

**PROCEEDINGS**  
**of the**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**AMERICAN LOBSTER MANAGEMENT BOARD**

Doubletree Hotel  
Alexandria, VA  
February 22, 2006

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## **ATTENDANCE**

### **Board Member**

Pat White (ME)  
George Lapointe, ME DMR  
Sen. Dennis Damon, (ME)  
John Nelson NH F&G  
Rep. Dennis Abbot  
G. Ritchie White (NH)  
Dan McKiernan MA DMF  
Bill Adler (MA)  
Vito Calomo, proxy Rep. A. Verga (MA)  
Mark Gibson RI DEM F&W  
Jerry Carvelo, Proxy Rep. E. Naughton (RI)  
Eric Smith CT DEP MF  
Lance Stewart (CT)  
Sen. George Gunther (CT)

Pat Augustine (NY)  
Brian Culhane, proxy Sen. O. Johnson (NY)  
Pete Himckek NJ DFG&W  
Erling Berg (NJ)  
Craig Schriery, proxy T. Target (DE)  
Bernard Pankowski, proxy Sen. R. Venables(DE)  
Howard King MD DNR  
Bruno Vasta (MD)  
Russell Dize, proxy Sen.R. Colburn (MD)  
Harry Mears (NMFS)

### **Ex-Officio Members**

Penny Howell, Tech Chair  
David Spencer, AP Chair

### **ASMFC Staff**

Vince O'Shea  
Bob Beal

Toni Kerns

### **Guest**

Bob Ross NMFS

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

*AMERICAN LOBSTER MANAGEMENT  
BOARD*

DoubleTree Hotel Crystal City  
Arlington, Virginia  
February 22, 2006  
- - -

The meeting of the American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the DoubleTree Hotel Crystal City, Arlington, Virginia, on Tuesday, February 21, 2006, and was called to order at 1:30 o'clock, p.m., by Chairman John I. Nelson, Jr.

CHAIRMAN JOHN I. NELSON, JR.: I now have the representatives from Connecticut and Rhode Island arriving promptly and so we can now start the board meeting so welcome to the Lobster Management Board.

I am your vice chair filling in for the chair who is indisposed. Tanning as we speak, yes. It's seventy-some-odd degrees down in Florida and I think that that's appropriate for a Mainer to be at this time of year.

Looking at our agenda, which everyone should have received it on the CD, we have the agenda. We have one. Under other business we are adding the AP nominations. Is there anything else that anyone would like to have considered for the agenda? Seeing none, **the agenda is approved with that modification.**

Proceedings from October 2005, I know everyone went right through those in great detail. Any objections or any modifications to those? George was quoted correctly

everywhere? Okay, seeing none, **without objection the proceedings are accepted.**

Public comment, at this time we would be happy to entertain public comment on items that are not on the agenda. Is there is anything else that you'd like to bring to the attention of the commission I'd be happy to entertain those at this particular time, keeping in mind that during the discussion of the items on the agenda we also allow public comment on each of those items.

As soon as my staff gets up from underneath the table -- I think we know where the rest of those beers went last night -- we are ready to move ahead. That's why I'm only going to be chairman one day here today, because staff will not allow me to show up again. They might have.

Anyway, we're going to go over a number of things. We have the Draft Addendum VIII and we also have the draft PID Amendment 5. We're going to go over the Addendum VIII first and Toni is going to walk us through that and I'll turn that over to her.

### **Addendum VIII**

MS. TONI KERNS: Thank you, Mr. Chairman. If you do not have a copy of Addendum VIII -- it came in your supplemental meeting materials -- there are copies on the back table. There are also copies of the PID.

As John said this is Draft Addendum VIII to the Lobster Management Plan. This addendum was initiated at the annual meeting to include recommendations from the 2006 stock assessment.

The timeline for this addendum is, if approved today for public comment would

go out for public comment in March and April. The public comment date that I have currently is April 7<sup>th</sup> to be able to incorporate the comment summaries on the meeting CD for May.

This period can be extended if you do not want the summaries on the CD and an additional mailing could be sent out. But I know that the board usually likes everything succinct on the CD so that's why that date is a little bit sooner than normal. And then the review of the comment would be at the May meeting and final action would take place then as well.

At the last meeting we had discussed including the stock management or the stock unit areas in the addendum. And it turns out that by accepting the stock assessment document we actually have accepted the new stock unit areas.

So up on the screen you will see that we've accepted these new areas. The Gulf of Maine remains the same. Georges Bank south now becomes Georges Bank and just includes the offshore portion, none of the southern area. And SCCLIS becomes Southern New England which includes that southern portion that used to be part of Georges Bank south.

The purpose of this addendum is to explore establishing new biological reference points based on the stock assessment recommendations as well as to establish consistent coast-wide monitoring and reporting criteria.

Under biological reference points currently we manage under F10 percent to determine stock status. Under Addendum II the egg production must be restored before the end of 2008 in each stock area.

