



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Governor

KIMBERLEY DRISCOLL
Lt. Governor


REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: November 9, 2023

SUBJECT: **Update on Addendum XXVII to American Lobster Fishery Management Plan and Forthcoming State Regulations**

Overview

DMF is amending its (previously announced) public hearing proposal for measures to comply with Lobster Addendum XXVII to: (1) change the implementation date for the “immediate measures” from January 1, 2024 to January 1, 2025; and (2) adopt the 5-year schedule of “triggered measures” for implementation on January 1 2025, 2027, 2028, and 2029.

Background

At the MFAC’s August 2023 meeting, I provided a [memorandum](#) that described draft amendments to the state’s lobster management regulations necessary to comply with Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster, which addresses anticipated declines in Gulf of Maine/Georges Bank spawning stock biomass. This included: (1) measures to be immediately implemented for 2024—i.e., establishing a uniform maximum carapace size and v-notch possession rules among federal and state-only permit holders in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) and limit the issuance of trap tags in LCMA1 (Inshore Gulf of Maine) and LCMA 3 (Offshore Gulf of Maine/Georges Bank)); and (2) future rules that would become necessary to implement should the addendum’s recruitment-based management trigger be fired¹—i.e., establishing a five-year schedule to implement additional adjustments to increase the LCMA1 minimum carapace size and adjust escape vent rules and decrease the LCMA3 and OCCLCMA maximum carapace size.

At the ASMFC’s Lobster Management Board (“Board”) October 2023 meeting, the Technical Committee reported that, with the inclusion of recently released 2022 data in the time series, the GOM/GBK recruitment index had declined 39% from the 2016–2018 reference period, surpassing the trigger point of a 35% decline. As a result, Addendum XXVII (as passed in May 2023) required states increase the LCMA1 minimum carapace size from 3 ¼” to 3 5/16” for June 1, 2024 with additional rule changes affecting LCMA1, LCMA3, and OCCLCMA scheduled to occur on June 1 of 2026, 2027, and 2028.

The trigger point was reached sooner than the Board expected when developing and approving Addendum XXVII. Commissioner Pat Keliher (Maine) made a compelling argument for delaying implementation to coordinate changes with Canada to avoid trade implications and provide gauge makers

¹ When the addendum’s GOM/GBK recruitment index declines by 35% from the reference period, the management trigger is fired. 2016–2018 is used as the reference period because it represents the last three years of data used in the 2020 stock assessment.

and harvesters sufficient time to prepare. While Maine sought a 1-year continuance (to start the 5-year implementation schedule on June 1, 2025), the Board agreed to a 6-month delay (to January 1, 2025) provided the implementation deadline for the “immediate measures” for OCCLCMA and trap tag issuance also be changed to January 1, 2025. See Table 1 for the new implementation schedule.

While states are not required to adopt implementing regulations until January 1, 2025, the Board encouraged states to move ahead with the adopting such rules as soon as possible to avoid “kicking the can.” Accordingly, I intend to go out to public hearing in early 2024 to implement these rule changes for 2025 and beyond. The public hearing and rule-making process will also include other draft regulatory proposals affecting trap gear fishing that I wish to implement for the 2024 fishing year (i.e., allowing the use of the fully-formed weak rope with “MA Lobster Tracer”).

Table 1. Effective Schedule for Implementation of Addendum XXVII

Effective Date	What Change Will Be Implemented		
	LCMA 1	LCMA 3	OCCLCMA
January 1, 2025	Limit trap tag issuance to trap allocation with no extra trap tags awarded. Minimum carapace size increase from 3 1/4” to 3 5/16”.	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4” maximum carapace size for state waters. 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 waters.
January 1, 2026	N/A	N/A	N/A
January 1, 2027	Minimum carapace size increase from 3 5/16” to 3 3/8”.	N/A	N/A
January 1, 2028	Trap escape vent size change from 1 15/16” by 5 3/4” rectangular or 2 7/16” circular diameter to 2” by 5 3/4” rectangular or 2 5/8” circular diameter.	N/A	N/A
January 1, 2029	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”.

Public Hearing Proposals for Addendum XXVII to Lobster FMP

Implementation Dates for Management Actions in Addendum XXVII

Effective	LCMA 1	LCMA 3	OCCLCMA
January 1, 2025	Limit trap tag issuance to trap allocation with no extra trap tags awarded. Minimum carapace size increase from 3 1/4" to 3 5/16".	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters. 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 waters.
January 1, 2026	N/A	N/A	N/A
January 1, 2027	Minimum carapace size increase from 3 5/16" to 3 3/8".	N/A	N/A
January 1, 2028	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" circular diameter to 2" by 5 3/4" rectangular or 2 5/8" circular diameter.	N/A	N/A
January 1, 2029	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".





