



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: May 27, 2025

SUBJECT: **Final Rule Making to Implement Addendum XXXII to the American Lobster Management Plan**

Final Recommendation

I recommend the MFAC vote to approve the following rules affecting the harvest of American lobster (FMP) in the Gulf of Maine/Georges Bank (GOM/GBK) stock area (Figure 1):

1. For Lobster Conservation Management Area 1 (LCMA1) permit holders, maintain a 3 1/4" minimum carapace size and an escape vent size of either 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
2. For LCMA 3 permit holders, maintain a 6 3/4" maximum carapace size and rescind all pending maximum carapace size changes.
3. For federal permit holders in the Outer Cape Cod (OCC) LCMA, maintain a 6 3/4" maximum carapace size and rescind all pending maximum carapace size changes.
4. For state-only commercial permit holders in the OCCLCMA, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.
5. For seafood dealers, rescind all pending minimum and maximum carapace size changes, which correspond with the recommendations for commercial harvest size limits above.
6. For recreational fishers in the Gulf of Maine Management Area, maintain a 3 1/4" minimum carapace size and an escape vent size of either 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
7. For recreational fishers in the Outer Cape Management Area, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.

This recommended regulatory action serves to complement Addendum XXXII to the American Lobster Fishery Management Plan (FMP), which rescinds the carapace size and escape vent rules scheduled to begin to go into effect on July 1, 2025 under Addendum XXVII to the FMP. DMF adopted the above changes (items #1 through #7) on an emergency basis in early-May 2025 which by law expire after 90-days (early-August 2025). If approved, this recommendation will

codify those emergency regulations filed by DMF in early May 2025 beyond the 90-day emergency period. If this recommendation fails, then the emergency regulations will remain in effect through the 90-day period and once they expire the regulatory program will revert back to implementing the carapace size and escape vent rules adopted in December 2024 to complement Addendum XXVII. This means that the minimum carapace size for LCMA1 permit holders and recreational fishers in the Gulf of Maine Management Area will increase to 3 5/16”; there will be a maximum carapace size of 6 3/4” for state-only OCCLCMA permit holders and recreational fishers in the Outer Cape Management Area; and all scheduled carapace size and escape vent changes for 2027 – 2029 will remain on the books.

See Table 1 to review all of the measures contained in Addendum XXVII and Table 2 to review those aspects of Addendum XXVII that Addendum XXXII repeals.

Background

I provided the MFAC with an extensive memorandum on Addendum XXXII for their April 2025 MFAC business meeting¹. In summary, this memorandum detailed the adoption of Addendum XXVII and its subsequent unravelling in January when Maine and New Hampshire state officials announced their respective states were reneging their support for the carapace size and trap vent increases; the resulting February 2025 action by the Atlantic States Marine Fisheries Commission’s (ASMFC) Lobster Board to initiate Addendum XXXII to repeal the carapace size and escape vent changes contained in Addendum XXVII; the ASMFC’s public hearing process; the anticipated approval of Addendum XXXII by the ASMFC’s Lobster Board at their May meeting; and the need for DMF to pursue emergency rule making.

As anticipated, the ASMFC’s Lobster Board approved Addendum XXXII at the May meeting and DMF promulgated responsive emergency regulations. DMF then held a public hearing² on May 19, 2025 and accepted written public comment through May 23. Now, I am moving forward with the above-described recommendation to codify the emergency regulations beyond the 90-day period, to ensure that Massachusetts fishers are not subject to more restrictive regulations than other fishers fishing in the same management area.

It is noteworthy that Addendum XXXII did not unravel all of Addendum XXVII. Rather, it rescinded only the: (1) conservation-driven carapace size and escape vent rules that were initiated due to a decline in the recruitment-based index developed by the ASMFC’s Technical Committee for American Lobster (“trigger index”) demonstrating 35% decline in 2024 compared to the 2016 – 2018 baseline; and (2) the maximum carapace size standardization measure for OCCLCMA that was to be adopted irrespective of the trigger index being reached or exceeded.

As a result, none of those rules are moving forward at this time and the states of Maine and New Hampshire have been tasked with developing new conservation proposals that are acceptable to their industry, and then submit these proposals to the ASMFC for consideration by the Lobster Board. Additionally, state-only OCCLMCA permit holders get a reprieve from the standardization measure that would have adopted a 6 3/4” maximum carapace size consistent with

¹ Refer to page 20 of the April 2025 MFAC business [meeting materials](#).

² The May 19, 2025 public hearing was recorded and published to [DMF’s YouTube channel](#) and relevant materials can be found on DMF’s [proposed regulations website](#).

federal permit holders in the OCCLMCA (and LCMA3) and eliminated their ability to retain so-called “oversized lobsters”.

What Addendum XXXII retained from Addendum XXVII were two measures to create standardization among commercial fishers within the same LCMA. This includes preventing New Hampshire and Massachusetts from automatically issuing additional (10%) trap tags to LCMA1 and LCMA 3 permit holders consistent with existing Maine rules, and adopting a standard v-notched lobster possession standard for the OCCLCMA. With regards to the latter, the new OCCLMCA v-notched lobster possession standard is any v-shaped notch or indentation with a depth not to exceed $\frac{1}{8}$ ” with or without setal hairs. Effectively, this adopts the existing standard for federal OCCLMCA permit holders across the management area thereby eliminating the less restrictive allowance for state-only OCCLMCA permit holders to retain any female lobsters with a v-shaped notch or other indentation that is less than $\frac{1}{4}$ ” deep and tapering to a sharp point without setal hairs.

DMF received limited public comment relevant to its proposal to adopt as final regulations the current emergency regulations that repeal all the gauge and escape vent changes to complement Addendum XXXII. No public hearing testimony was received that spoke to this action. The small amount of written public comment received was favorable, including a letter in support from the Massachusetts Lobstermen’s Association. Rather, much of the written public comment and all of the public hearing testimony came from state-only OCCLCMA permit holders or their representatives expressing frustration that the v-notch standardization measure contained in Addendum XXVII was not repealed in Addendum XXXII and subsequently part of this state rule making package. These interests advocated for DMF to rescind the July 1, 2025 implementation of a standardized v-notched lobster possession rule for the OCCLCMA (“any v-shaped notch or indentation with a depth not to exceed $\frac{1}{8}$ ” with or without setal hairs”) whether by expediting the development of an addendum to the FMP to achieve this goal or through non-compliance with the FMP.

