



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 11, 2017

**To: American Lobster Management Board**  
**From: Law Enforcement Committee**  
**RE: Feedback on Management Issues Under Discussion**

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) met via conference call on June 29, 2017. ASMFC staff asked members to provide input and advice regarding electronic tracking and reporting, and interstate movement and sale. The following members were in attendance:

*LEC: Chairman, Lt. Mike Eastman (NH); Maj. Rene Cloutier (ME); Asst. Director Larry Furlong (PA); Lt. Tom Gadomski (NY); Sgt. Greg Garner (SC); Maj. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Katie Moore (USCG); Maj. Pat Moran (MA); Director Kyle Overturf (CT); Capt. Jason Snellbaker (NJ)*

*STAFF: Ashton Harp; Mark Robson; Megan Ware*

### **Electronic Tracking and Reporting Systems**

Megan Ware of ASMFC staff solicited information from the LEC members concerning possible ways to improve harvester reporting and tracking and the types of systems and data that would be useful for law enforcement purposes. In particular there is a desire to find systems that provide better spatial resolution on harvester activity, and better information on offshore fishing activity.

The Maine representative to the LEC reported on a system that they have installed for tracking harvest activity, sending a signal whenever a hauler is engaged. They have experimented with a number of tracker systems for their lobster fishery. The stumbling block to such systems is getting one that can provide frequent enough pinging to discern hauling activity, while remaining affordable. A separate system was tested using solar power for the energy source, and was cost-effective. But it was found lacking during the winter months. Maine and Connecticut are continuing to test tracking systems at this time.

LEC members agreed that a system useful for enforcement purposes needs to be able to accurately determine when and where vessels are working traps, especially in remote or offshore areas. It will also be important for the company providing the technology to have experts available and willing to certify equipment, and to testify in court as to the accuracy and reliability of the technology. Once tracking technologies are in place for some time, the need for expert witnesses and certification may lessen.

## **Lobster Chain of Custody and Retail Sale**

Megan Ware briefed the LEC on questions from the Lobster Management Board concerning sale of lobster from other states with differing size or other harvest restrictions. The issue as understood is that states formerly relying on sale of lobsters from the Southern New England stock are being affected by declining harvest levels. This is leading to an interest in states receiving and allowing in-state sale of lobsters from Lobster Conservation Area 1, which has a smaller minimum size.

Rhode Island and Connecticut have regulations allowing dealers to purchase lobsters from out of state for through-shipment, in keeping with allowances under Interstate Commerce laws. Each state has specific regulations for permitting and documenting this activity. However, dealers are not allowed to sell undersized lobsters in their home state. The particular problem in Massachusetts is that multiple minimum size limits are in place depending on the area of harvest. Minimum sizes are enforced at the harvester level. Significant fines and penalties are in place to reduce illegal activity but it has been difficult to get maximum fines applied by the courts for “short” lobsters.

Other states have “strict possession” regulations which prohibit dealers from buying and possessing undersized lobsters from other states. Removing strict possession language specifically for American lobster would allow at a minimum the kind of regulations implemented by Connecticut and Rhode Island. However, New York and New Jersey representatives expressed concern that liberalizing minimum-size possession regulations could open the door to significant illegal harvest of undersized lobsters from off their respective coasts. Further discussion ensued regarding the differences and scale of the dealer markets among the states. Whereas Connecticut has not had problems distinguishing dealers engaged primarily in interstate commerce from smaller retailers, other states may have more difficulty sorting out dealers and where lobsters are being received and sent.

The broader question of when enforcement should cease to be concerned with minimum sizes in the marketplace was briefly discussed, but no consensus emerged. Several LEC members expressed general concern that states would consider allowing any retail sale of undersized lobsters in their states. This was seen as a possible pathway for undersized lobsters that are illegally harvested, to be passed along, essentially creating an open market for the smallest legal-sized lobsters available. The ability of enforcement staff in each state to monitor and control this potential new conduit would be dependent on the size of the fishery, the number of dealers, and the documentation requirements for receiving out-of-state lobsters. Several LEC representatives reiterated their concern that they would likely not have adequate resources to address such a change in regulations.