

*Atlantic States Marine Fisheries Commission*

**DRAFT ADDENDUM I TO THE JONAH CRAB FISHERY  
MANAGEMENT PLAN FOR PUBLIC COMMENT**

**Incidental Bycatch Limits for Non-Trap Gear and Non-Lobster Traps**



*Vision: Sustainably Managing Atlantic Coastal Fisheries*

February 2016

**This draft document was approved by the Management Board for public comment to solicit input on the issues contained in the document.**

## Draft Document for Public Comment

### Public Comment Process and Proposed Timeline

At its November 2015 meeting, the American Lobster Management Board (Board) discussed concerns over the appropriateness of the incidental bycatch limit for non-trap gear in the Jonah Crab Fishery Management Plan (FMP). The Board initiated Draft Addendum I to consider increasing or removing the bycatch limit to address the potential inadequacy of the trip limit provision. At the February 2016 meeting, the Board added a second issue to consider bycatch limits for non-lobster trap gear given concerns regarding the possibility for increased effort and trap proliferation.

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 **April 18, 2016 at 5:00 p.m. EST**. Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

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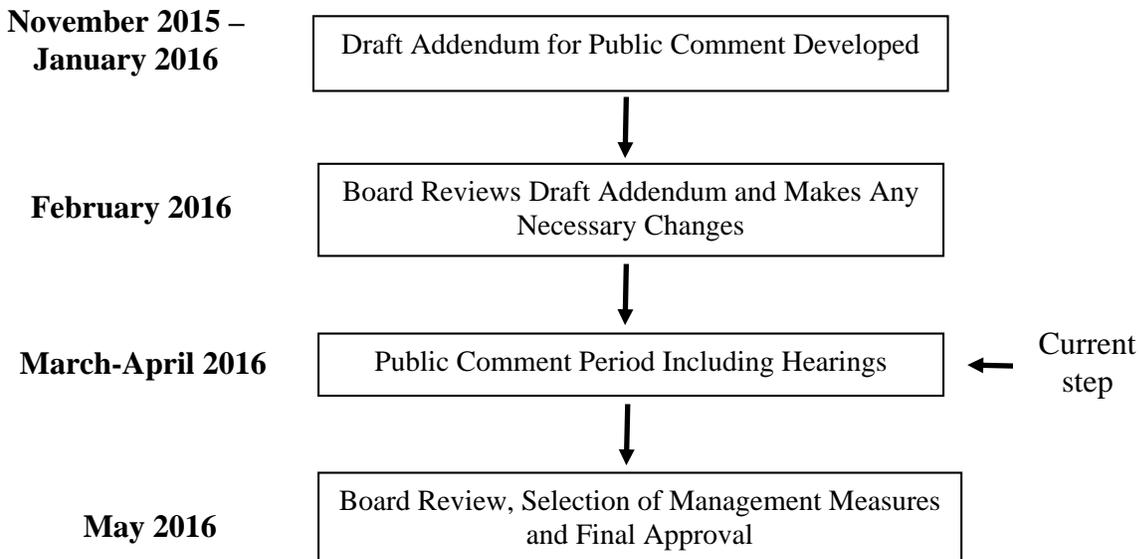
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(Subject line: Jonah Crab

Draft Addendum I)



## Draft Document for Public Comment

### 1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) coordinates the interstate management of Jonah crab (*Cancer borealis*) in state waters (from 0-3 miles offshore). ASMFC manages Jonah crab through an Interstate Fishery Management Plan (FMP), which was approved in August 2015 under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (1993). Management authority in the exclusive economic zone (EEZ), which extends from 3-200 miles offshore, lies with NOAA Fisheries. The management unit for Jonah crab includes the Atlantic states from Maine through Virginia. The biological range of the species is primarily from Newfoundland, Canada to Florida.

The Board initiated Addendum I to the FMP after concern that the incidental bycatch limit of Jonah crab for non-trap gear was not appropriate. Specifically, there was concern that the original 200 crab per calendar day, up to 500 crab per trip limit did not encompass all fishermen who currently land Jonah crab as bycatch. Since a goal of the Jonah Crab FMP is to prevent expansion of the fishery while including all current participants, the Board directed the Plan Development Team (PDT) to draft an addendum to change the bycatch allowance for non-trap gear, either by increasing or removing the trip limit.