To reiterate my April 18, 2025 memorandum, I do not intend to provide an extensive response to the arguments made by these state-only OCCLCMA permit holders given their repeated threats of litigation. However, I will remind the MFAC of several positions I have previously made on the record. First, I have no intention of pursuing non-compliance at ASMFC as a means of leveraging any particular outcome. At the February meeting of the ASMFC’s Lobster Board, I was an outspoken critic of Maine and New Hampshire for taking that course of action to unravel Addendum XXVII. Moreover, I am a champion of the interstate fisheries management process and do not support any action that undermines it. If the ASMFC were to initiate an addendum to rescind the v-notch standardization measures contained in Addendum XXVII, I would take public comment and debate with the MFAC whether Massachusetts should adopt a complementary measure³. However, at this time, no such addendum has been initiated at the ASFMC. Further, I am doubtful that any such action would be supported by the ASMFC’s Lobster Board. Recall, at the February 2025 Lobster Board meeting, the Massachusetts delegation moved a motion to include repealing the v-notch standardization measure for the OCCLMCA in Addendum XXXII and it failed to receive a second. In my view, this speaks to the lack of support for such an action coastwide and highlights the longstanding perception that

³ A state can always be more restrictive than required by the FMP, non-compliance only applies to less restrictive rules

the state-only OCCLCMA v-notch allowance undermines—to some degree—the conservation benefits to the GOM/GBK lobster stock derived from mandatory v-notching in LCMA1 and the stricter v-notched lobster possession standards among LCMA1, LMCA3, and federal OCCLCMA permit holders and by making it more difficult to enforce stricter v-notched lobster possession standards in commerce once the initial sale to the primary buyer occurs.

Enclosed: Written public comment

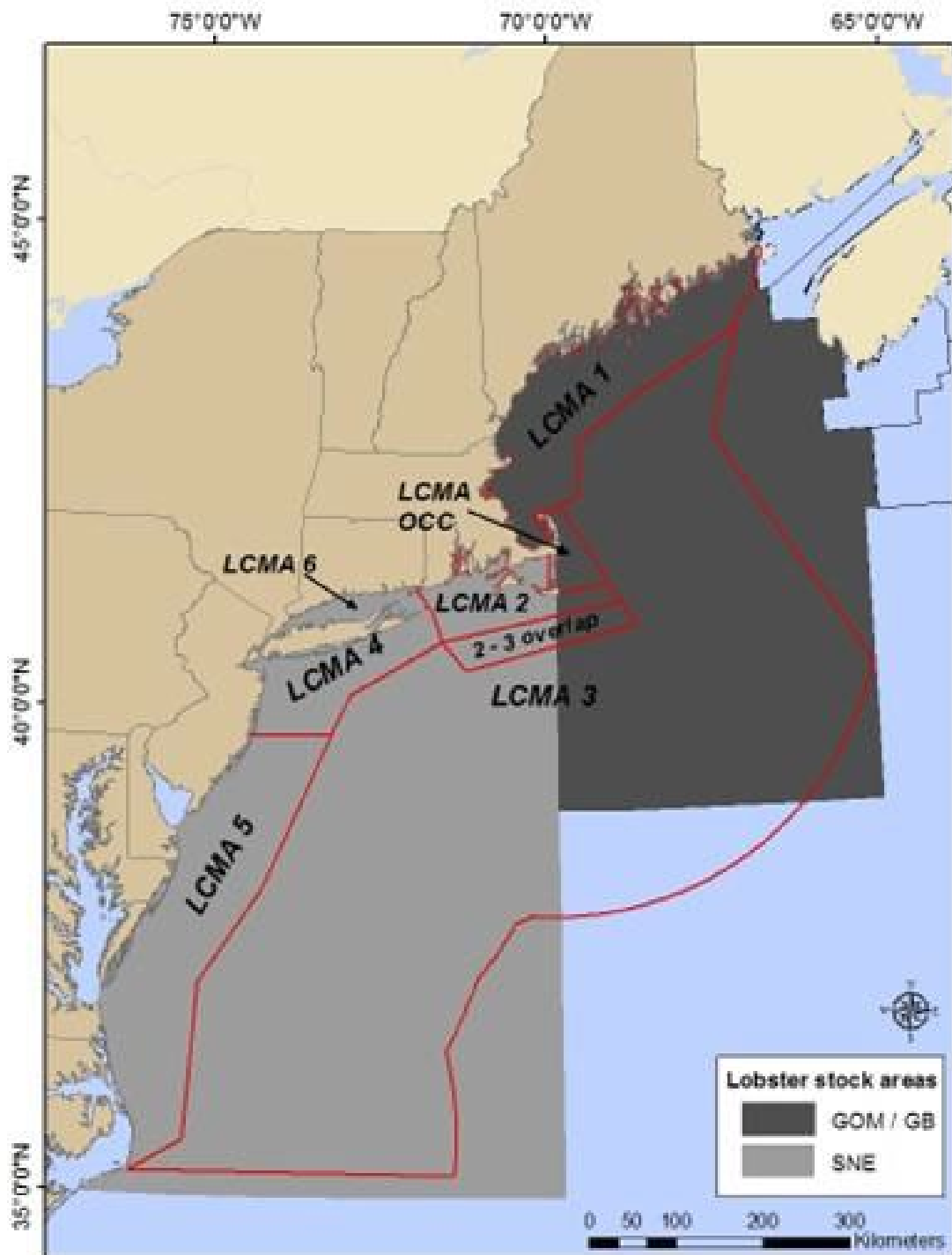
Table 1. Implementation Schedule for Commercial Fishing Gauge Size, Escape Vent, and V-Notch Rules Adopted in Addendum XXVII by LCMA

Implementation	LCMA 1	LCMA 3	OCCLCMA
July 1, 2025 (Regardless of trigger index)	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters OCCLCMA. V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state only OCCLCMA permit holders
July 1, 2025 (Year 1 following 35% decline in trigger index)	Minimum carapace size increase from 3 1/4" to 3 5/16"	N/A	N/A
July 1, 2026 (Year 2 following 35% decline in trigger index)	N/A	N/A	N/A
July 1, 2027 (Year 3 following 35% decline in trigger index)	Minimum carapace size increase from 3 5/16" to 3 3/8"	N/A	N/A
July 1, 2028 (Year 4 following 35% decline in trigger index)	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter.	N/A	N/A
July 1, 2029 (Year 5 following 35% decline in trigger index)	N/A	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".