So in this statement of the problem for the biological reference points current F10 percent does not distinguish between a depleted stock, which means a stock at low abundance, and a stock where overfishing is occurring, a stock where fishing mortality rates are too high.

In its current application F10 does not -- sorry. F10 percent requires the assumption for a stability in the population for as long as the animal's lifespan is. Another problem with the F10 percent is that a single percent MSP doesn't distinguish between management targets, thresholds and limits.

The resource status by stock area relative to F10 percent has been inconsistent with the fishery performance. And areas with the lowest egg production levels have increased in landings and abundance with areas of the highest egg production levels have declined to 25 year lows in landings and abundances.

We also have seen uncertainty about the scale of fishing mortality makes in the current overfishing definition problematic. What this means is one of the things is we don't have a decent amount of information on the growth estimates.

We do have estimates for the smallest animals but not anything for the larger animals. And so therefore you can't have a fishing rate unless there is dependable growth estimates. Age data would allow for clear distinction between the recruits and the legals.

So if we don't know what the growth estimates are, how they're changing, therefore we're not in equilibrium with the stock and therefore we can't make certain certainty estimates on how the stock is doing. It also includes uncertainty with M.

So the recommendations in this assessment should be based on estimated trends in abundance and fishing mortality. And these trends will allow us to ground truth the results of the stock assessment.

So the first management option under biological reference points is to remain status quo which, meaning that we're overfished if the recent fishing mortality rate exceeds F10 percent. And this is how we've been managing since Amendment 3.

The second option would be to establish new reference points and targets. Targets and thresholds would be established for abundance. This would reduce risk in being below the abundance threshold. And then targets and thresholds would be established for fishing mortality and this would reduce the risk in exceeding the F threshold.

One of the shortcomings of the new approach is that the stock of, the status of each stock is based solely on the comparison of the 22-year trend and in order to collaborate this comparison the stock assessment also examines trends and a suite of indicators for the same time period.

So for most stock areas it's '82 to present. For Southern New England it's '84 to the present. These indicators were chosen as the measures of fishing mortality, stock abundance and the fishery performance. And if you remember from the stock assessment that's the stoplight approach that we had discussed.

And up on the screen you will see the fishing mortality targets and thresholds for each of the stock areas. And you can see that we are below the threshold and target for both the Gulf of Maine and Georges Bank stock but above the threshold and target for the Southern New England stock.

So if these reference points were to be adopted we would need to establish a rebuilding plan for the Southern New England stock.

The second portion of this addendum contains information on monitoring and reporting. Under Amendment 3 states must maintain at least their current -- meaning in December of '97 -- reporting and data collection programs. And these were very minimal to no programs in most states.

The statement of the problem that we see with this monitoring and collection program is that we need accurate and comparable landings to assess the impact of fishing on lobster populations. Standardized mandatory reporting of landings data coast-wide would improve the lobster stock assessment.

The 2004 lobster model review panel and the 2005 stock assessment review panel found that the data are woefully inadequate for the management needs for this lobster fishery. And it's the primary limitation on the ability to manage the fishery.

And then there is a need to develop consistent techniques that monitor the distribution and abundance of lobster independent from the fishery. Some of the current methods that we use to do this are trawl surveys and the ventless trap survey.

So the management options for the data collection and monitoring. Option 1 would be to stay status quo. Again, it would be requiring states to maintain the 1997 levels of reporting. In Addendum I to Amendment 3 there is a list of data collection methods that are encouraged but were not required and those are listed in the addendum.

Option 2 is a coast-wide mandatory

reporting and data collection system. This would be a bear minimum standard that the technical committee has established to have good data for an assessment.

And the third option would be an expanded coast-wide mandatory reporting and data collection program. This was put together also by the TC as a listing of all the data collection that they would like to see, sort of pie-in-the-sky system.

And the differences that you would see between the mandatory and the expanded coast-wide selection are as follows. Under the minimum standards included in the two trip ticket system we would also not only report the weight in pounds but the quantity of lobsters.

Under the areas that you would report having landed instead of just by statistical area we would want the smallest area possible, preferably a ten-minute square, to differentiate between inshore and offshore areas.

Under fishery dependent data under the biological characteristics we would also collect other biological information to be collected such as tissues for genetic or toxicity analysis, stomach contents for food and habitat assessments and gonads for maturity schedule confirmation.

We would also collect a series of fishery effort information including fishing location, set time, traps per trawl and/or trawls sampled. Under the port sampling program we would again collect other biological information and also link the dealer and the harvester records by a unique trip number to allow a trip-by-trip analysis.

And lastly we would include fishery independent data collection systems and that

all statistical areas should be sampled by at least one annual trawl survey, either ventless trap and the young of the year survey. And so those are the differences between those two management options. And that concludes my review of Addendum VIII. I will take any questions.

CHAIRMAN NELSON: Okay, do we have any technical or any advisory board folks that want to provide some insight? David, do you want to add anything as far as advisory board points on the addendum?