At the February 2016 meeting, the Board added a second issue to Draft Addendum I to consider bycatch limits for non-lobster traps. Currently, fishermen using non-lobster traps, such as whelk, crab, and fish pots, must obtain an incidental permit to harvest Jonah crab; no catch or trap limits are in place for these gears. Given concerns regarding the lack of effort controls on these fishermen and the potential for trap proliferation, the Board added options to Draft Addendum I to establish a bycatch allowance for non-lobster traps.

### 2.0 Overview

#### 2.1 Statement of the Problem

The Jonah Crab FMP established a 200 crab per calendar day, 500 crab per trip incidental bycatch limit for non-trap gear. However, an investigation of data found, while the majority of non-trap trips from 2010 through 2014 were within the current limit, there were several trips above the bycatch limit. Furthermore, while Jonah crab are also caught as bycatch in non-lobster traps, there are no effort controls for these gears, raising concern about the potential for trap proliferation. Since the goal of the FMP is to cap landings of Jonah crab while ensuring the inclusion of current participants in the fishery, the Board initiated this addendum to consider increasing or removing the bycatch limit for non-trap gear and establishing a bycatch allowance for non-lobster traps.

#### 2.2 Background

Jonah crab has long been considered a bycatch of the lobster industry; however, in recent years there has been an increase in targeted fishing pressure and demand for Jonah crab. Since the early 2000s, landings of Jonah crab have increased 650% creating a mixed crustacean fishery that can target lobster or crab at different times of the year based on slight, legal gear modifications and small shifts in the areas in which traps are fished.

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This rapid and recent increase in demand can be attributed to an increase in the price of other crab (such as Dungeness), creating a substitute market for Jonah crab, as well as a decrease in the abundance of lobsters in Southern New England, causing fishermen to supplement their income with Jonah crab. As a result of this growing demand, ASMFC approved a FMP for Jonah crab to support the implementation of a unified coastal management program which promotes the conservation and full utilization of the Jonah crab resource.

While the majority of Jonah crab are harvested by lobster fishermen using lobster traps, roughly 0.1% of Jonah crab are caught as bycatch in non-trap gear such as bottom otter trawls and gillnets (Table 1). The FMP addresses the bycatch fishery through the establishment of a 200 crab per calendar day, up to 500 crab per trip incidental bycatch limit for non-trap gears. However, the Board expressed concern that the bycatch allowance is not high enough to include all current participants in the fishery.

Table 1: Number of trips landing Jonah crab with non-trap gear and estimated total landings (2010-2014). Provided by New England Fishery Management Council (NEFMC).

| Year | Number of Permits Landing Jonah Crab w/ Non-Trap Gear | Number of Trips Landing Jonah Crab w/ Non-Trap Gear | Total Non-Trap Jonah Crab Landings (lbs) | % of Year's Total Jonah Crab Landings |
|------|---|---|--|---------------------------------------|
| 2010 | 20  | 109   | 10,815                                   | 0.099%                                |
| 2011 | 23  | 72  | 2,986                                    | 0.032%                                |
| 2012 | 14  | 53  | 4,099                                    | 0.035%                                |
| 2013 | 22  | 109   | 6,081                                    | 0.038%                                |
| 2014 | 17  | 114   | 13,306                                   | 0.078%                                |

An investigation of trip-level data across the entire management unit found while 97-99% of trips from 2010 through 2014 were within the current FMP limit, 23 trips were above the trip limit (Table 2). 3 trips landed over 900 crab between May 2013 and August 2015.<sup>1</sup>

Table 2: Percentage of trips affected by the current ASMFC bycatch limit for non-trap gear (2010-2014). Spreadsheet submitted by NEFMC and is based on data provided by NOAA Greater Atlantic Regional Fisheries Office (GARFO) using the Data Matching Imputation System. Assumes that 1 crab=1 pound.

| Year | Average Number of Days Fished | Percentage of Trips Constrained by Crab Limit |
|------|-------------------------------|---|
| 2010 | 1.17                          | 2.33%   |
| 2011 | 1.72                          | 0.61%   |
| 2012 | 1.26                          | 3.03%   |
| 2013 | 1.18                          | 2.38%   |
| 2014 | 1.23                          | 2.86%   |

<sup>1</sup> Data provided by NOAA GARFO from the Vessel Trip Report database. Assumes that 1 crab=1 pound.

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Catch and landings records showed Jonah crab are also harvested by non-lobster traps, such as whelk pots, crab pots, and fish pots. The Jonah Crab FMP requires that individuals fishing with non-lobster trap gear obtain an incidental permit from the appropriate jurisdiction in which the vessel is fishing. The FMP does not prescribe a catch limit for these gear types and there is a concern that increased effort could lead to trap proliferation.

