



Atlantic States Marine Fisheries Commission
1444 Eye St., NW, 6th Floor
Washington, DC 20005

MEETING SUMMARY

American Lobster Advisory Panel
Wednesday, October 3, 2001
10:00AM – 3:00 PM

Participants:

Heather Stirratt
Todd Jesse
Bob Nudd

David Spencer
Angelo J. Correnti
John Sorlien

George Doll
Arthur Sawyer
Greg Hansen

James Fox
Warren Apel
Bro Cote

Motions:

No motions were presented during the meeting.

Summary:

Advisory Panel Membership and Meetings

Advisors were presented with information about vacancies on the Panel. Specifically, there was concern that Connecticut lacked representation on the Panel. The Advisors will be asking Connecticut to appoint two advisors to the Panel as a result of vacancies.

The Advisors also discussed meeting planning. Specifically, they discussed the possibility of holding meetings during meeting weeks. Scheduling advisors meetings during ASMFC meeting weeks would enhance advisor/manager relations in that 1) it would create a forum for discussion between and amongst advisors and managers present for those meetings and 2) law enforcement representatives would be available to answer questions about state and federal enforcement. The Advisors also discussed costs associated with holding meetings during ASMFC meeting weeks including 1) short turn around times for preparing meeting summaries and 2) lack of early distribution of discussion materials prepared by Advisors to Management Board members. The consensus of the Panel was that current meeting scheduling was effective and required no further changes for improvement.

Draft Amendment 4 to the Lobster FMP

The Advisory Panel was requested to review Draft Amendment 4 to the Interstate Fishery Management Plan for American lobster. Commission staff explained that Draft Amendment 4, if approved, will allow conservation equivalency for the limits on non-trap gear and for the protection of v-notched lobsters. Panel members opposed conservation equivalency approaches to the prohibition on possession of v-notched females for the following reasons:

1. Objective #1 in the FMP strives to conserve egg-bearing females. Conservation equivalency for protection of v-notched females would run counter to this objective in the plan.

2. The prohibition on possession of v-notched female lobsters is an ideal mechanism for rebuilding egg production as required under Addendum II.
3. Size distribution of the stock is enhanced by v-notching and adequate size distributions are necessary for healthy marine resources.
4. Large egg bearing lobsters are proven to have higher rates of viable egg production and better egg quality overall.

Panel members generally opposed, with one strong reservation (John Sorlein, RI), conservation equivalency approaches to the non-trap gear limits for the following reasons:

1. The 100/500 rule was originally adopted as a means to eliminate directed fisheries for lobster in the mobile gear sector. Exceptions to this rule would deviate from the original intent of this regulation.
2. Injury and mortality to lobsters during the shed, which is when draggers are targeting lobsters in Rhode Island, is significant.
3. If conservation equivalency is allowed and mobile gear types can again harvest lobsters, then redirection of effort from the groundfishing fleet onto lobsters may occur.
4. Allowing conservation equivalency in one state will open this option up to other states in all bodies of water.

Overall, the Panel agreed that conceptually conservation equivalency is a good thing in that it allows for flexible rulemaking. However, specific to Draft Amendment 4, the Panel offered strong sentiments that the rules pertaining to non-trap gear limits and v-notch protection under Amendment 3 were originally intended to be cornerstone elements of the FMP – never to be changed. The Panel noted that it took 10 years to come to agreement on these elements in Amendment 3. The Panel also noted that approval of Draft Amendment 4 may set a precedent and result in opening the flood gates to many interested parties who intend to propose alternative regulations for these two elements.

The Panel also expressed strong concern with the process utilized by the ASMFC to evaluate conservation equivalencies. Should the Management Board approve Amendment 4 in October, then the Advisors recommend that all proposals for conservation equivalency be passed through the Panel in addition to the Technical Committee. The Panel noted that lobster management under the ASMFC has historically been a bottom up approach and that the process for evaluating conservation equivalencies, as outlined in the FMP, runs contrary to this approach. As such, the Advisors recommend that the Technical Committee receive proposals first and then if a proposal is deemed biologically equivalent it would be passed to the Advisory Panel and the LCMTs for further consideration. The Advisors discussed at length the need for clarification regarding evaluation processes for conservation equivalency proposals.