MR. DAVID SPENCER: Thank you, Mr. Chairman. Very briefly, the AP did discuss one of these issues, not specifically because this wasn't crafted yet, but we did reach a consensus that there needs to be better data collection and that the TC should designate what data is needed for assessments and that data should be used to design a data collection system.

The only thing we would ask is that there be some care given so that there is not redundancy for fishermen if they have to fill out one report. We'd rather not fill out three or four. Thank you.

MS. KERNS: I forgot to include that one state does meet the Option 2 data collection standards and that is Connecticut. And that's the only state that does meet that.

There are other states that come close to meeting those needs such as New Hampshire who the only thing that's slightly different is that they allow for fishermen who land under 1,000 pounds to report on an annual basis. And New Hampshire has developed a system of data collection that's different from the SAFIS that their fishermen have found to be a very simple and useful system.

CHAIRMAN NELSON: Which we're willing to share with all of our colleagues. Well, you're a colleague, too. No, that is one of the items that as we were developing our sampling or our reporting system we realized that SAFIS had a long ways to go primarily as being user-friendly.

And what I asked my staff to do was to come up with a system that would be a lot more simpler so that even I could use it. And they, quite frankly, succeeded in doing that. And we have a package that we can, I'll distribute to fishermen and it's pretty self-explanatory, a lot of pop-ups, not the type you get on your computer but they fill in after you do it once. It's a standard fill-in. The computer will do it for them.

And we're preparing to send that around to the other states so that they can take a look at it. And I think that it might facilitate the reporting. It certainly takes a lot of pain out of it.

And in the meantime SAFIS is being developed, is trying to be developed pretty much along the lines of what we did. And we just haven't gotten to that stage yet. So once we get there then hopefully we'll have something that's very compatible.

But having said that I see hands already reaching for attention so let me ask, are there comments on the addendum? And I will start down with the esteemed Pat Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Nelson -- Dr. Nelson today. I think it's an excellent document. There is no question that it has been well thought out and well put together and the group that put it together did a good job.

The only question I have is a comment that

Dave made from the, Spencer made from the advisory panel. Is there any action we should take on that or could take on that that should be considered as an addition or change or clarification?

CHAIRMAN NELSON: Well, Dave mentioned about the need to have the better data collection system and I think that's what they're trying to look at under these other options, to be more complete.

One is, as Toni mentioned, reaching for the stars. And I will list that as Option 3. The other one which is Option 2 is what I think we're really striving for as far as being able to get something in place that will provide an awful lot of information that we don't have and really, you almost have to do this in kind of degrees of acceptance.

MR. AUGUSTINE: Okay, then, follow on, Mr. Chairman.

CHAIRMAN NELSON: Yes, go ahead, Pat.

MR. AUGUSTINE: Whenever you're ready for a motion.

CHAIRMAN NELSON: Let me get a couple comments because we do have a request for adding to the addendum. And so let me go through these two items first of the reference points and then the monitoring and reporting. Is there any clarifications that are needed on that or does anyone have any problems with those? Well, Bruno had his hand up and then I'll work my way around.

MR. BRUNO VASTA: Thank you, Mr. Chairman. I was wondering whether or not between the Option 2 and 3 and the coast-wide mandatory reporting, what are the financial implications in implementing either one of those?

MS. KERNS: For each state, Bruno, it's going to be a different financial burden to do Option 2 because it depends on the level of data collection system that they currently have.

For adding the Option 3 I think that the financial burden will be significantly higher due to some of the fishery independent collection system as well as the biological system, collection system. I don't have exact numbers for you since everybody does a different amount of collection on their own already.

CHAIRMAN NELSON: Bruno, I think probably the simplest way of looking at it is we have two folks onboard now that are working on this reporting system. They've gone through the dealer reporting for us already and so that's in place. And they are now doing the harvesters.

And they are the ones that actually developed this simplified approach. But at least initially to get the packages out to get the, do the outreach, we felt we needed two people fulltime. We were hopeful that eventually when it becomes routine we're really looking at a single person being able to handle that type of thing.

But you can envision from that at least the dollars that probably are necessary for most states. And some states that are a little bit longer coastline than ours might need one extra person. Let me just work my way around if I could. I've got you, Eric. Let me just work my way around. I had George and then Bill.

MR. GEORGE LAPOINTE: Thank you, Mr. Chairman. I've had a lot of talks with Toni about the addendum. And because there is a, the data issue is still problematic

for the state of Maine. And I just want to let people know that it's going to continue to be that way.

Following our annual meeting my staff went out again to try to talk to people to try to get some more acceptance in terms of data collection in the lobster fishery. And we didn't make progress; we regressed.

And so we are going to, people should be aware that we can go out to public hearing -- and we will -- but we're going to be in an awkward spot I think of not being able to support part of the addendum because of the political resistance all across Maine.