Table 2. Changes to Addendum XXVII Commercial Gauge Size and Escape Vent Rules Resulting from Implementation of Addendum XXXII

Implementation	LCMA 1	LCMA 3	OCCLCMA
July 1, 2025	<p>Minimum gauge size increase from 3 1/4" to 3 5/16"</p> <p>Maintains existing 3 1/4" minimum gauge size.</p>	Maintains existing 6 3/4" maximum gauge size.	<p>Establish 6 3/4" standard maximum gauge size for OCCLCMA.</p> <p>Maintains existing 6 3/4" maximum gauge size for OCCLCMA federal permit holders and no maximum gauge size for state-only OCCLCMA.</p>
July 1, 2027	<p>Minimum gauge size increase from 3 5/16" to 3 3/8"</p>	N/A	N/A
2028	<p>Trap escape vent size increase to 2" by 5 3/4" rectangular to 2 5/8" diameter.</p> <p>Maintains escape vent size of 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter</p>	N/A	N/A
2029	N/A	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p> <p>Maintains existing 6 3/4" maximum gauge size.</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p>

Figure 1. Map of Lobster Management Areas Overlaid on Lobster Stock Areas



Samuel P. Blatchley*

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*Admitted to Practice in MA, ME, NY, & RI

May 23, 2025

VIA EMAIL

Mr. Daniel McKiernan
Director
Massachusetts Division of Marine Fisheries
Email: marine.fish@mass.gov

**Re: Public Comment re American Lobster Draft Addendum XXXII and
Amendment to 322 CMR 6.02**

To Whom It May Concern:

My name is Samuel P. Blatchley, Esq. and I am citizen of the Commonwealth of Massachusetts. I, along with Eckland & Blando LLP, serve as counsel to the Outer Cape Lobstermen's Association (the "OCLA").

The OCLA, composed of in excess of thirty (30) permit holders legally harvesting lobster in the Outer Cape Lobster Conservation Management Area of Massachusetts (the "OCC"), along with other concerned groups and individuals, is primarily organized to protect and promote sustainability and conservation in the OCC. The OCLA fosters responsible fisheries management, environmental stewardship, and the preservation of the lobster resource to ensure a sustainable future for the OCC.

This correspondence constitutes the OCLA's formal and unequivocal opposition to certain provisions of the pending emergency regulations to amend 322 CMR 6.02. Specifically, OCLA objects to the proposed standardization of the v-notch possession definition for all permit holders in the OCC to 1/8 inch, regardless of the presence of setal hairs (the "Proposal"), as well as to the implementation of Addendum XXXII to the Interstate Fishery Management Plan for American Lobster.¹

The OCLA expresses its profound concern that this Proposal is being advanced in an apparently biased and illegal manner. This situation regrettably mirrors past instances where Maine has resisted implementing minimum size augmentations absent demonstrable and equivalent conservation measures. Instead of acting against Maine, the Atlantic States Marine Fisheries

¹ Which was improperly adopted because of, among other reasons, a failure to convene Lobster Conservation Management Teams as required by Amendment 3 to the Lobster Fishery Management Plan.

Commission (the “ASMFC”) and the Massachusetts Division of Marine Fisheries (the “DMF”), harm small lobstermen instead.

It is imperative to recall that the OCC, demonstrating a proactive and commendable commitment to resource sustainability, voluntarily adopted a minimum size increase in conjunction with a comprehensive trap reduction plan as a conservation equivalency measure in the year 2000. This prior action underscores the OCC's longstanding dedication to responsible fisheries management.

The present matter must be evaluated within the critical historical context of the Federal Action, *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY, adjudicated in the United States District Court for the District of Massachusetts before The Honorable William G. Young. This consequential litigation, initiated by the OCLA in January 1998 against the ASMFC and the Director of DMF, culminated in a judicially facilitated Settlement Agreement (the “Settlement Agreement”) following extensive motion practice and hearings before the court.

A fundamental and legally binding tenet of the Settlement Agreement, presented by the DMF and formally approved by the ASMFC in April 2000, was the explicit recognition that a full 3 5/16” minimum size gauge increase was a permissible and valid conservation equivalency measure in lieu v-notching. This was not a random result. Rather this came after careful consideration and research by the DMF.

That research was led by then-Senior Marine Fisheries Biologist Bruce Estrella and Marine Fisheries Biologist Robert Glenn—now DMF’s Deputy Director—who conducted a “Management Measure Conservation Equivalency” review. Deputy Director Glenn’s review highlighted **eight biological concerns** with mandatory v-notching, three of which I emphasize here:

1. *Increased risk of disease transmission due to breaches in the integument caused by v-notching;*
2. *Potential egg loss due to increased handling from v-notching;*
3. *V-notched, egg-bearing females receive double credit—protection both for being v-notched and for being berried.*

Using the Egg Per Recruit Model developed by Josef Idoine of NMFS and utilized by the ASMFC across U.S. lobster stocks, Deputy Director Glenn concluded in 2000 that the OCC plan yielded a **1.338% increase in egg production—more than 2.5 times** the 0.502% increase under then-existing ASMFC measures of a 3 1/4” gauge and mandatory v-notching. This was a scientifically validated win for both conservation and the fishing community. Furthermore, following the increase in the minimum gauge size to 3 3/8”, the egg production benefits, per Director Glenn’s analysis, have increased tenfold.

That soundness was not merely theoretical. Former DMF Director Philip Coates, i.e., the *named plaintiff in the litigation against DMF*, declared in a March 2000 *Cape Cod Times* statement:

“Lobsters: our most important coastal species. And we’re not going to save the lobster resource with v-notching and a maximum gauge. *In my heart, I know the Outer Cape lobstermen are correct. There should be real trap reductions and an increase in the minimum size.*”

Nothing has changed that would make Philip Coates’ poignant words void. Indeed, Philip Coates’ successor, Paul Diodati, recognized the success of this model and sought to expand it statewide.

