives to match the US minimum size increase in the GOM to minimize commerce issues and to address resource changes seen in some of the maritime lobster fishing areas (LFA), but any changes to management would be proposed by industry under the current status of the Canadian stocks. The timing of a possible Canadian action could not be completed by January 1, 2025, when the US rules are scheduled for implementation. To allow the Canadian industry time to have the necessary discussions to consider complementary conservation measures of an increased minimum size in their GOM LFAs, the group discussed the possibility of postponing the biological measures of Addendum XXVII. A postponement to July 1, 2025 would allow the Canadian LFA fisheries in the GOM, which take place predominantly in the first half of the year, time to discuss a potential gauge change after their fisheries close. In addition, the Massachusetts inshore fishery does not open until after North Atlantic right whales migrate out of Massachusetts state waters (usually in early to mid-May), and most inshore catches occur after the shed in July; therefore, the proposed delay would match up with the start of the majority of the US inshore Gulf of Maine fishery.

Based on this meeting with Canada, the Board determined that postponing implementation of Addendum XXVII's biological measures to July 1, 2025 would reduce negative impacts to the US and Canadian lobster industries in 2025 and allow Canada more time to consider implementing complementary management measures. The US lobster processing operations rely heavily on smaller 3 ¼" lobster from Canada during May and June, when there are not yet enough landings from the US fishery to maintain operations. Additionally, if Canada Department of Fisheries and Oceans and industry did choose to implement a complementary size limit, a January 1, 2025 timeline would not be achievable. The six-month delay would likely not have a significant biological impact on the GOM portion of the stock because the majority of the fishery does not ramp up until June and July.

3.0 Proposed Management Options

The following management options consider postponing the implementation of Section 3.1 and 3.2 of Addendum XXVII with the exception of the regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation.

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When the Board takes final action on the addendum, there is the opportunity to select any measure within the range of options that went out for public comment, including combining options across issues.

Option A: Status Quo

This option would maintain the current implementation schedule for all Addendum XXVII management measures, including the January 1, 2025 minimum gauge size increase to 3 ⁵/₁₆".

Option B: Postpone Implementation of Addendum XXVII Measures Until July 1, 2025

Under this option, the implementation deadline for the biological measures (gauge and vent sizes, and v-notch definition) under Addendum XXVII would be postponed an additional six months.

The following management measures established in Section 3.1 of Addendum XXVII would be postponed to July 1, 2025:

- Standardize measures within GOM/GBK stock LCMAs to the most conservative measure where there are inconsistencies between state and federal regulations. This results in a maximum gauge size of 6-3/4" for state and federal permit holders, and a v-notch possession definition of 1/8" with or without setal hairs for all permit holders in Outer Cape Cod (OCC).

The implementation deadline of January 1, 2025 would be maintained for the following measure established under Section 3.1 of Addendum XXVII:

- Implement regulations for LCMAs 1 and 3 to limit the issuance of trap tags to equal the harvester trap tag allocation. This means no surplus trap tags will be automatically issued to permit holders for these areas until trap losses occur and are documented.

This option would also postpone implementation of the biological management measures triggered under Section 3.2 of Addendum XXVII. The minimum size of 3 ⁵/₁₆" for lobsters in LCMA 1 would become effective July 1, 2025. The additional gauge and escape vent size changes for LCMA 1, 3 and OCC triggered under Addendum XXVII would be implemented by July 1 of the year for which they are scheduled.

Table 1 specifies the proposed schedule for implementation of each gauge and escape vent size measure if Option B is selected. Changes to measures are shown in bold text.

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Table 1. Option B Proposed Implementation Schedule for Management Measures

Implementation of Management Measures Triggered Under Addendum XXVII, Section 3.2			
Area	LCMA 1	LCMA 3	OCC
Current Measures	Minimum gauge: 3 ¼" Maximum gauge: 5" Vent size: status quo	Minimum gauge: 3 ¹⁷ / ₃₂ " Maximum gauge: 6 ¾" Vent size: status quo	Minimum gauge: 3 ¾" Maximum gauge: 6 ¾" Vent size: status quo
July 1, 2025	Minimum gauge size: 3 5/16" (84 mm)	<i>Status quo</i>	<i>Status quo</i>
July 1, 2027	Minimum gauge size: 3 3/8" (86 mm)	<i>Status quo</i>	<i>Status quo</i>
July 1, 2028	Vent size: 2 x 5 ¾" rectangular; 2 5/8" circular	<i>Status quo</i>	<i>Status quo</i>
July 1, 2029	<i>Status quo</i>	Maximum gauge size: 6 ½"	Maximum gauge size: 6 ½"

4.0 Compliance

If the existing FMP is revised by approval of this Draft Addendum, the Board will designate dates by which states will be required to implement the provisions included in the addendum. A final implementation schedule will be identified based on the management tools chosen.

5.0 Recommendations for Actions in Federal Waters

The management of American lobster in the EEZ is the responsibility of the Secretary of Commerce through the National Marine Fisheries Service. If this Draft Addendum is approved, the Atlantic States Marine Fisheries Commission would recommend the federal government promulgate all necessary regulations to implement complementary measures to those approved in this addendum.

6.0 References

Atlantic States Marine Fisheries Commission (ASMFC). 1997. [Amendment 3 to the Interstate Fishery Management Plan for American Lobster](#).

ASMFC. 2023. [Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster](#).