

Atlantic States Marine Fisheries Commission

American Lobster Management Board

August 2, 2022
10:45 a.m. – 12:30 p.m.
Hybrid Meeting

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 (*J. McNamee*) 10:45 a.m.
2. Board Consent 10:45 a.m.
 - Approval of Agenda
 - Approval of Proceedings from March 2022
3. Public Comment 10:50 a.m.
4. Update on Judge James Boasberg Ruling in the US District Court for the District of Columbia in Center for Biological Diversity versus Secretary Raimondo and the Maine Lobstermen’s Association (*C. Lynch*) 11:00 a.m.
5. Discuss Implications of Proposed Measures of Draft Addendum XXVII on Increasing Protection of Spawning Stock Biomass of the Gulf of Maine/ Georges Bank Stock (*J. McNamee*) **Possible Action** 11:20 a.m.
6. Update from NOAA Fisheries on Ongoing Actions Related to North Atlantic Right Whales 11:40 a.m.
7. Progress Update on Jonah Crab Benchmark Stock Assessment (*J. Kipp*) 12:00 p.m.
8. Update on Federal Rulemaking to Implement Effort Control Measures and Harvester Reporting (Addenda XXI, XXII, and XVI Provisions) (*A. Murphy*) 12:10 p.m.
9. Review and Populate Advisory Panel Membership (T. Berger) **Action** 12:20 p.m.
10. Elect Vice-Chair (*J. McNamee*) **Action** 12:25 p.m.
11. Other Business/Adjourn 12:30 p.m.

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details

MEETING OVERVIEW

American Lobster Management Board

August 2, 2022

10:45 a.m. – 12:30 p.m.

Webinar

Chair: Dr. Jason McNamee (RI) Assumed Chairmanship: 02/22	Technical Committee Chair: Kathleen Reardon (ME)	Law Enforcement Committee Representative: Rob Beal
Vice Chair: VACANT	Advisory Panel Chair: Grant Moore (MA)	Previous Board Meeting: March 31, 2022
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 March 31, 2022

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. Update on Judge James Boasberg Ruling in the US District Court for the District of Columbia in Center for Biological Diversity versus Secretary Raimondo and the Maine Lobstermen’s Association (11:00-11:20 a.m.)

Background

- U.S. District Court Judge James E. Boasberg’s ruling in Center for Biological Diversity versus Secretary Raimondo and the Maine Lobstermen’s Association was released in the [July 8, 2022 opinion](#).
- The ruling concluded that that NMFS violated the Endangered Species Act by failing to satisfy the Marine Mammal Protection Act’s (MMPA) “negligible impact” requirement before setting the authorized level of lethal take in its incidental take statement, and that NMFS breached the time requirements mandated by the MMPA in the 2021 Final Rule. The Court held the 2021 Biological Opinion and the 2021 Final Rule to be invalid.

Presentations

- Judge Boasberg Ruling in US District Court for the District of Columbia in Center for Biological Diversity versus Secretary Raimondo and the Maine Lobstermen’s Association by C. Lynch

5. Discuss Implications of Proposed Measures of Draft Addendum XXVII on Increasing Protection of Spawning Stock Biomass of the Gulf of Maine/Georges Bank Stock (11:20-11:40 a.m.) Possible Action

Background

- Draft Addendum XXVII was initially initiated in 2017 to proactively increase protection of the GOM/GBK stock but stalled due to the prioritization of Atlantic right whale issues. After accepting the 2020 Benchmark Stock Assessment for American lobster, the Board reinitiated work on the draft addendum in February 2021, with a focus on developing a trigger mechanism that would automatically implement management measures to improve protection of the GOM/GBK spawning stock if the trigger is reached.
- The Board approved Draft Addendum XXVII for public comment in January 2022. The Addendum considers modifications to the management program with the goal of increasing protection of the GOM/GBK spawning stock. Two issues are included in the addendum. Issue 1 addresses the standardization of a subset of management measures within LCMAs and across the GOM/GBK stock. Issue 2 considers applying either a trigger mechanism or a predetermined schedule for implementing biological management measures that are expected to provide increased protection to the spawning stock biomass and increase the resiliency of the stock.
- Considering upcoming information on stock condition, the need for additional time for the Lobster Board to better understand current or new right whales rules that could benefit the resiliency of the lobster stock, and the importance of giving the states the opportunity to safely hold in-person scoping meetings with their lobster industry ahead of any Commission public hearing, the ISFMP Policy Board delayed further action on the Draft Addendum. Additionally, Board members have noted concerns regarding the potential implications of the management proposed measures in the Draft Addendum for international trade.