In the twenty-five (25) years since the Settlement Agreement’s inception, OCC permit holders have diligently and consistently adhered to its terms, rigorously implementing the stipulated trap reduction measures and achieved demonstrable success in tangible conservation outcomes. Today, the OCC fishery stands as a testament to that success and the efficacy of the Settlement Agreement: the OCC remains vibrant, resilient, and notably younger in demographics than other Lobster Management Areas—an indicator that it attracts and retains new entrants. **This is sustainability in action.**

Regrettably, the current Proposal represents a clear and unwarranted abrogation of the legally binding Settlement Agreement. The ASMFC now seeks to unilaterally impose a v-notch definition specifically and exclusively targeting the OCC, while conspicuously failing to mandate any corresponding conservation equivalency for Maine. This selective imposition of regulatory burdens raises serious concerns regarding equitable treatment and adherence to established legal obligations.

In marked contrast to the Settlement Agreement, which was meticulously grounded in scientific consultation, established conservation principles, and demonstrably equivalent conservation outcomes, the purported rationale advanced for the Proposal is ostensibly limited to mere administrative convenience.

The stated objective – which, upon information and belief, was conceived without the requisite and essential consultation with the OCC Lobster Conservation Management Team – is purportedly to achieve uniform regulations to enhance law enforcement monitoring and prosecution efficacy. This justification is patently and demonstrably not a conservation measure.

In a recent Memorandum, DMF Director Daniel McKiernan candidly confirmed:

“The purpose of the v-notch rule is standardization within the LCMA, and the v-notch standardization measure (as well as the maximum gauge size

measure for which they will get reprieved) were scheduled to go into effect for 2025 irrespective of the trigger-index-based conservation measures.”

He continued: “Given my respect for the ASMFC process, I also have no intention to pursue non-compliance (like Maine and New Hampshire threatened) so the state-waters-only OCCLCMA fishers can maintain a ¼” v-notch standard.”

This is a pivotal admission: the proposal is **not about conservation**—it is about **standardization** and avoiding a perceived lack of uniformity. That is not a lawful basis to promulgate this regulation and it certainly is not an “emergency” justifying emergency rulemaking.

Instead, it constitutes a breach of a legally binding Settlement Agreement with the OCLA’s membership, who have consistently and commendably demonstrated an unwavering commitment to robust conservation practices and significant effort reduction since 2000. Simultaneously, it appears to represent an unwarranted and inequitable concession to others that have not undertaken comparable conservation efforts, thereby fundamentally undermining the principles of sound resource management and equitable regulatory application.

Furthermore, the Proposal exhibits a critical deficiency in its apparent failure to adequately consider the fundamentally distinct ecological characteristics of the Outer Cape Lobster Conservation Management Area. The OCC is not merely another lobstering zone; it is a unique and discrete ecosystem with specific environmental conditions, lobster populations, and growth patterns that differ significantly from other areas where a standardized v-notch definition might be considered. A one-size-fits-all approach, such as the Proposal, disregards these crucial ecological distinctions and the potential for unintended and detrimental consequences within the OCC’s sensitive environment. The imposition of a standardized v-notch definition, without due consideration of the OCC’s unique ecosystem, lacks a sound scientific basis and undermines the principles of tailored and effective conservation management.

Adding to these substantial concerns, the OCLA has determined that the practical effect of the Proposal will be a devastating 25% reduction in catch by its members. This significant decrease in harvesting capacity will inflict severe economic hardship on the OCC permit holders, threatening their livelihoods and the viability of their long-standing fishing operations. This drastic economic consequence, resulting from a measure ostensibly aimed at administrative uniformity rather than demonstrable conservation benefit, further underscores the arbitrary and capricious nature of the Proposal and its disproportionately negative impact on the OCC community. The failure to adequately consider and mitigate this substantial economic impact on the OCC further demonstrates the Proposal’s lack of reasoned analysis and equitable application.

This action also appears to violate Executive Order 87, which requires agencies to file an economic impact statement with proposed regulations unless explicitly exempted. The OCLA is

not aware of any such statement having been prepared, nor of any exemption having been granted to the Commonwealth in this instance.

In essence, the Proposal effectively abrogates a duly negotiated, judicially facilitated, and legally binding agreement and lacks any discernible or justifiable conservation purpose. It appears to be an arbitrary and capricious action, driven by considerations of administrative expediency and uniformity at the direct expense of established legal commitments and demonstrably successful conservation practices. It is being undertaken without the required economic impact analysis nor a valid environmental impact analysis.

The Proposal is not only legally infirm but also fundamentally undermines the principles of sound resource management, equitable treatment under the law, and the integrity of negotiated settlements. The failure to consider the binding Settlement Agreement and the OCC's successful conservation efforts constitutes such a failure.

Subsequent to the Settlement Agreement, Judge Young ordered the Federal Action closed without entry of judgment, explicitly tolling all applicable statutes of limitation and stipulating that "[the Federal Action] may be reopened upon motion by any party" and that the closure was "without prejudice to either party moving to restore [the Federal Action] to the docket, if any further action is required." [Docket No. 54.] This explicit judicial retention of jurisdiction underscores the ongoing legal significance of the Settlement Agreement and the Court's ability to enforce its terms.

While the OCLA remains firmly committed to constructive dialogue and the avoidance of litigation, it must be unequivocally stated that should the ASMFC and DMF proceed with the adoption of the Proposal, the OCLA will be compelled to reopen the Federal Action to, *inter alia*, vigorously enforce the Settlement Agreement and challenge the legality of the Proposal under applicable law standards and potentially constitutional principles. The Proposal raises serious concerns regarding the abrogation of contractual obligations and the potential for arbitrary and capricious action.

This correspondence, while outlining key and critical concerns, is not exhaustive of all issues presented by the Proposal and is explicitly without prejudice to the rights, claims, and defenses of the OCLA and its members. None of these should be deemed waived or limited by this communication. All rights are expressly reserved.

We respectfully and strongly urge a thorough and good-faith reconsideration of the Proposal in light of the foregoing legal and conservation concerns. We remain available to discuss this matter further at your earliest convenience and encourage open communication to resolve this issue amicably and in a manner consistent with established legal obligations and sound resource management principles.

Respectfully submitted,



Samuel P. Blatchley

From: [CHERYL ANN SOUZA](#)
To: [Fish, Marine \(FWE\)](#)
Subject: addendum 32
Date: Friday, May 23, 2025 7:35:20 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Daniel McKiernan,

As you know at the MLA weekend we were told that doing away with addendum 32 was all or nothing. We were pretty sure that the Outer Cape would get the shaft and we were right.