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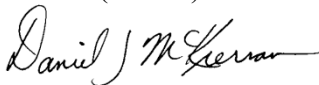
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Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: August 11, 2023

SUBJECT: **Addendum XXVII and New Gauge Size and V-Notch Rules for State Waters Outer Cape Cod Lobster Fishery**

Proposal

At its May 2023 meeting, the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The addendum requires states implement the changes described below before the 2024 season, which affect those fisheries occurring in Lobster Conservation Management Areas (LCMAs) that fish on the Gulf of Maine/Georges Bank (GOM/GBK) stock. This includes LCMA 1 (Inshore Gulf of Maine), LCMA 3 (Offshore Gulf of Maine and Georges Bank), and OCCLCMA (Outer Cape Cod).

At 322 CMR 6.02, DMF will establish a uniform maximum gauge size of 6 3/4" maximum gauge size and a v-notch definition of an indentation at least 1/8" deep with or without setal hairs for the OCCLCMA fishery. At present, these are the existing rules for the federal OCCLMCA fishery (dual permit holders), but state-only permit holders currently have no maximum gauge size and the v-notch definition is 1/4" deep tapering to a sharp point without setal hairs. This change will result in all OCCLCMA fishers having the same gauge standards and v-notch rules (Table 1). Additionally, the OCCLMCA will have the same maximum size and v-notch rules as adjacent Lobster Conservation Management Area 3 (LCMA3).

Table 1. Comparison of Gauge Size and VNotch Rules for State and Federal Waters Fisheries Within OCCLCMA

Fishery	Minimum Gauge	Maximum Gauge	V-Notch Definition
Federal OCCLCMA	3 3/8"	6 3/4"	Any indentation 1/8" deep with or without setal hairs.
State OCCLCMA	3 3/8"	No Max 6 3/4"	1/4" sharp v without setal hairs. Any indentation 1/8" deep with or without setal hairs.

Note this change only impacts state-only permit holders, as dual state-federal permit holders are already subject to the more restrictive federal waters rules. There are 46 state-only permit holders authorized to fish traps in OCCLCMA. These state-only permit holders represent the lion share of trap fishers in the area; only 12 of the 58 permit holders are dual state-federal permit holders.

Additionally, at 322 CMR 6.31, DMF will amend its trap tag regulations to limit the issuance of trap tags in LMCA 1 and LCMA 3 to the trap allocation for the permit holder. This will end the practice of issuing permit holders an additional 10% to cover trap loss. Rather, should trap loss occur, permit holders will be required to document the trap loss prior to obtaining replacement trap tags.

Background

Since 2012, settlement indices throughout the Gulf of Maine have generally been below time series averages and declines in recruitment have been observed in more recent years in the ventless trap survey and trawl surveys. This portends an eventual decline in the Gulf of Maine/Georges Bank (GOM/GBK) stock and commercial landings from this fishery. The commercial fisheries that prosecute this stock are those occurring within LCMA1 (Gulf of Maine) OCCLCMA (Outer Cape Cod), and LCMA3 (Offshore Gulf of Maine and Georges Bank). Accordingly, the ASMFC initiated Addendum XXVII as a proactive measure to increase protection of the spawning stock, which will affect the lobster fisheries within these LCMAAs.

In the first year (2024), the Addendum seeks to resolve regulatory discrepancies between state and federal permit holders within a single LCMA and close a longstanding loophole that effectively allows permit holders fishing traps in excess of their trap allocation.

In future years, states may have to take additional actions affecting minimum and maximum legal sizes if recruit abundance for the GOM/GBK stock declines by 35% from the reference level (three-year average from 2016-2018¹). These potential changes are described in Table 2 below.

Table 2. Timeline for Additional Management Changes for LCMA 1, LCMA 3, and OCCLCMA Under Addendum XXVII			
Implementation	LCMA 1	LCMA 3	OCCLCMA
Year following 35% decline in trigger index	Minimum size gauge increase from 3 1/4" to 3 5/16"	N/A	N/A
Year 3	Minimum size gauge increase from 3 5/16" to 3 3/8"	N/A	N/A
Year 4	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
Year 5	N/A	Maximum gauge size decrease from 6 3/4" to 6 1/2".	Maximum gauge size decrease from 6 3/4" to 6 1/2".

