

RIMFC Lobster Advisory Panel  
March 19, 2008  
Jamestown, RI

**Meeting Attendees:**

Panel Members (\* = primary voting member):

\*Jody King, Co-Chair  
\*Peter Brodeur (Inshore Trap)  
\*David Spencer (Offshore Trap)  
\*Robert Smith (Inshore Trap)  
\*Todd Sutton (Inshore Trap)  
\*Jeffrey Jordan (Offshore Trap)  
\*Lanny Dellinger (Inshore Trap)  
\*Greg Lisi (alternate, A. Christopher)  
\*Dr. John Gates (Scientific)  
Dennis Ingram (alternate, T. Sutton)

Others:

Thomas Hall, Jay Johnston, Jerry Tremblay, Mike Tortolani, Austin Donnelly, Steve Seymour, Robert Braman, Harry Whilden III, Steve Crandall, Bill Cote, Gary Mataronas, Jr., Charles Borden, Ian Parente, Thomas Angell, RIDFW, Scott Olszewski, RIDFW

Meeting convened at 6:05 pm by Co-Chair J. King.

There were 25 people in attendance (see list above).

NOTE: Due to a conflict with hearings at the State House, some fishermen who wanted to attend the RIMFC Lobster Advisory Panel meeting were unable to attend.

**AGENDA:**

**1. Report on Lobster Escape Vent Study (Peter Brodeur / Tom Hall).**

**ISSUE:** Not receiving enough conservation credit for the 2" rectangular escape vent (and presumably the 2-5/8" circular escape vent); request for a new study and analysis of the conservation credit being given in the lobster stock assessment for escape vents.

Peter Brodeur and Tom Hall provided background information regarding this study.

- Concerns have been raised in the past regarding the study done by Bruce Estrella and Bob Glenn in MA (MADMF); some RI lobstermen are not confident in the results from this study and believe they are not receiving enough conservation credit for the escape vent; would like to have another escape vent study performed.
- P. Brodeur – new vent size became effective in January 2004; legal-sized lobsters are escaping from traps with the larger escape vent; do not believe the results of the Estrella/Glenn study; not getting enough conservation credit for the legal-sized lobsters that escape.
- RIDFW (M. Gibson) promised to re-visit this issue; no progress has been made to address this issue.

- Need better data to feel more confidence in the amount of conservation credit being given for the escape vent; not getting enough conservation credit by using the data from the Estrella/Glenn study for the lobster stock assessment.
- Tom Hall and Dr. Richard Crawford performed a study a few years ago (2003/2004?); have not seen the results of that study.
- T. Hall does not have the data anymore; must have thrown it away. T. Hall described the study that was done with Dr. Crawford.
- Used legal-sized lobsters; 3 night soak time.
- Over 50% loss of legal-sized lobsters with a 2” rectangular escape vent.
- Was not able to get funding for a more in-depth study.
- Study done by Estrella/Glenn is “bogus”; stated that the methodology used in the study would not withstand a critical scientific review.
- T. Hall offered to help with a new study of this issue.
- P. Brodeur asked for help from RIDFW to perform this study.

LAP Discussion/Comments:

- This is helping to put people out of business; not able to catch enough legal-sized lobsters.
- Minimum gauge size is not “matching” with the escape vent size.
- Got credit for using a larger vent size in order to reach the F10%; this was used as a management measure in place of stronger restrictions; this was approved by the industry at that time.
- If you want a smaller escape vent, you will have to come up with another management measure to replace it and provide conservation equivalency.
- T. Hall offered to help write a grant to get funding for this study.
- Need help from RIDFW in securing grant money to

**Motion by P. Brodeur to request that the State of RI (Director Sullivan) support a search for grant money to conduct a research project on the escape vent retention of the 2” lobster vent and 2-5/8” circular vents.**

**Second – R. Smith**

LAP Discussion of the Motion:

- J. Jordan - has concerns about the wording of the motion; set up a panel to discuss the parameters of the study rather than have the Director make the decisions on how the study would/should be conducted.
- D. Spencer – will not support the motion; very little money available to fund this study; there are more important issues that should be studied.
- L. Dellinger – What are we looking for by doing this?
- P. Brodeur – wants to have a “good” study done; this will provide the baseline data if there are any changes to the escape vent size in the future.

**Voted – 9 YES; 1 NO.**

**The motion passes.**

## **2. Definition of a Lobster Trap and other types of traps/pots.**

- Considerations for re-defining Non-Trap (Non Lobster Trap) gear types.
- Review regulations from MA, CT, NY, and NMFS

**ISSUE:** This issue has come to light because of the Area 2 Effort Control Plan (trap allocations); people with small lobster trap allocations, or no trap allocation, are starting to deploy increased numbers of so-called “fish pots/traps” and/or “crab pots/traps” in order to have access to a catch of lobsters.