We have already given up enough with the larger gauge and the traps that we have lost with the 10 percent on transfers. And now with the new v notch on us and the 0 tolerance on the dealers we will loose 20 to 30 percent of our catch.

It is time to admit that the v notch is a failed experiment. Since the majority of the areas have been v notching for about 20 odd years if it was doing its job then they would not be looking at other things for the industry to do.

Our plan was approved by ASMFC and the courts and we have the plan that allows the young a chance to reproduce before they are taken. We do not think that another area (Maine) should be able to force their plan on us.

Bill Souza

From: [Sam Pickard](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); crashseafood22@yahoo.com; [Brendan Adams](#); [Sam Blatchley](#); [Romeo-Theken, Sefatia \(FWE\)](#)
Subject: Public comment for Ammendum 32
Date: Friday, May 23, 2025 4:57:12 PM

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To whom it may concern.

My name is Samuel Pickard, and I am the Vice President of the Outer Cape Lobstermen's Association. I am writing to you today in disgust of the finalization of the changes to proposed Addendum XXXII. Both Addendum XXXII and XXVII were created not only to promote conservation for the lobsters caught in the Commonwealth of Massachusetts but in all of the states where lobster is caught on the east coast of the U.S. This finalized plan does not promote this, but instead targets and discriminates against 44 state lobstermen who currently make their living in the Outer Cape Cod Lobster Management Area. We few are once again being forced to save the entire lobster industry in the northeast.

Massachusetts has the second highest cost of living in the United States, just falling short of Hawaii which comes in as number one. We do not have the luxury of moving away from the coast to find more affordable housing, as states such as Maine and New Hampshire do, which makes not only living here difficult, but keeping year round help next to impossible. From an economic perspective, the proposed changes in Addendum XXXII will only affect a few, as Maine and New Hampshire will once again remain unaffected, but for us in the outer cape it will be costly. We already have a larger minimum gauge then the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%, and when this was brought before him, he stated it was preposterous, we were conjuring numbers out of thin air.

I ask why is our management plan being affected? As it is already more strict due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% trap reduction everytime allocation is bought or sold? Our average trap allocation is only 393 in state waters, compared to Area 1's 800. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY*. Also, for the creation of both 27 and 32, the dmf and ASMFC are required to meet with all of the LCMTs, however the Outer Cape LCMT was never convened or even notified. Why are new regulations being pushed forwards before meeting with the stakeholders to get the correct data for each zone? Are we no longer concerned about protecting the resource, or are we just trying to unify with Area 1 and Maine? As each meeting drags onward I am filled with more disgust and distrust by the MADMF as well as the ASMFC for not upholding their legally binding agreement from 24 years ago.

Sam Pickard

Vice President of the Outer Cape Lobstermen's Association
#010354
508-332-9251

From: [Faye Anderson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Outer Cape Lobsterman
Date: Friday, May 23, 2025 2:20:02 PM

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To whom it may concern

My name is Faye Anderson co owner with Brock Bobisink I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY .

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you
Faye Anderson
508 945-8046
Fishingfaye50@gmail.com

From: [Brendan Adams](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Cc: [Glenn, Robert \(FWE\)](#); [Reed, Story \(FWE\)](#); [Toni Kerns](#); [Sam P. Blatchley](#); [Sam Pickard](#); [Ben Piccard](#); [Dana Pazolt](#); [Jeff Souza](#); [Beth Casoni](#); [sooky55@aol.com](#); [Jennifer.Armini@mahouse.gov](#); [John Granlund](#); [Silva, Jared \(FWE\)](#); [DFG.info \(FWE\)](#); [Edward Lambert](#); [Romeo-Theken, Sefatia \(FWE\)](#); [Tepper, Rebecca L \(EEA\)](#); [Brendan Adams](#); [STEPHEN SMITH](#)
Subject: Public Comment for the Unraveling of ASMFC Addendum 32
Date: Friday, May 23, 2025 2:10:25 PM
Attachments: [2000 Apr American Lobster Board VA.pdf](#)

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To the MFAC:

I am submitting this public comment in the capacity of president of the Outers Cape Lobstermen's Association. This is possibly the final public comment we will make, written or verbally, to either the Commonwealth of Massachusetts or the ASMFC regarding ASMFC's addendum 32, which unravels all of addendum 27, except for a change to the 44 Outer Cape Cod state only lobster fishermen. Not curiously, you have not seen or heard much in the way of comments from the (24 or so) federal Outer Cape permit holders, because when you unravel the rules in accordance with addendum 32, it makes no changes for their rules that they previously abided by to before the passing of addendum 27, making them back to status quo. That said we have support from many of them. We urge you to unravel the regulations per addendum 32, but also include unraveling the v-notch definition being forced upon the Outer Cape state only permit holders. Many of us have submitted public comments verbally and in writing to the Commonwealth and ASMFC regarding our extreme disagreement with addendum 27 and addendum 32 regarding the fact that out of the many thousands of lobster permits, 6000 or more in Maine alone, only the 44 of us will be effected on the whole US Atlantic coast. At this point we feel that our voices are not only going unheard, they are being purposefully ignored. That has forced us to lawyer up. If anyone receiving this comment thinks we are bluffing in pursuing legal action, I would refer to the comments made by our legal counsel. We feel that the Commonwealth of Massachusetts and ASMFC (feds) are violating the federal ruling from 2000 decided in Outer Cape Lobstermen's Association VS. Mass DMF and ASMFC. We also believe that what being done is highly discriminatory and prejudiced, most likely stemming from political pressure from another state(s) with a larger influences in lobstering. Some other legal terms that could be related to our plight are: arbitrary and caprecious, and commandeering. Our Outer Cape State management plan implemented fully in 2000 is working as well or better than designed. This is easily explained in the fact that our average age of participants is the youngest of any fishery in the United States. New participants got involved in this particular fishery because they believe that our strong conservation management plan would produce a modest income year after year, which it has. In contrast to some other lobster areas our management plan has limited the number of traps we fish. While all area one lobstermen may be issued 800 trap tags, we average less then 400 tags per fisherman. Also we have a short window to make a living between whale closures, weather, and lobster migration patterns. We believe that our area has an effective and successful management plan, which now spans two and a half decades. We have bent over backwards for conservation, but this new regulation being forced on us is for ease of enforcement and has absolutely nothing to do with conservation. We do not want to be forced into any other area's management plan. From an economic aspect we believe we will conservatively have our landings reduced by 25%. By not repealing the new v-notch definition being forced upon us July 1, 2025, you will force us to take legal action. The Commonwealth could ignore the ASMFC's ruling and do the right thing by us. No state has ever been punished for ignoring or disregarding something voted in by ASMFC. An example to that is New Jersey ignoring a decision by ASMFC in recent years regarding striped bass. The bigger picture is most of the decisions made at ASMFC are made behind closed doors, in the hallways, on the phone, and all before a vote. It is using being used as a private trading organization that often takes little or no input from the public. We were told by both ASMFC and Massachusetts employees that LCMT meetings did not have to be held to pass new regulations in our area. We have definitive proof that was at the very least false. To look at discussion of our 2000 lawsuit see page 12, and item 12 on page 86 of the attachment to this email. Please repeal our new, soon to be implemented notch regulation when you repeal the rest of Addendum 32.