And I don't, I just want people to be aware of that. There is no bad intention involved in this. As I said, my staff went out and tried to sell the program and the merits of it a number of different ways with groups like the Maine Lobsterman's Association and we have gotten no traction.

So people just have to be aware of how incredibly difficult this is going to be for the state of Maine, obviously depending on what people choose. But we have been trying to promote the right thing. I'll let Senator Damon speak for himself. It will be no easier in the legislature at this point. And so I just want people to be aware of that.

CHAIRMAN NELSON: Thank you, George. Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. I have a couple of things. First of all, on the -- while we were just talking about the reporting -- I did see that this pie-in-the-sky one is going to be, would be very complicated.

We have in Massachusetts a pretty good system so we have something and it's not

burdensome. I would caution that if you make it more burdensome there will be a problem even in Massachusetts with the fishermen.

I know that if this is ever adopted and this might be a little early for this but if it is ever adopted it would be necessary to try to work out what type of a form would have to be filled out by the fishermen because I know I have to fill out a federal form right now.

Because I have a groundfish permit I have to fill out a federal daily trip report for lobsters -- although if I just had a lobster license I wouldn't have to -- and it's very complicated.

And the questions they ask are not germane to the way lobstering is done so there would have to be some type of a work maybe with some fishermen as well as the agencies of the various state agencies to get something which is simple, easy to do, and probably not daily because you don't have enough manpower and you don't have a big enough building to handle if you're thinking of 10,000 fishermen trying to pass papers in all the time. So, this could be problematic.

I wanted to move on to target and threshold. Who would figure out and would it be done after an addendum was approved with regard to what is that target and what is that threshold that we would then have to look at this whole thing and to see where we are on the scale?

Everybody is used to the F10 number game. And now if we're going to do targets and thresholds who figures out the target number and the threshold number? And is that done after an addendum approves doing it that way? Is that how that works?

CHAIRMAN NELSON: Bill, I think Toni

had a table up there that did show.

MR. ADLER: I saw that. That's it?

CHAIRMAN NELSON: That would be what the existing stock assessment based the -- let me say it. That's what they are using as the numbers, the mortality threshold and the mortality target and where we're at for each of those areas.

MR. ADLER: All right, and the last question I have is on Page 10 the at-sea observer program. I'm all in favor of having an observer program but the problem with mandatory -- recently the U.S. government has just come out with provisions that say that if an observer program is mandatory and an observer shows up that if the fisherman does not have a Coast Guard decal on his boat he cannot leave the port to go fishing for that day.

When I called the Coast Guard on this they indicated that they tried to stop this because it was, they didn't have enough people to try to get this on every boat -- and if you think of the lobster fishery you've got a lot of boats.

And also when I talked to the Congressman's office about this very program he sent me back paper that said this is required, yes, and the MMPA does require Category 1 fisheries to be on that program.

But then it said if a mandatory, this is mandatory but only for those fisheries for which an observer is a mandatory requirement. Lobster is not. So, he said that the fishermen need not worry about having an observer show up on the dock and say I want to go out with you; oops, you don't have a sticker. You're done for the day.

And I'm just looking ahead and I'm saying

an at-sea observer program is a great thing. And I think it should be. But if you make it mandatory then I'm worried that the lobster fishermen will fall under that federal law and this thing could happen.

Whereas, right now it doesn't happen because they're not required. So I'm just, I'm hesitant on the at-sea observer program. I do think a program is nice but it doesn't have to be mandatory. Thank you.

CHAIRMAN NELSON: Thank you, Bill. Toni to Bill's point.

MS. KERNS: Bill, just so you know, that the mandatory at-sea observer program is actually just a part of status quo. Under -- as I said before, under Addendum I to Amendment 3 they made a series of recommendations that they encouraged each state to put forward and that was one of those recommendations. We did not make any recommendations in Option 2 or 3 to have any mandatory at-sea observer programs.

And to your first question about those people that have to fill out a federal data collection system through your multi-species permit, I think that, I believe that ACCSP is working with the federal government on having some sort of single data collection system and that we could try to work with them to see how that is moving to do something similar for this so we wouldn't have dual reporting.

MR. ADLER: If I may, Mr. Chairman, yes, that's good. One system would be better with the right questions asked and probably not on a daily trip thing. Perhaps, you know, once in a while they could report however they need to get the information.

I am in favor of reporting because I think

you need that information. It's just you've got to make it user-friendly and I just get worried if you're going to get too complicated. Thank you. I'll stop.

CHAIRMAN NELSON: Thank you, Bill. All right, Dan.

MR. DAN McKIERNAN: A question for you, John. In New Hampshire when you have a thousand pound cut-off to determine which level of reporting the fishermen need to comply with, is that decided based on the previous year's landings?

CHAIRMAN NELSON: Yes, it is. We have them all report and we set people up in different categories. What I did for the first year was look at how many were reporting and to try to get it to the point where we actually didn't have a lot of paper flowing. We wanted to do it more electronically.