Anticipated Public Process

The addendum requires states implement these changes by January 1, 2024. Accordingly, I intend to proceed to draft rule making this fall to implement these adjustments for the upcoming fishing year. We will likely host a virtual public hearing, as well as an in-person meeting to accommodate interests on Cape Cod, where these changes are most controversial (as evidenced by public comment on the addendum).

¹ 2016 – 2018 are the last three years of data used in the 2020 stock assessment. Therefore, this trigger is intended to represent changes in stock abundance since the previous assessment. These are also the three years with the highest abundance in the index.

Attachments

May 2, 2023 ASMFC Press Release on Addendum XXVII



Atlantic States Marine Fisheries Commission

NEWS RELEASE

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

FOR IMMEDIATE RELEASE
May 2, 2023

PRESS CONTACT: Tina Berger
703.842.0749

American Lobster Board Approves Addendum XXVII Addendum Establishes Measures to Increase Protection of Spawning Stock Biomass of the Gulf of Maine/Georges Bank Stock

Arlington, VA – The Commission’s American Lobster Management Board approved Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum establishes a trigger mechanism to implement management measures – specifically gauge and escape vent sizes – to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass (SSB). It also implements changes to management measures for Lobster Conservation Management Areas (LCMAs) 1, 3, and Outer Cape Cod (OCC) to improve the consistency of measures across the GOM/GBK stock.

The Board initiated the Addendum as a proactive measure to improve the resiliency of the GOM/GBK stock. Since the early 2000s, landings in the GOM/GBK stock have rapidly increased. In Maine alone, landings have increased from 57 million pounds in 2000 to a record high of 132.6 million pounds in 2016. Maine landings have declined slightly but were still high at 97.9 million and 108.9 million in 2020 and 2021, respectively. However, since 2012, lobster settlement surveys throughout the GOM have generally been below the time series averages in all areas. These surveys, which measure trends in the abundance of juvenile lobsters, can be used to track populations and potentially forecast future landings. Persistent low settlement could foreshadow declines in recruitment and landings. In the most recent years of the time series, declines in recruitment indices have also been observed.

In response to these trends, Addendum XXVII establishes a mechanism where changes to the current gauge and escape vent sizes in LCMAs 1, 3 and OCC will be implemented automatically based on observed changes in recruit abundance indices. If the index of recruit abundance declines by 35% from the reference level (equal to the three-year average from 2016-2018), a series of gradual changes to gauge and vent size will be initiated in the following fishing year. These include two increases to the minimum gauge size in LCMA 1 (Gulf of Maine) and a single decrease to the maximum gauge size in LCMA 3 (offshore federal waters) and OCC. The gauge and escape vent size changes are intended to increase the proportion of the population that is able to reproduce before being harvested, and to enhance stock resiliency by protecting larger lobsters of both sexes.

The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and diadromous species.

Additionally, Addendum XXVII implements measures that resolve discrepancies between the regulations for state and federal permit-holders, provide a more consistent conservation strategy, and simplify interstate commerce and enforcement across management areas. Specifically, the Addendum implements a standard v-notch definition of 1/8" with or without setal hairs in LCMA 3 and OCC, and a standard maximum gauge size of 6 3/4" for LCMA 3 and state and federal permit holders in OCC. It also modifies the management program such that for LCMA 1 and 3 permit holders, states must limit the issuance of trap tags to equal the harvester trap tag allocations unless trap losses are documented. The implementation date for these changes is January 1, 2024.

The following table specifies the timing of management changes for each of the three LCMA's addressed under Addendum XXVII.

When change(s) will be implemented	What change will be implemented		
	LCMA 1	LCMA 3	Outer Cape Cod
<i>January 1, 2024</i>	Trap tags issuance limited to harvester allocation		v-notch definition: 1/8" with or without setal hairs; Maximum gauge size: 6 3/4"
<i>Fishing year following an observed 35% decline in the trigger index (Year 1)</i>	Minimum gauge size: 3 5/16"		
<i>Year 3</i>	Minimum gauge size: 3 3/8"		
<i>Year 4</i>	Escape vent size: 2 x 5 3/4" rectangular; 2 5/8" circular		
<i>Year 5</i>		Maximum gauge size: 6 1/2"	Maximum gauge size: 6 1/2"

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

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