Sincerely,

Brendan Adams

Outer Cape Lobstermen's Association President

From: [Brendan Adams](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Cc: [Glenn, Robert \(FWE\)](#); [Reed, Story \(FWE\)](#); [Toni Kerns](#); [Sam P. Blatchley](#); [Sam Pickard](#); [Ben Piccard](#); [Dana Pazolt](#); [Jeff Souza](#); [Beth Casoni](#); [sooky55@aol.com](#); [Jennifer.Armini@mahouse.gov](#); [John Granlund](#); [Silva, Jared \(FWE\)](#); [DFG.info \(FWE\)](#); [Edward Lambert](#); [Romeo-Theken, Sefatia \(FWE\)](#); [Tepper, Rebecca L \(EEA\)](#); [STEPHEN SMITH](#)
Subject: Re: Public Comment for the Unraveling of ASMFC Addendum 32
Date: Friday, May 23, 2025 2:17:52 PM
Attachments: [LCMT deliberations.pdf](#)

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Here are the LCMT deliberations. We were supposed to have them for addendum 27 at a minimum.

> On May 23, 2025, at 1:58 PM, Brendan Adams <FibFab25@yahoo.com> wrote:

>

> To the MFAC:

>

> I am submitting this public comment in the capacity of president of the Outers Cape Lobstermen's Association. This is possibly the final public comment we will make, written or verbally, to either the Commonwealth of Massachusetts or the ASMFC regarding ASMFC's addendum 32, which unravels all of addendum 27, except for a change to the 44 Outer Cape Cod state only lobster fishermen. Not curiously, you have not seen or heard much in the way of comments from the (24 or so) federal Outer Cape permit holders, because when you unravel the rules in accordance with addendum 32, it makes no changes for their rules that they previously abided by to before the passing of addendum 27, making them back to status quo. That said we have support from many of them. We urge you to unravel the regulations per addendum 32, but also include unraveling the v-notch definition being forced upon the Outer Cape state only permit holders. Many of us have submitted public comments verbally and in writing to the Commonwealth and ASMFC regarding our extreme disagreement with addendum 27 and addendum 32 regarding the fact that out of the many thousands of lobster permits, 6000 or more in Maine alone, only the 44 of us will be effected on the whole US Atlantic coast. At this point we feel that our voices are not only going unheard, they are being purposefully ignored. That has forced us to lawyer up. If anyone receiving this comment thinks we are bluffing in pursuing legal action, I would refer to the comments made by our legal counsel. We feel that the Commonwealth of Massachusetts and ASMFC (feds) are violating the federal ruling from 2000 decided in Outer Cape Lobstermen's Association VS. Mass DMF and ASMFC. We also believe that what being done is highly discriminatory and prejudiced, most likely stemming from political pressure from another state(s) with a larger influences in lobstering. Some other legal terms that could be related to our plight are: arbitrary and caprecious, and commandeering. Our Outer Cape State management plan implemented fully in 2000 is working as well or better than designed. This is easily explained in the fact that our average age of participants is the youngest of any fishery in the United States. New participants got involved in this particular fishery because they believe that our strong conservation management plan would produce a modest income year after year, which it has. In contrast to some other lobster areas our management plan has limited the number of traps we fish. While all area one lobstermen may be issued 800 trap tags, we average less then 400 tags per fisherman. Also we have a short window to make a living between whale closures, weather, and lobster migration patterns. We believe that our area has an effective and successful management plan, which now spans two and a half decades. We have bent over

backwards for conservation, but this new regulation being forced on us is for ease of enforcement and has absolutely nothing to do with conservation. We do not want to be forced into any other area's management plan. From an economic aspect we believe we will conservatively have our landings reduced by 25%. By not repealing the new v-notch definition being forced upon us July 1, 2025, you will force us to take legal action. The Commonwealth could ignore the ASMFC's ruling and do the right thing by us. No state has ever been punished for ignoring or disregarding something voted in by ASMFC. An example to that is New Jersey ignoring a decision by ASMFC in recent years regarding striped bass. The bigger picture is most of the decisions made at ASMFC are made behind closed doors, in the hallways, on the phone, and all before a vote. It is using being used as a private trading organization that often takes little or no input from the public. We were told by both ASMFC and Massachusetts employees that LCMT meetings did not have to be held to pass new regulations in our area. We have definitive proof that was at the very least false. To look at discussion of our 2000 lawsuit see page 12, and item 12 on page 86 of the attachment to this email. Please repeal our new, soon to be implemented notch regulation when you repeal the rest of Addendum 32.