And I wanted to have the emphasis on the development of that type of program and therefore deal with lesser numbers of people. We're still dealing with several hundred people that would be reporting on a monthly basis but we have about three or four hundred that would be then reporting on an annual basis, the same type of information but on the annual basis.

I thought that would make it a little bit easier for everybody to have that type of phase-in. And so far it seems to be working. And, again, when we get that we'd be happy to have staff go to any of the groups and demonstrate them.

I think it's, we'll work it out on our state. Connecticut is also pretty much along the same lines. But I think it's going to be very user-friendly and, like I said, allay a lot of the concerns of folks on multiple reporting and that sort of thing.

Eric, you were next. Do you want to talk about the two items that we have? Okay, and then I have Mark down there and then we'll come back to you, Eric, for.

MR. ERIC SMITH: Thank you. Excuse me. I had a comment on Section 3 which is the reporting. This is almost tone more than substance but it came up in the herring plan also. There are three places in here that says the ACCSP commercial data collection program will be a mandatory trip-based system, on and on.

In reality the ACCSP program establishes standards that all of the partners of ACCSP are encouraged to adopt. They really aren't mandatory in ACCSP. And I had to go right to Maury and Bob to really tease this out in the herring plan. And I think we ultimately changed it in that document.

I would only ask that those three places be re-written slightly to reflect that it's mandatory on the part of the program design of ACCSP but ACCSP does not mandate these data collection efforts.

It may seem like a nuance but it's really important and it's kind of what I think got Bill Adler a little concerned, that let's not overreach in this addendum. Let's try and get as many jurisdictions as possible to get as good data as they can. And I think we can re-write this to be more accurate and still capture that point.

CHAIRMAN NELSON: Okay, Eric, where were you in the document? I'm sorry, I was —

MR. SMITH: Top of Page 9, middle of Page 9 and top of Page 10. There are three places where it refers to ACCSP as a mandatory program. And I would simply,

well, as I've said, suggest that we just tone that a little bit differently to capture that it's the program design that is intended to have every participating entity reach up and pull themselves up to that standard but it's not mandatory.

CHAIRMAN NELSON: Okay, what staff will do is check for the language. If it's in a previous addendum as mandatory, then you know we have a little bit of a problem because you know that's history and you can't necessarily change that in this.

But if there are areas that can be, if you would massage to reflect the intent overall, why don't we have staff take a look at that. You've highlighted the particular ones that you were concerned about and where they can they'll address that.

MR. SMITH: That raises a question if we made a mistake in the past is this the time to fix it.

CHAIRMAN NELSON: I think it is but let me, let's have staff take a look at it. If they find that indeed they don't have to use that type of language we're saying to them to insert it or massage it accordingly. Is that okay? All right, I had Mark next.

DR. MARK GIBSON: Thank you, Mr. Chairman. My concern is with Section 2.3, management options. It seems that we, in my view, have a too narrow range of options for fishing mortality rate, thresholds and targets.

It looks to me as if we're faced with picking the best or the best of the worst, as it were, with two options which look to me both would institutionalize overfishing in the Southern New England area as well as the Gulf of Maine area.

The target mortality rates in the case of Southern New England is not much different, maybe 12 percent lower than the F10 target mortality rate. And the Gulf of Maine is I think about double what the F10 value used to be. I'm not too concerned about Georges Bank.

But these mortality rates were institutionalized and have led to a truncated size distribution, a reliance on recruits in the fishery which that reliance has proved to have disastrous results in Southern New England when you don't have any buffering capacity. So I'm wondering, I guess I have that concern.

I have two questions, one for the technical committee. Has there been any discussion or analysis of other target mortality rates that would lead to a size composition extension? And for staff, is there an opportunity to add an option in here given the constraints of the peer review panel findings?

CHAIRMAN NELSON: All right, let me turn to our technical folks and see if that has been discussed.

MS. PENNY HOWELL: Yes, there has been lengthy discussion. And these, I think target might be overstating the technical underpinning of the number. The interim measures based on the median are just that.

They're meant to get us off square one and moving forward. And the target that's tied to that -- and you make a good point, Mark, that it is tied in some cases quite tightly -- is meant to be sure that if you make that particular target you have for sure gone above or below the threshold, depending on whether it's abundance or F.

It's only a minimum insurance policy, if you

want to put it that way. The technical committee fully intends to pursue better measures of stock health and new models. We were just stymied with the models that we had were not adequate.

We couldn't get where we needed to get. So this is meant to be an interim measure to get us moving. And we're going to continue to look at better ways of measuring it that have a better biological trigger point to them as the peer review suggested. Does that answer your question?

DR. GIBSON: That takes care of that part of it. What about from staff relative to is there an ability to redirect -- and I would be able to make a motion to that effect -- to ask for the technical committee to produce a third alternative which would be more conservative fishing mortality rate targets that could lead to a size structure expansion in the population and the degree of resiliency.