Presentations

- Implications of Draft Addendum XXVII for Public Comment by C. Starks

Board Actions for Consideration at the Meeting

- Determine next steps for development of Draft Addendum XXVII

6. Update from NOAA Fisheries on Ongoing Actions Related to North Atlantic Right Whales (11:40 a.m.-12:00 p.m.)

Background

- NOAA Fisheries has been working on several actions related to the conservation of endangered North Atlantic Right Whales.

Presentations

- Ongoing Actions Related to North Atlantic Right Whales

7. Progress Update on Jonah Crab Benchmark Stock Assessment (12:00-12:10 p.m.)

Background

- Work on the first Jonah crab benchmark stock assessment was initiated in early 2022.
- A Data Workshop was held virtually on June 13-15, 2022.
- The assessment is scheduled for completion in the fall of 2023.

Presentations

- Progress Update on Jonah Crab Benchmark Stock Assessment by J. Kipp.

8. Update on Federal Rulemaking to Implement Effort Control Measures and Harvester Reporting (Addenda XXI, XXII, and XVI Provisions) (12:10-12:20 p.m.)

Background

- On July 11, 2022, NOAA fisheries released proposed rule [87 FR 41084](#). Based on the Atlantic States Marine Fisheries Commission's recommendations, NOAA Fisheries is proposing to establish individual and aggregate trap caps in Lobster Conservation Management Areas 2 and 3, and institute mandatory coastwide electronic harvester reporting for all Federal lobster vessels. The proposed ownership caps and trap cap reduction measures are intended to reduce fishing exploitation and latent effort in the trap fishery by scaling the fishery to the size of the Southern New England lobster stock. The proposed harvester reporting requirement is intended to improve the spatial resolution of harvester data, and improve and expand the collection of fishery effort data.
- This action is necessary to ensure fishery regulations for the lobster fishery in Federal waters remain compatible with the intent of the Commission's Interstate Fishery Management Plan for American Lobster and consistent with the Atlantic Coastal Fisheries Cooperative Management Act. **(Supplemental Materials)**.

Presentations

- Update on Federal Rulemaking to Implement Effort Control Measures and Harvester Reporting by A. Murphy

Board Actions for Consideration at the Meeting

- Consider whether the Commission should submit public comment on federal rulemaking

9. Review and Populate Advisory Panel Membership (12:20-12:25 p.m.) Action

Background

- Massachusetts has submitted two nominations to the Advisory Panel: Eric Lorentzen, a commercial harvester, and Todd Alger, recreational diver. Maine submitted a nomination for Chris Welch, a commercial trap fisherman **(Briefing Materials)**.

Presentations

- Nominations by T. Berger

Board actions for consideration at this meeting

- Approve Advisory Panel Nominations

10. Elect Vice-Chair

11. Other Business/Adjourn



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: Caitlin Starks, Senior FMP Coordinator
DATE: July 25, 2022
SUBJECT: Federal Rulemaking for LCMA 2 and 3 Fisheries and Coastwide Harvester Reporting

Introduction

NOAA Fisheries [published a rule](#) on July 11, 2022 proposing measures for Lobster Conservation Management Areas (LCMA) 2 and 3, and coastwide harvester reporting using the electronic vessel trip report for all federal vessels. This action is intended to complement measures included in Addenda [XXI](#), [XXII](#), and [XXVI](#) to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The purpose of this memo is to summarize the proposed rule and highlight the differences between the proposed measures and those included in the addenda so that the Board may expeditiously develop any necessary comments.

NOAA Fisheries is requesting comment on this action by August 10, 2022, one week after the Lobster Board meets on August 2, 2022. It is requested that Board members provide any comments for inclusion in a Commission letter no later than the Friday, July 26th, so that they can be compiled for the Lobster Board Meeting.

LCMA 2 Measures

The rule proposes an ownership cap that would restrict entities with LCMA 2 permits to 800 active LCMA 2 traps, effective on May 1, 2024. It also proposes to allow entities who currently exceed this limit to retain their current trap allocations, but would prevent these entities from ownership in additional permits and traps. These proposed measures are responsive to the Commission's Addendum XXI recommendations for an aggregate ownership cap and the sunset provision.