>

> Sincerely,

>

> Brendan Adams

>

> Outer Cape Lobstermen's Association President

>

>

>

> <2000 Apr American Lobster Board VA.pdf>

From: [Brock Bobisink](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Outer Cape Lobstermen
Date: Friday, May 23, 2025 2:14:37 PM

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To whom it may concern

My name is Brock Bobisink I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you
Brock Bobisink
#003660
774 722 2494
Brockmamba@gmail.com

From: [Mike O'Brien](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Lobster public comment 5/23/25
Date: Friday, May 23, 2025 11:08:33 AM

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To Whom it may concern,

My name is Mike O'Brien and I am writing to you regarding the proposed changes being made with Addendum 32 of the Atlantic States Fisheries Commission. I am one of the 44 state permitted lobstermen fishing in the Outer Cape Management Area. While Addendum 32 seems to be a win for most lobstermen with many of the proposed changes from Addendum 27 being rescinded, it is discriminatory against the Outer Cape Lobstermen as it still upholds changes to the Outer Cape Management Plan. The OCCLMA has a healthy conservation plan which was supported by the MADMF in the 1990's and early 2000's and was later challenged in court and upheld in the case, *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

Why is our management plan being affected? The Outer Cape management plan is already stricter than others due to the smaller trap allocation, shorter fishing season, larger minimum gauge size, as well as a 10% allocation reduction on all transfers. Our average trap allocation per permit is only 393 in state water which is less than half of the 800 trap allocation in LCMA 1. Our larger minimum gauge of 3 3/8" compared to the 3 1/4" in area 1 allows for a much higher percentage of lobsters to reach reproduction size and thus increasing reproduction rates. It was stated by MADMF that the loss due to the V-notch change would be around 2% which is far less than what the actual impact will be. I did one day of sea sampling with the state biologist and saw what would have been 4-5% loss on V-notched lobsters alone, this also being on a low run of notched lobsters meaning the actual number day to day could be much higher. Those are not made up numbers I have the data to support it.

We lobstermen on the Outer Cape are also in a very tough position demographically as the state of Massachusetts is ranked number two for cost of living in the nation and Cape Cod alone has seen skyrocketing living cost. As I know all coastal communities experience a higher cost of living here on Cape Cod we can't escape it by moving inland a little ways to find cheaper living. We have the youngest average aged fishermen in the OCCLMA trying to survive and support young families here on Cape Cod is not easy. In an already financially tough fishery how does reducing our catch and thereby income make any sense?

Finally, any conservation measures or plan that were being implemented by Addendum 27 no longer exist with the creation of Addendum 32. Addendum 27 and 32 now discriminate against the Outer Cape State lobstermen and I think any regulatory changes MADMF are planning to make regarding addendum 27 or 32 should be scrapped.

Thank You,
Mike O'Brien

To whom it may concern,

My name is Ben Pickard I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I have been working on the deck of an Outer Cape lobster boat for as long as I can remember. From the elementary school years of wearing a life jacket on my Uncle's boat, to starting out on my own with a commercial student permit when I turned 12 and continuing with a regular commercial OCLMA permit before I ever had a driver's license, lobstering has shaped my life. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY*.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. My original OCLMA permit had a trap allocation of just 57 traps. Through many years and many hundreds of thousands of dollars, I have built my business and allocation to 511 traps (still far below Area 1's automatic 800). This rollback undermines the conservation plan of the Outer Cape as well as the time, effort, and capital that I have spent to be a part of a successful management area. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%. In addition, the OC area had a mandatory closure period PRIOR to the Right Whale closure, further showing our proactive protection of the resource.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it only discriminates against the 44 state-only Outer Cape Lobstermen. I support scrapping Addendum 27 and 32 entirely, as conservation is no longer being supported under either of these Addendums. The Outer Cape Lobstermen deserve some recognition for their proactive management plan crafted years before the other LMAs rather than continually being brought back every time another LMA needs to create or alter their management plans as ours has proved it to be successful.

Thank you,

Benjamin Pickard
F/V Dragon Lady
OCLMA permit 004592
Box 1404
Wellfleet, MA 02667
lobsterlife99@gmail.com

To whom it may concern

My name is Raymond Joseph. I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is $3 \frac{3}{8}$ ths of an inch, while theirs is $3 \frac{1}{4}$. This $\frac{1}{8}$ of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you,
Raymond Joseph

From: [Chris Costa](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment Outer Cape Cod LMA ATTN: Dan McKiernan
Date: Thursday, May 22, 2025 3:52:45 PM

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To whom it may concern

My name is Christopher Costa. I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you, Christopher Costa

From: [Xfinity Email](#)
To: [Fish, Marine \(FWE\)](#)
Subject: May MFAC meeting
Date: Thursday, May 22, 2025 12:21:06 PM
Attachments: [LCMT deliberations.pdf](#)

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To the MFAC

In regards to the upcoming decision on the newest v-notch definition for the Outer Cape Lobster Management Area I am submitting a 2008 document stating the requirements for future lobster regulations in the area. There first needed to be a meeting with the Lobster Conservation Management Team and MA staff including a technical representative (lobster biologist). No meeting ever occurred.

The lobstermen in this area were denied an ability to assess both biological inputs and economic impacts prior to MA DMF submitting new regulations to the ASMFC. I believe this disqualifies any new changes to lobster regulations. I hope the Director will look at his own document and withdraw his recommendation to MFAC. MFAC also should realize it cannot move forward on this issue.

Stephen Smith

Dan McKiernan

My name is Dana Pazolt I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you

Dana Pazolt



Massachusetts Lobstermen's Association

8 Otis Place ~ Scituate, MA 02066
781.545.6984

May 15, 2025

Daniel McKiernan, Director
Massachusetts Division of Marine Fisheries
South Coast Field Station
836 S. Rodney French Blvd.
New Bedford, MA 02744

Sent via email: marine.fish@mass.gov

Dear Director McKiernan,

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of **SUPPORT** to repeal the Lobster Carapace Sizes and Escape Vent Rules (322 CMR). To have state regulations conform to Addendum XXXII to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster.

1. The **MLA SUPPORTS** the repeal of all pending minimum carapace size increases for commercial fishers in Lobster Conservation Management Area 1 (LCMA 1) and recreational fishers in the Gulf of Maine Recreational Area. This will maintain the existing 3 1/4" minimum carapace size.
2. The **MLA SUPPORTS** the repeal of all pending escape vent size changes for commercial fishers in LCMA 1 and recreational fishers in the Gulf of Maine Recreational Area. This will maintain existing minimum escape vent size of 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter.
3. The **MLA SUPPORTS** the repeal of all pending maximum carapace size changes for commercial fishers in Lobster Conservation Management Area 3 (LCMA3) and Outer Cape Cod (OCCLCMA) and recreational fishers in the Outer Cape Recreational Area. This will maintain the existing 6 3/4" maximum carapace size for LCMA 3 and federal permit holders in OCCLCMA. For state-waters-only OCCLCMA fishers and recreational fishers in the Outer Cape Recreational Area there will be no maximum carapace size.
4. The **MLA SUPPORTS** the repeal of all pending minimum and maximum carapace size standards for seafood dealers. State-wide dealers will have no maximum carapace size and a minimum carapace size of 3 1/4". Dealers buying directly from commercial fishers are restricted to only buying those lobsters that conform to the LCMA specific minimum and maximum size standards for the commercial fisher.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The membership is comprised of fishermen from Maine to Cape May and encompasses a wide variety of gear types from fixed gear and mobile gear alike. The MLA continues to work conscientiously through the management process with the Massachusetts Division of Marine Fisheries, Atlantic States Marine Fisheries, Atlantic Large Whale Take Reduction Team, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the resources in which our commercial fishermen are engaged in.