If I'm understanding what Penny is saying, she's saying they don't have the technical basis to do it. So if that's the case, then the motion would be pointless.

MS. HOWELL: Yes, if I had it I'd give it to you.

CHAIRMAN NELSON: Mark, I think the answer to your comments is that they are still going to be working on trying to come up with a better process, if you will. I think if we gave direction to them to try to do this at this particular time that means the addendum is not going to go anywhere for who knows how long.

And so it's really looking at do we move ahead with this as an intention of the interim measure, interim process, or totally delay this. And I think that's what the board will

have to keep in mind in their discussion.

DR. GIBSON: Thank you.

CHAIRMAN NELSON: Okay, thanks. Dennis.

SENATOR DENNIS DAMON: Thank you, Mr. Chairman. I have to echo I think what George has said in terms of the problems that this presents to us in Maine.

As we have gone out to the various fishing groups I have attended some but not all of the meetings but the meetings that I have attended I have come away with the same sense of frustration in that there is a certain suspicion and maybe even paranoia in some circles with regards to why we're trying to do this.

You know as well as I know why we're trying to do this. It's for better science, better data collection. But it's a fairly big step. And as with all policy that involves taking those big steps, sometimes it's advantageous to present it, give time a chance to work on it, and then bring it forward for inclusion at a later date.

It would be unfortunate for Maine in particular I guess to be in non-compliance if this were to go forward with an option other than status quo. That's yet to be decided. But I just want to tell you that the difficulty that we faced not only in the fishing community but it also has come before my marine resources committee.

And as we have discussed it legislatively it has likewise had very cool reception if not cold. And that needs to also change. And that change is going to have to take place but it's over time.

And I think that the best that we can do there

is to introduce it, to let it be talked about to understand why it's to be changed and then to try to change it. So I would caution us to go too fast, too soon. Thank you, Mr. Chairman.

CHAIRMAN NELSON: Okay, thank you, Dennis. And, again, keep in mind what we're proposing at this particular juncture is to bring this out for public hearing and get those types of comments. I would hope that as our state -- and I'm not using ours as an example but we probably have a lot of our guys are probably related to your guys one way or another.

And if they see that the reporting system that's being put in place actually isn't that bad that maybe that will help sway them. And getting groups of them together, you know they all talk so if ours is a disaster you'll know about it and that will be the kiss of death up our way. But if it works that might help with your problem, George.

MR. LAPOINTE: Without commenting on the genetic makeup of lobstermen on either side of the Piscataqua River, I just, I originally was thinking about voting against the addendum because of my concern about this.

I don't want to underplay how tough it's going to be. I think we will go out to public hearing. We will try again. But I just want, I mean I don't want people to raise their expectations about how easy this will be after a series of four public hearings in the state of Maine.

CHAIRMAN NELSON: Thank you, George. Harry, you had something on these particular points?

MR. HARRY MEARS: Thank you, Mr. Chairman. For purposes of clarity where

we're talking about data collection, and having just gone through qualification procedures for historical participation in Areas 3, 4, and 5, and also what we're going through now for qualifying and allocating traps, that's on the drawing board now for Area 2, where we talk about total number of traps hauled in each area, number of pounds landed in each area, I would strongly advise -- and I think it's implicit but it's not explicitly stated and I think it should be -- that it should be total number of traps hauled in each area by longitude and latitude because by statistical area really doesn't get us there. Sometimes that encompasses three different portions of three different management areas.

And even ten-minute squares as indicated in Option 3 doesn't give us a level of resolution not necessarily for resource management but for information documentation purposes of individual lobstermen.

So I think it would be a mistake if we didn't at this point recognize how important resolution of reporting, should we go forward with reporting as identified in particularly Options 2 and 3, to stress that when we collect information of where traps are hauled and where pounds are landed that that be accompanied by longitude and latitude coordinates.

I think that's a friendly suggestion. I don't think it's major. But I would like to suggest that wherever it's mentioned throughout the options about numbers of traps hauled, pounds landed, that that be clarified by the language, by the longitude and latitude coordinates.

The other accompanying point I have is in the very beginning on Page 9 under commercial catch and effort data collection

programs, it refers to ACCSP collection program and that the reader should refer to the program design documents for details.

I'm not sure whether it's the intent to append that design document to this addendum. I don't think it is. But if it does, that would be fine. But if not it should at least give a Website or a contact where that program design can be obtained from. Thank you.

CHAIRMAN NELSON: All right, Harry, thank you. The staff has written that down. I think they'll see what they can do as far as the geographic.

I would say that in one of our discussions with the commercial guys -- you heard George -- but our folks are basically willing to report as long as it's a basic, general area rather than the specific sites that they put their traps at particular seasons because they still don't quite trust big brother in that regard.

So that might be a step-wise process that we might be looking for. And of course it's easier for us in our area to get generalized areas and still be fairly specific. To that point again, Harry.

