



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

TO: American Lobster Management Board

FROM: Mark Robson, Law Enforcement Committee Coordinator

RE: Law Enforcement Committee comments regarding Lobster Addendum XVII

DATE: October 20, 2011

A sub-group of the Law Enforcement Committee (LEC) for the Atlantic States Marine Fisheries Commission (ASMFC) held a telephone conference call on September 29, 2011 to discuss proposed management options in Draft Addendum XVII to Amendment 3 to the American Lobster Fishery Management Plan for Public Comment.

The following members of the LEC participated in the call:

Deputy Chief Kurt Blanchard, Rhode Island

Col. Joe Fessenden, Maine

Capt. Dominick Fresco, New Jersey

Lt. Jeff Marston, New Hampshire

Col. Kyle Overturf, Connecticut

Capt. Dorothy Thumm, New York

Mark Robson, LEC Coordinator

In considering the enforcement implications of the 3 management options presented in the document, the group agreed that over time, American Lobster regulations have become more and more difficult to effectively enforce. The current management structure that incorporates regulations based on 3 separate stocks and 7 separate lobster conservation management areas (LCMAs), all spread over multiple state jurisdictional and federal waters, presents significant hurdles to the voluntary compliance of fishermen and effective enforcement by officers on the water and at the docks. While some states (e.g., New York), have adopted state rules to counter this impact, the continued trend towards multiple and differing area regulations is problematic for enforcement.

Given this backdrop, the group wishes to reiterate, as it has in previous discussions concerning American Lobster, that **consistency of regulations across the affected LCMAs of the Southern New England lobster population is necessary to ensure adequate understanding and compliance with regulations designed to rebuild this important fishery resource.**

The LEC lobster group offers the following comments and recommendations on the addendum's proposed management options (Page 23-24). These comments are grounded in the above-stated precept, and in accordance with the LEC's "*Guidelines for Resource Managers on the Enforceability of Fishery Management Measures*" (July 2009).

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

Option 1: No comment. The presumption is that harvest reduction is necessary to rebuild the stock.

Option 2: No comment. The group did not discuss this option in detail although there are no unique disadvantages to a moratorium that would hinder enforcement.

Option 3: The group focused on this option and the various alternatives. In general there was no strong preference for size limit changes vs. a closed season. However a consensus view was that a consistent minimum or maximum size limit change “across the board” that is sufficient to achieve the 10% reduction in harvest would be desirable for compliance and enforceability. Recognizing that such an approach would affect LCMAs and states differently and thus may present an obstacle to 100% consistency, the LEC lobster group strongly recommends that the American Lobster Management Board work diligently with states to ensure that, at the very least, a consistent size limit change is applied to those LCMAs that are contiguous or nearly so. This is especially important in states where significant landing points are reachable by fishermen operating in more than one LCMA.

Similarly, the LEC lobster group supports a closed season to the extent that it can be applied consistently across LCMAs. The same concerns applied to size limit changes apply here. Enforceability of any closure is severely compromised if there are different closed seasons in different LCMAs. At a minimum, contiguous LCMAs should have the same closed periods for effective enforcement. The LEC lobster group feels strongly that **any closed season should also include the requirement to remove all gear from the water during any closed period.**

Finally, to have any hope of ensuring sufficient compliance with regulations designed to rebuild the Southern New England American Lobster population, the LEC lobster group advises that officers in the field must, of necessity, enforce the most restrictive regulations in situations where different size limits and closed periods are employed in contiguous waters.

The LEC lobster group appreciates the opportunity to comment on Addendum XVII, and welcomes the opportunity for further discussion and input.