Thank you for your thoughtful deliberation and continued support for the commercial lobster industry here in the Commonwealth.

Sincerely, *Beth Casoni*, Executive Director

From: [Dake Henderson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Lobster gauge size and escape vent rules
Date: Saturday, April 26, 2025 10:00:03 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Lobster gauge size and escape vent rules as scheduled under Addendum XXVII for 2025 - 2029 should be implemented without delay. The recruit abundance index declined by 39% from the 2016-2018 average, surpassing the threshold of a 35% decline established by Addendum XXVII. This is precisely the unfortunate scenario for which the Addendum was designed, and other "alternative" conservation strategies are completely inadequate. Please protect our fishery!

Thanks You

Dake Henderson

Cotuit, MA

From: [Sam Pickard](#)
To: comments@asmfc.org
Cc: [Brendan Adams](#); [Sam Blatchley](#); [Fish, Marine \(FWE\)](#); [Bill Souza](#); crashseafood22@yahoo.com; [Romeo-Theken, Sefatia \(FWE\)](#); [Xfinity Email](#); [McKiernan, Dan \(FWE\)](#)
Subject: Lobster Draft Addendum XXXII
Date: Friday, April 25, 2025 10:35:18 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern.

My name is Samuel Pickard, and I am the Vice President of the Outer Cape Lobstermen's Association. I am writing to you today in disgust of the finalization of the proposed Addendum XXXII. Both Addendum XXXII and XXVII were created not only to promote conservation for the lobsters caught in the Commonwealth of Massachusetts but in all of the states where lobster is caught on the east coast of the U.S. This finalized plan does not promote this, but instead targets and discriminates against 44 state lobstermen who currently make their living in the Outer Cape Cod Lobster Management Area.

Massachusetts has the second highest cost of living in the United States, just falling short of Hawaii which comes in as number one. We do not have the luxury of moving away from the coast to find more affordable housing, as states such as Maine and New Hampshire do, which makes not only living here difficult, but keeping year round help next to impossible. From an economic perspective, the proposed changes in Addendum XXXII will only affect a few, as Maine and New Hampshire will once again remain unaffected, but for us in the outer cape it will be costly. We already have a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%, and when this was brought before him, he stated it was preposterous, we were conjuring numbers out of thin air.

I ask why is our management plan being affected? As it is already more strict due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% trap reduction everytime allocation is bought or sold? Our average trap allocation is only 393 in state waters, compared to Area 1's 800. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY only to find out that just last week the Massachusetts Division of Marine Fisheries can not locate any files or paperwork associated with our agreement.

Moving forward we have now regrouped the Outer Cape Lobstermen's Association, and have begun the paperwork to once again sue MADMF as well as the ASMFC for the right to continue to sustainably fish here on Cape Cod as we all agreed upon over 24 years ago. I hope my comment does not fall of deaf ears, as unfortunately public comments usually do.

Respectfully,
Samuel Pickard

Vice President of the Outer Cape Lobstermen's Association

From: [Jeff Souza](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [CHERYL ANN SOUZA](#); [Brendan Adams](#); [Samuel P. Blatchley](#); [Sam Pickard](#)
Subject: Addendum XXXII
Date: Friday, April 25, 2025 2:37:26 PM

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Addendum XXXII to remove partial measures put forth from addendum XXVI should remove all measures put forth from XXVI not just partial. These addendums started as a "conservation" measure but now it is clear that conservation is not the priority. Outer cape is the only one getting any changes to the management plan. It doesn't make sense to change a rule for the smallest area in all of Massachusetts and all of the lobster zones that ASMFC advises on. To make a change to 44 licenses instead of the 6000 in other areas does not make any sense. Outer cape fishery is a unique fishery and has picked a different management plan compared to Area 1 years ago and took gauge increases and trap reductions. Outer cape's fishery plan is to allow the smaller lobsters to breed before they hit our minimum size. Other areas take lobsters that are smaller than the average size needed to breed.

Area 1 v-notch definition states "V-shaped notch of any size with or without setal hairs", Outer capes new definition will be "1/8 with or without setal hairs". This definition needs to say a V- shaped notch such as area 1 wording. Without a wording of v shaped notch it will be very subjective interpretation. A v shaped notch is clearly defined and easy to recognize and would be a definite wording that could be used in enforcement. This new wording for Outer cape will put us more of a zero tolerance than area 1.

Back when ASMFC was working on XXVII they discussed v-notching and a male only fishery. It was stated by ASMFC at the time that these strategies raised concern for the reproductive dynamics and could throw the sex ratio off and be detrimental to the future growth of the population. There were also concern over the possible impacts of elevated water temperature on v-notched lobster and the potential for bacterial infections is also noted. In addition, either measure would increase the level of regulatory discards in the fishery and the potential for accelerated environmental stress from more frequent trap hauls. Yet Maine's whole management plan hinges on V-notching even with ASMFC's concerns about these management measures. If Maine wants to always say that they catch 90% of the lobsters then obviously what they are doing for management is the tool that is not working.

Addendum XXXII should repeal all changes brought forth from Addendum XXVI not just partial changes. And if ASMFC wants to have conservation measures it should be the change that will increase the YOY the most not the smallest area just because they are an easy target. During the ASMFC meeting to discuss XXXII it was stated in the beginning of the meeting for public comments as long as it is not a topic that was on the agenda. After the board discussed XXXII they never then allowed for public comment before they voted so there was no way to discuss outer cape changes.

-Jeff Souza
Outer Cape lobstermen.