The rule did not include measures related to the single ownership cap nor trap banking. Banking was envisioned to be implemented in conjunction with the annual 2016-2021 trap cuts, allowing permit holders to activate banked traps to maintain their vessel's former allocation of fishable traps, without incurring a repeated 10-percent conservation tax associated with the trap transfer program

As the LCMA 2 allocations were reduced by annual 2016-2021 trap cuts, the permit holder could activate these excess or 'banked' traps to maintain their vessel's former allocation of fishable traps, without incurring a repeated 10-percent conservation tax associated with the trap transfer program (although the 10-percent conservation tax would nevertheless apply

when initially purchased). Given that the annual 2016-2021 trap reductions are complete, the rule identified that these trap ‘banking’ provisions of Addendum XXI are no longer necessary.

LCMA 3 Measures

The rule proposes to implement a reduction to the LCMA 3 maximum trap cap from 1,945 traps to 1,548 traps, over 3 years. It also proposes to implement an aggregate ownership cap equal to 5 times the active trap cap. These measures are summarized in the table below:

Fishing Year	Maximum Trap Cap	Aggregate Ownership Cap
2021 (current limits)	1,945	n/a
2023	1,805	9,025
2024	1,629	8,145
2025	1,548	7,740

Similar to the LCMA 2 measures, the rule also proposes to allow entities who currently exceed this limit to retain their current trap allocations, but would prevent these entities from ownership in additional permits and traps.

Again, the rule did not include measures related to the individual permit cap nor trap banking. This would have allowed a permit to be allocated an additional 15% traps, and the aggregate ownership cap would have been assessed at five times the individual permit cap. With the 2016-2020 annual trap reductions complete, the rule identified trap ‘banking’ provisions of Addendum XXII as no longer necessary.

Finally, Addendum XXI recommended that the maximum trap cap reduction take place over 5 years. The proposed rule has accelerated that schedule to 3 years. It would implement the Commission’s recommendation for years 2, 4, and 5 and skip cap recommendations for years 1 and 3.

For comparison, the active trap caps, individual permit caps, and aggregate permit caps that were proposed in Addendum XXII are included in the table below:

Addendum XXII Trap and Permit Caps			
Year	Active Trap Cap	Individual Permit Cap	Aggregate Permit Cap (5x Individual Permit Cap)
Year 0	2,000	2,333	11,665
Year 1	1,900	2,216	11,080
Year 2	1,805	2,105	10,525
Year 3	1,715	2,000	10,000
Year 4	1,629	1,900	9,500
Year 5	1,548	1,800	9,000

The aggregate permit cap proposed in this rule differs from what was proposed under Addendum XXII; Addendum XXII specified that the aggregate permit cap would be equal to five times the individual permit cap, whereas this rule proposes it would be equal to five times the active trap cap.

Harvester Reporting

The rule proposes to require all Federal lobster vessels to complete and submit electronic vessel trip reports (eVTRs), within 48 hours of the completion of a trip, beginning no earlier than January 1, 2023. This aligns the reporting and submission requirements for Federal lobster permit holders with all other fisheries permitted by GARFO. The rule also proposes to collect several new lobster trap/pot-specific data elements, including:

- Total number of traps hauled by chart area;
- Number of traps in chart area fished;
- Average number of traps per string hauled in the chart area fished;
- Number of buoy lines in the chart area fished; and
- Total number of buoy lines in the water.

These proposed measures include many, but not all of the measures included in Addendum XXVI. Addendum XXVI also included recommendations for expanded fishery dependent (port and sea sampling) and independent sampling. Specifically for Federal waters, the Addendum recommended a targeted lobster sea sampling program. The rule does not include proposed measures based on these recommendations.

Additionally, the proposed rule did not include all additional data elements recommended by the Board. Addendum XXVI also recommended the collection of:

- Trip Length;
- 10-minute square; and
- Lobster Conservation Management Area.

These data elements were not proposed, as they were identified to be duplicative with data elements already on the eVTR. The proposed rule indicated that trip length could be derived using the difference between date/time landed and date/time sailed. Similarly, 10-minute square and Lobster Conservation Management Area could be derived using the latitude/longitude information already collected. NOAA Fisheries proposed to make this derived information available to the ACCSP data warehouse. The proposed rule specifically requests comment on the utility of these data elements and on the proposal to not collect these data elements.