



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: Lobster-Whale Work Group
DATE: January 29, 2019
SUBJECT: Recommendations for Board Consideration

At its October 2018 meeting, the American Lobster Management Board (Board) reviewed a Technical Memo by the Northeast Fisheries Science Center on factors contributing to North Atlantic right whale population declines and received an update on recent discussions of the Atlantic Large Whale Take Reduction Team (ALWTRT). Given the potential for impacts to the lobster fishery, the Board created a Work Group to discuss the measures being considered by the ALWTRT and provide recommendations to the Board regarding future action. The Work Group met in-person on November 29th to begin drafting a recommendation to the Board. Because federal representatives were unable to participate on a conference call in early 2019, a January 11th webinar was cancelled and discussion between state representatives continued via email.

During the meeting, a key focus of the Work Group was the intersection of lobster management and conservation of endangered marine species. While the Atlantic States Marine Fisheries Commission (Commission) is primarily a forum for the Atlantic coast states to cooperatively manage fish and shellfish species, the Work Group noted several factors associated with North Atlantic right whale conservation which could substantially impact the economic and cultural future of the lobster fishing industry. These included future recommendations of the ALWTRT to NOAA Fisheries and the Biological Opinion being developed on the lobster fishery and interactions with right whales. Given the high economic value of the lobster fishery, as well as its social significance to coastal communities, the Work Group agreed it is important to ensure that implementation of measures to conserve endangered North Atlantic right whales takes place, to the extent possible, in a way that maintains the viability and culture of the lobster fishery.

The Commission is the managing authority for the American Lobster Fishery Management Plan (FMP). Goals and objectives of this FMP include: 1) promoting economic efficiency; 2) maintaining opportunities for participation; and 3) preserving cultural features of the industry. As a result, the Work Group concluded that action by the Board to consider modifications to the lobster fishery management plan is warranted at this time. By initiating action via the Commission's Lobster Board, states can continue to cooperatively participate in the management of this species. In addition, those who are most familiar with the intricacies of the lobster fishery, including states with substantial lobster fisheries and representatives of the lobster industry, can provide input on future regulations. While the Work Group notes additional regulatory changes to the fishery may occur via modifications the Take Reduction Plan or as a result of the Biological Opinion, the Work Group acknowledged the need to respond proactively to the growing challenges facing this fishery in order to ensure that effective conservation measures can occur in a manner that preserves, to the extent practicable, the lobster fishery and its culture.

The Work Group is recommending the Board initiate an Addendum to consider reducing the amount of traps and/or vertical lines in the water and requiring vessel tracking systems for federal permit holders.

- 1) Management tools the Plan Development Team (PDT) should evaluate are listed below.
 - A. Reductions of vertical lines using trap limits, gear configurations, seasonal closures, and/or other measures to achieve, a rate of 20% and 40% by each LCMA (exclusive of LCMA 6). Trap reductions should consider on-going state and federal management actions by LCMA and future trap reduction plans already set in rule (e.g., Area 3 Trap Cap phased reductions).
 - B. Elimination of the 10% replacement trap tag provision. Some states issue the additional 10% annual allotment automatically and other states issue when requested, therefore there may be the “potential” for some to fish above their trap limits.
 - C. Accelerate planned trap reductions
- 2) Lobster Vessel Tracking:
 - A. Vessel tracking system - Require 100% of federal lobster permit holders to have advanced vessel monitoring/tracking systems (e.g., fast ping rate, haul recognition, etc.) that could not only track movement but also identify where gear is hauled or how many traps are fished. These systems will help identify where lobster gear is fished and improve enforcement efforts.
- 3) Reporting:
 - A. The PDT should develop a method for reporting vertical line and trap use by individual in each jurisdiction until 100% harvester reporting is implemented in state and federal waters
- 4) In addition, the PDT may want to consider the list of management tools below if they are not included in the final ALWTRT recommendation to NMFS.
 - A. Weak link placement on rope.
 - B. Other innovations to breaking rope during entanglements (e.g., sleeves).
 - C. Reduced rope strength on one or both of end lines.

Logistic Support – Offshore Lobster Enforcement Vessel

December 20, 2018 Meeting Summary (Durham, NH)

Working Group Attendance

Pat Keliher (ME)

David Borden (RI)

Ritchie White (NH)

Kurt Blanchard, Deputy Chief (RI)

James Benvenuti (NH – for LT Mike Eastman)

Rene Cloutier, Major (ME)

Jay Carrol (ME)

Jeff Ray, Deputy Special Agent in Charge (NOAA- for Tim Donovan)

Greg Deyoung, Lieutenant (USCG)

Other Participants

Dennis Abbott, Commissioner Proxy, NH

Cheri Patterson, New Hampshire Fish and Game, Atlantic Large Whale Take Reduction Team

Heidi Henninger, Atlantic Offshore Lobstermen's Association

Introduction

The ASMFC Law Enforcement Committee have been discussing ways to improve enforcement capabilities of the offshore lobster fishery and current efforts to evaluate tracking systems to better monitor movement and fishing activity in the lobster fishery. Because of these discussions, an Offshore Lobster Enforcement Vessel Working Group was formed to develop a plan for logistic support and staffing of an offshore enforcement vessel.