Draft Addendum III

Commission staff briefed the Advisors on the status of Draft Addendum III. The Advisors questioned whether they would have the opportunity to comment on the draft before final Board action was to be taken. Staff informed the Panel that they would be given ample opportunity for comment following the Board's approval of the draft document for public hearing purposes. The Board will consider approval of Draft Addendum III in October 2001.

Law Enforcement Concerns

The Advisory Panel was asked to provide comments about law enforcement concerns. Members of the Panel expressed concern that recent terrorism events have taken officers away from fisheries enforcement altogether. This information was very disheartening given discussions during the April Advisory Panel meeting, where members expressed concern regarding ineffective enforcement of the trap tag program in all states with the exception of Maine. Specifically, the Panel felt that lobster management initiatives were being compromised by states that have not fully enforced the trap tag program. When industry members have requested additional enforcement, they have met with explanations of limited monetary resources and overwhelming enforcement responsibilities (i.e. enforcement responsibility for both wildlife and marine resources).

Section 5.2 of the FMP affirms “that all states are responsible for the full and effective implementation and enforcement of fishery management plans in areas subject to their jurisdiction. As such, the Panel recommends the following:

1. States should set aside part of the fee for trap tags to be applied for law enforcement, if possible. Note panel members are not in favor of providing any more money for business as usual approaches to enforcement.
2. Law enforcement agencies should seek separation from wildlife enforcement responsibilities.
3. Timely and effective law enforcement of trap tag program should occur on the water and at the dock.
4. Law enforcement officers should go fishing with local industry members to further understand how the gear should be reset when hauled for enforcement purposes.
5. Enforcement agencies and their employees should seek out regular interaction with those involved in the industry to have a proactive stance in lobster enforcement.
6. States should create a standard operating procedure whereby trap tags are distributed within a limited amount of time following the submission of purchase reports to Stoffel Seals.
7. States should develop standard operating procedures for enforcing the trap tag program.
8. Law enforcement officers from each state and the federal government should submit an annual report to the ASMFC documenting enforcement of ASMFC lobster regulations.

Management Measures

Possession vs. Landings Laws

Advisors considered the implications resulting from States implementing gauge size increases by way of possession versus landing laws. The Panel noted that dealer, state, and federal permits can be affected by possession laws, because the point of enforcement is extended to land operations. The Panel discussed the problems associated with possession laws and interstate transport of product. The National Marine Fisheries Service noted that landing laws were preferred to possession laws to avoid problems associated with the Mitchell Bill. As such, the Panel decided to recommend that States implement gauge size regulations by way of landing laws.

Most Restrictive Applies

The Panel was briefed on language within the Lobster FMP (Section 3.2.1), which notes that the most restrictive regulations apply, including the smallest number of traps for the areas selected. David Spencer noted that this may be problematic for fishermen who fish traps in multiple areas. David provided an example for the Panel to consider which involved a fisherman who fished in Areas 2 and 3. David explained that this fisherman would qualify for 800 traps in Area 2 and only 300 traps in Area 3. According to the most restrictive rule, this fisherman would only be allowed to receive an allocation for 300 trap tags. The Panel agreed that this was problematic and agreed to recommend alternative language as a substitute for the language in the plan. Bonnie Spinozola provided alternative language for consideration by the Advisory Panel to be used as a starting point for Board discussion in October.

Transferability Workshop

The Panel was briefed on the Lobster Management Boards approval of a transferability workshop in 2002. It was explained to the Panel that this workshop would not be used a venue to endorse options transferability but rather the purpose of the workshop would be to educate, explore, and discuss options for transferring licenses or trap tag allocations. In order to initiate coordination of this workshop, the Panel has nominated the following individuals to serve on the transferability workshop sub-committee:

1. John Sorlein
2. Todd Jesse
3. George Doll
4. David Spencer

This sub-committee will assist ASMFC staff in the coming months to coordinate this workshop.

ASMFC Voting Issues

The Advisors were presented with a joint resolution from the State of Maine as a means to stimulate discussion of ASMFC voting issues. The Panel expressed concern that basing voting rights on landings would create an imbalance of power on Management Boards. The Panel agreed that the ASMFC voting procedures are established as such to ensure equal representation for all states within the range of the species. Furthermore, the Panel agreed that the checks and balances system currently employed by the ASMFC offers more objectivity than a system where voting rights are determined by interest in the fishery (i.e. landings) alone.

It is notable that Maine did not have representation during this meeting to speak to this issue. As such, the statements listed above are not based upon a consensus of Advisory Panel membership.