MR. MEARS: Yes, very quickly. I do realize that concern but at the same time I recognize the extreme difficulty some of our permit holders did have in compiling the information that would have been to their advantage had this type of information been recorded. It simply was not.

So I think there is another side to that. I think certainly we would get comments to that issue during the public hearings but I'm hoping that that I think should be a preferred option, should be so identified.

And if it's extremely counter, the sentiment is counter to that intent, we will hear about it and vote accordingly when we vote on the addendum. But the amount of resolution has, where it's not there is an extreme hardship to individual permit holders and their ability in such cases to document where and how they landed their catch. Thank you.

CHAIRMAN NELSON: Harry, were you thinking of that being in Option 3?

MR. MEARS: I'm thinking of it being in each option. I know in Option 2 it talks about statistical area. I don't think that's sufficient because like I said sometimes three different areas are in the same statistical area.

Option 3 is better, ten-minute squares. But still that might lead to -- I think that's the best out of how it's stated but I think even there across the board it should be by longitudinal, latitudinal coordinates.

CHAIRMAN NELSON: All right, Harry, I'll tell you what. Why don't after I get done with the various comments on this if you want to make a motion to include that in as the type of example that we might be looking at then we can have that. I had Pat and then Dan.

MR. AUGUSTINE: Thank you, Mr. Chairman. I was going to follow up to that point that Harry had made. If we're going to consider this as a motion and add on to what we've said here, is there another statement that could be added to that that indicates that the confidentiality of that would be protected, similar to reporting catch reporting and that sort of thing?

In other words, who would have access to it? And the biggest concern I would say on

behalf of our fishermen that got, if that information got out and as John had mentioned it could be displacement of those folks' pots from that specific area.

So if we're going to put it on the table, I think there has got to be some assurance by the reader who might select that particular option to support that it's not going to be just, okay, we support it but it's not going to be an open door. Maybe, John, the technical committee could look at that.

CHAIRMAN NELSON: It does, the confidentiality issue is certainly something that we always stress. And staff can add that type of language no matter what to those options just to make sure that it's very clear that we are dealing with the normal confidentiality approach which does not give out individual's, any information. It's all lumped. They have access to theirs and we do but nobody else will. All right, Dan.

MR. McKIERNAN: Just quickly, would it help if that aspect of the requirements said at least by statistical area and LMA? I think that would help like the NMFS case where within one large statistical area you have one or more LMAs.

I think if folks had to report and designate which portion of their landings in a statistical area were attributable to one LMA or another. In most cases it's going to be all one LMA. It's those rare cases where guys cross over. Could that be included?

CHAIRMAN NELSON: Well, I'm getting a question now so instead of having a motion, does anyone really object to having that in as an example of that's what we're looking for so we can get public comment?

I think that's what Harry is looking for, too, is to have people aware that this is one way

we could go and do they have a concern about doing that. Seeing no objection to that, having it in there as for public comment on it, using it as an example, we'll have staff add that to Option 3 anyway. All right, go ahead, Bill.

MR. ADLER: Thank you, Mr. Chairman, a question almost to Harry when he gave latitude, longitude, ten-minute squares. I don't know if he is referring to each set or general area. Once again I'll go back to my federal reporting where they ask me where I'm fishing and they say put the lat-long or the loran number.

And where I put the loran number for that day I don't have a trap there because what it is, is, okay, I have traps out here. I have traps in here. And the number I give them is somewhere in between.

And I didn't know, I mean if the guy's got 30-40 trawls is he supposed to put down each lat-long or each thing? And there will be that question. If it goes out there will be that question at public hearing.

CHAIRMAN NELSON: We'll phrase it very carefully here. Anything else on those two options, 2 and 3? Okay, it seems like we pretty well have those squared away. Let me go to Eric now because he wants to complicate the addendum a little bit.

MR. SMITH: Mr. Chairman, it might be more efficient if you get a motion to put the addendum on the floor and then we'll do it by a motion to amend.

CHAIRMAN NELSON: All right, why don't we go ahead with that. I've got Pat making a **motion to approve the addendum to go to public hearing as modified.** And seconded by George. Okay. This

could be a friendly amendment, Eric, you know.

MR. SMITH: It might very well be, Mr. Chairman, but I'm much more pragmatic than that. I handed out a document and there are some on the back table. It's one page. The back page has three figures. And I wanted to draw your attention to a couple of points leading up to a motion to add something to this agenda, to this addendum.

Just by way of background, Area 6 and in fact all of Southern New England waters, in the assessment this is where the stock assessors and the peer reviewers said our management challenge is most strong, in Area 6 where if you look at the backside of this page we're at 25 year lows in recruitment, in survey abundances, indices, and in landings.

I'm apprehensive about that. I worry about the effect of management on lobstermen. But right now I'm worried more about the lobster resource. We, you know from our debates and discussions last spring we considered a lot of things and we actually quite aggressively pursued a v-notch program until it became obvious to us it couldn't work as a substitute for ASMFC measures.