### LAP Discussion/Comments:

- There is already a definition of a “lobster trap”; can use escape vent sizes to define a lobster trap.
- It is not so much the definition of a trap, but what you can take/keep from a trap.
- This may have implications for the lobster trap effort control plan; increased use of “other trap types” will likely increase effort (and fishing mortality) on the lobster resource.
- Suggestion to have the “fish pots” have the same regulations as lobster traps in terms of escape vents and biodegradable vent.
- Suggestion to have a license for “Non-Trap” gear types.
- The original intent of the “Limits on Non-Trap Lobster Landings” regulation was to deal with mobile gear types (otter trawls).
- Suggestion to prohibit taking lobsters from “fish pots”.
- Comment that allowing increases of other trap types that have the ability to catch lobster will undermine the efficacy of the lobster effort control plan.
- This is also related to whale entanglement issues; end lines in the water; the higher the percentage of the non-trap lobster catch, the more this issue will be scrutinized.
- Comment that every license holder could increase their use of “non-trap” gear types.
- Rebuttal comment; not necessarily, due to economic factors.
- Don’t want to have to make 2 separate fishing trips to haul lobster trap gear and non-trap gear; should be able to do this during the same fishing trip.
- Comment that recreational licenses should also be considered.
- Transferability also plays into this issue.
- Comment that other states (MA, CT, NY) do not allow the taking of lobster with “fish pots/traps”.
- Federal lobster permits are bound by “most restrictive”; any trap that is capable of catching a lobster is considered a lobster trap.
- How do we protect people that have been using “fish pots/traps” and taking a by-catch of lobster and not have an adverse effect on the lobster trap effort control plan? How do we allow people to continue to fish as they have been without eroding the trap effort control plan.
- If people use both lobster traps and non-trap gear during a fishing trip, then they should be held to the “most restrictive” regulations; limited to 100 lobsters pr day.
- Suggestion to have an Exemption Certificate to be able to fish both lobster traps and non-trap gear types.
- Suggestion to put a limit on the number of “black sea bass pots/traps”.

- Suggestion for a limited-access black sea bass fishery, based on historic participation.
- Suggestion to have a limit of 100 (or 200) black sea bass pots/traps.
- Suggestion for a 30 pound lobster by-catch for “fish pots/traps”.
- Recommendation to create a “strawman” document to try and deal with this issue.
- Comment that RI needs to implement a transferability program as soon as possible; this will help this situation.
- MA, CT, and NY do not allow lobsters to be taken from “fish pots/traps”.
- Suggestion for a prohibition on taking lobsters from fish pots (scup and black sea bass pots) and crab pots.
- Enforcement concerns; use of multiple gear types (lobster traps and non-trap gear types) during a fishing trip; impossible to enforce “most restrictive” rule when both lobster trap gear and non-trap gear are used during a fishing trip.

### 3. **“Most Restrictive” Rule.**

- Explanation of RIDW policy change relating to implementation of the “most restrictive” rule.

T. Angell reviewed the reason for the change in RIDFW policy.

This applies to federal permit holders who have lobster trap allocations in multiple lobster conservation management areas.

As part of the Lobster Trap Tagging Program, RI entered into a “Memorandum of Understanding” (MOU) with NMFS to allow RI to issue lobster trap tags to resident federal lobster permit holders. As part of that MOU, the State of RI was obligated to follow the NMFS rules and regulations, including their “most restrictive” rule. The NMFS “Most Restrictive” Rule states that (paraphrased) “if multiple lobster conservation management areas are declared on the permit, then the most restrictive management measures for the declared areas shall apply.” This means that if a federal permit with an Area 2 lobster trap allocation of 800 lobster traps and an Area 3 lobster trap allocation of 300 lobster traps declares both Area 2 and Area 3 on the federal permit, then the permit will be limited to fishing the more restrictive number of lobster traps no matter where the permit fishes. At the same time, the ASMFC came out with a different interpretation of what “most restrictive” meant, and RI adopted the policy to follow the ASMFC interpretation of “most restrictive”. Under the ASMFC interpretation of “most restrictive”, a federal permit with an Area 2 lobster trap allocation of 800 lobster traps and an Area 3 trap allocation of 300 lobster traps would be allowed to fish a maximum of 800 lobster traps in Area 2 and could also move 300 of these lobster traps and fish them in Area 3. For several years, RI issued lobster trap tags under the ASMFC interpretation of “most restrictive”. Recently, the NMFS informed RI that it was violating the MOU and had the option to either dissolve the MOU or abide by the NMFS rules and regulations as they relate to federal permit holders. This resulted in the change in RIDFW policy to follow the NMFS “most restrictive” rule instead of the ASMFC interpretation of that rule.

- Affect on multiple-area federal lobster trap allocation holders.

If you declare multiple lobster fishery management areas on your federal permit, you must abide by the most restrictive management measures for the areas declared, including number of allocated lobster traps.

LAP Discussion/Comments:

- Comments that many fishermen do not agree with the NMFS most restrictive rule as it pertains to trap numbers/allocations; think that the ASMFC interpretation is more fair.
- This needs to be addressed at the ASMFC Lobster Management Board level.
- Will the ASMFC interpretation be repealed by another addendum?
- Another issue involved in this issue is how trap allocation transfers will be tracked.

**Motion by D. Spencer to recommend that the RI delegation to ASMFC support the ASMFC interpretation of most restrictive; recommend that a subcommittee be formed to give this issue similar attention as the transferability issue.**

**Second – D. Ingram**

LAP Discussion of the Motion:

- If you want the Addendum XII document to move forward, then let this issue be heard and form a subcommittee to continue to address the “most restrictive” rule.
- There will be an ASMFC Lobster Advisory Panel meeting on March 27<sup>th</sup>. This issue should be asked to be addressed at this meeting.

**Voted – 7 YES, 0 NO**

**The motion passes.**

**4. Other/New Business.**

- **Request for another LAP meeting to discuss the “Non-Trap” issues.**

Meeting adjourned at 8:30 pm.