Data submitted by NOAA Fisheries show between May 1, 2013 and August 31, 2015, 194 trips landed Jonah crab with whelk pots, crab pots, and fish pots.<sup>2</sup> Of these, 80 trips landed 100 crab or fewer and 115 trips landed 200 crab or fewer. Approximately 45 trips landed between 200 and 500 crab and 40 trips landed more than 450 crab. Trips with the highest landings came from whelk pots. Trip reports from Maryland show between 2012 and 2015, 33 trips landed Jonah crab with fish pots. All of these trips were under 200 pounds. Reports also indicated from 2014-2015, 36 trips landed Jonah crab with whelk pots. Average landings per trip with whelk pots were under 500 pounds but considerably higher than those from fish pots. There is concern that these whelk pot landings may in fact be rock crab, a closely related species which is often misreported as Jonah crab.

The Board initiated this addendum to the Jonah Crab FMP to address the small amount of harvest by non-trap gears in excess of the trip limit and the potential for increased harvest and trap proliferation by non-lobster traps. For non-trap gear, the Draft Addendum includes options to maintain, increase, or eliminate the bycatch limit, while options for non-lobster traps include establishing bycatch limits of varying size or maintaining no catch limit on these gears.

### 3.0 Proposed Management Options

The following are management options currently being considered by the Board. Please indicate your preference for any issue in submitted comments.

For the purpose of this addendum, a day means a 24-hour period.

1 day fishing trip means a trip 24 hours or less

2 day fishing trip means a trip greater than 24 hours up to 48 hours

3+ day fishing trip means a trip greater than 48 hours

### ISSUE 1: INCIDENTAL BYCATCH BY NON-TRAP GEAR

This section proposes to replace the “Incidental Bycatch limit for non-trap gear” in *Section 5.1* of the Jonah Crab FMP.

#### Option A: Status Quo

Under this option, the incidental bycatch limit for non-trap gear would remain at 200 crab per calendar day, up to 500 crab per trip.

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<sup>2</sup> Data provided by NOAA GARFO from the Vessel Trip Report database. Assumes that 1 crab=1 pound.

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### Option B: Incidental Bycatch Limit of 1,000 crab per trip.

Under this option, the incidental bycatch limit for non-trap gear would be a 1,000 crab trip limit for a trip of any length.

### Option C: Remove the Incidental Bycatch Limit for Non-Trap Gear

Under this option, there would be no bycatch limit for non-trap gear in the Jonah crab fishery.

## **ISSUE 2: INCIDENTAL BYCATCH LIMIT FOR NON-LOBSTER TRAPS**

The following options would apply to trips by all vessels hauling traps which do not have a valid lobster tag. These include, but are not limited to, fish pots, whelk pots, and crab pots.

### Option A: Status Quo

Under this option, there would be no incidental bycatch limit for non-lobster trap gear. Those wishing to harvest Jonah crab with traps that do not have a valid lobster tag would be required to obtain an incidental permit as stipulated in Section 5.1 of the Jonah Crab FMP. There would be no limit on the number of crab caught by these fishermen.

### Option B: Incidental Bycatch Limit of 200 Crab per Day, 500 Crab per Trip

Under this option, the incidental bycatch limit by all vessels hauling traps that do not have a valid lobster tag would be 200 crab per day, up to 500 crab per trip, for trips three days or longer.

### Option C: Incidental Bycatch Limit of 200 Crab per Day, 1000 Crab per Trip

Under this option, there would be a trip limit of 200 crab per day, up to 1000 crab per trip for trips 2 days or longer.

### Option D: Incidental Bycatch Limit of 1,000 crab per trip.

Under this option, the incidental bycatch limit for non-lobster traps would be 1,000 crab per trip, regardless of the length of the trip.

## **4.0 Compliance**

If approved, states must implement the management measures in Addendum I by **Month, 201X**.

## **5.0 Recommendation for Federal Waters**

The management of Jonah crab in the EEZ is the responsibility of the Secretary of Commerce through the National Marine Fisheries Service (NMFS). The Atlantic States Marine Fisheries Commission recommends that the federal government promulgate all necessary regulations in Section 3.0 to implement complementary measures to those approved in this addendum.

## **6.0 Literature Cited**

ASMFC, 2015. Interstate Fishery Management Plan for Jonah Crab.