The Offshore Lobster Enforcement Vessel Working Group (Working Group) held its initial meeting on December 20, 2018 in Durham, NH. The meeting began with a general overview of little to no enforcement of regulations in the offshore lobster fishery. Law enforcement representatives noted that in a recent targeted enforcement detail in Lobster Management Area 3, which focused on two vessels with federal lobster permits, that 80% of the lobster gear hauled had violations pertaining to a variety of tag and gear configuration issues. State lobster fishery enforcement efforts are usually limited to no further than 20-25 miles offshore with current state enforcement vessels. Since the offshore lobster fishery uses different gear and gear configurations (e.g., larger rope, up to 40 trap trawls, etc.) they require larger vessels and

different expertise to haul traps in this area. The optics of a larger vessel capable of hauling offshore gear would serve as a “credible deterrence” to illegal operations. The lobster industry has approached the states and asked for additional enforcement resources in the offshore areas.

Vessel Monitoring

The Working Group explored multiple options for improving monitoring and enforcement in the offshore fishery. The Working Group agreed the first step is to implement mandatory vessel monitoring for all participants in the offshore lobster fishery. The Working Group moved forward the following recommendation for consideration by the ASMFC’s American Lobster Board at the Winter Meeting.

Recommendation: *The Offshore Lobster Enforcement Vessel Working Group recommends the American Lobster Board initiate management action to require all federally permitted vessels to use an electronic tracking system (such as VMS or other designed systems) that will provide frequent location reports that will additionally link to trap hauler to identify fishing location. This should be implemented within one year.*

The Working Group noted that detailed fishing location information would be valuable in the effort to better understand where the offshore fishery is fishing and reduce Atlantic right whale interactions with lobster gear. The Group discussed the possibility of utilizing marine mammal protection funding to maintain and support an offshore enforcement vessel. ASMFC staff will ask NOAA Fisheries staff about the potential to use marine mammal protection funds to support offshore enforcement.

Vessel Support Details

The Working Group discussed the details of construction, ownership, staffing, and maintenance of the vessel. The Working Group recommends two potential paths to obtaining a vessel, vessel ownership, operation and maintenance responsibilities, and staffing support:

Option A: 60-70 foot steel-hulled vessel

- Constructed with funds from the NOAA Asset Forfeiture Fund
- Vessel could independently travel offshore for multi-day enforcement trips
- Owned by the Federal Government (possibly to become a USCG asset)
- Staffed by NOAA Corps (possibly shifted to USCG staffing)

- NOAA OLE and state enforcement officers would help staff the vessel during enforcement operations
- Funding for operations and maintenance would come from an increase in JEA funding or other source of federal funding.

Option B: ~55 foot fiberglass vessel

- Constructed with funds from the NOAA Asset Forfeiture Fund
- Vessel could travel for multi-day middle distance trips (weather permitting). Longer trips farther from shore would require the support of a USCG vessel.
- Vessel would be owned by the state of Maine and would replace an existing smaller, older enforcement vessel.
- Staffed by Maine Marine Patrol
- NOAA OLE and state enforcement officers would help staff the vessel during enforcement operations when operating offshore of other states.
- Funding for operations and maintenance would come partially from Maine and the remainder would come from an increase in JEA funding or other source of federal funding.

Penalties for Violations

The Working Group noted there are significant differences during the penalty phase for state and federal violations of lobster regulations. For example, the State of Maine frequently suspends fishing permits while the federal government seldom does. Also, the speed of processing violations is not consistent. States process cases much quicker. This issue should be raised at the next ALWTRT, as well as revise penalties to provide a deterrence to illegal fishing actions.

Follow-Up Activities

- ASMFC staff will work with NOAA staff to explore the potential to utilize marine mammal protection funds to support the operations and maintenance of an offshore lobster fisheries enforcement vessel.
- ASMFC Staff will initiate a meeting with Sam Rauch, NOAA Fisheries Deputy Assistant Administrator, prior to the ASMFC winter meeting (February 2019), to discuss the timing of vessel construction and the details needed in a support plan to allow construction/purchase of a vessel.
- Lt. Greg Deyoung (USCG) will research the process and timing for an offshore lobster fisheries enforcement vessel to become a Coast Guard Asset.

- NOAA OLE, Jeff Ray - Deputy Special Agent in Charge, will explore the potential for NOAA Corp to own and operate an offshore fisheries enforcement vessel.
- The issue of higher penalties (such as revocation of permit, etc.) for offshore lobster fishing violations to create more of a deterrent for fisheries violations will be presented at the next ALWTRT meeting by state managers and the ASMFC Staff.
- The ASMFC American Lobster Management Board will consider initiating a vessel monitoring tracking requirement at the Winter Meeting.