We also looked at the pros and cons of a minimum size increase, a maximum size you know or so-called slot limit, if you want to look at it that way, quota management, in addition to the v-notch and we've concluded that: A, there is a real management need.

It's called out best in the italicized paragraph that I thought the peer reviewers took a little bit of literary license in how they wrote their statement but the fact is we paid them to give us a good, hard review of the assessment and that's what they said.

Their point was if you had two or three bad years in recruitment in Southern New England it could lead to a stock collapse. Well, we've just had four of the worst ever years in our 25 year time series of our recruitment index which is why I'm apprehensive about this.

And I'm frankly a little impatient. I want to get something rolling hopefully that we can have some kind of additional management measures in place for the lion's share of the 2006 fishery.

So the recommendation embedded in this short document is to add a section to the addendum which I guess would be renumbered as a Section 4 which would add an additional gauge increase on top of the one that's required this summer where by the current plan we're supposed to go to 3-5/16 inch on July 1<sup>st</sup>.

I would propose we put it in the document that we consider an additional increase up to 3-3/8 inches. We can always vary how we get there. The cleanest thing to say is that's the goal for an interim measure. And I'll explain why I stress interim in a moment.

But the point is get on with it. Build some biomass because that's where the stock assessment says our concern is. It's not so much the fishing mortality rate but it is the very low depleted condition of abundance.

The reason I stressed interim a minute ago, the clear writing coming out of the assessment is we've got a long way to go with the resource in this area. A gauge increase to 3-3/8 inches -- and the stock assessment and the technical committee have confirmed that that's not actually going to be all that's going to have to be done if we're going to be responsive to that stock

assessment.

In other words, if this board takes actions to do, to respond positively to what the stock assessment said, the 3-3/8 inch gauge may be this big a problem and all the other stuff we have to do is this big a problem.

So there is a larger conservation need that's waiting in the wings once we get our reference points identified and we proceed and get more advice from the technical committee. So this type of a gauge increase, an extra increase, in my view is an interim measure leading us towards where we ultimately are going to have to be in the next year or two.

So having said that as background

**I would move that we add a Section 4 to the addendum to take out for public comment the proposal to increase the minimum length in Lobster Management Area 6 to 3-3/8 inches.**

And as I say that if I get a second there is another point I want to make based on this document which is a very important one. But I think I'd just put the motion out there. Let's see if we get a second.

CHAIRMAN NELSON: All right, do I have a second to that? Mark has seconded it.

MR. SMITH: Okay, the other point if I may, it's really important in this process to, just like with the data collection things, the scrutiny that this proposal is going to get in Connecticut and New York is going to be fierce.

Lobstermen don't like this idea. I know that. I've already heard it. The question is, my response is what are we going to do to rebuild biomass? It all died off. What are

we going to do to rebuild the biomass? And I'm open to suggestions.

And the way for me to do it is to put this motion in the addendum, go out and get that public comment this spring, have LCMT meetings so we get -- the people we selected to be on the LCMT are going to have their ideas on this. Maybe they're going to hate the idea and they're going to come up with a better solution.

We need to get to the LCMT and give that part of the process time to work. So if we do that, if we start today and we do that by May or if things are complicated and we have to wait until August, that's fine. What we need to do, though, is start today and that's why I want to make the motion today and get it out there. Thank you.

CHAIRMAN NELSON: All right, Eric, this is a motion to amend the main motion. And Eric, is it your -- I think you said it but just to reiterate -- we do have a process that we've been trying to follow using the LCMTs, using the AP and the technical committee.

And I think what you were saying is that you felt that you'd like to have this to get public comment and at the same time it could be reviewed by the AP and also the technical committee so that you, when it comes back to the board from the public hearings we have a sense of how much this actually does contribute and we'll have public comment on it as well. Is that really the sense of it?

MR. SMITH: That's, well, I won't give a percentage. That's most of it. And the additional part is the LCMT review of this, not just advisory panel but the region-based advisor group. Thanks.

CHAIRMAN NELSON: Yes, I did mean to indicate that was part of that review process. So is that clear to everybody that this is kind of a dual process track, if you will, rather than it coming from LCMT and being reviewed by the AP and the technical committee? It is something that the board can do.

The board has the authority to do that. But it will be reviewed by the other process as well and when we get back here we'll all have that information. Okay, having said that I had Doc down here. Let me do him first and then I'll go over to Ritchie.

SENATOR GEORGE L. GUNTHER: Well, I'd like to comment on the remarks by Eric relative to this increasing in the carapace. I have another responsibility other than what he has in the state of Connecticut.

And although I agree frequently with my good friend, on this one I very strongly disagree. I strongly disagreed with what we did last year. And in the process that we have going on in Connecticut right now, I have a bill that I've proposed that has been drafted the way I want.

I'm down here instead of keeping my nose back up there making sure that things are done the way I want but this is the beginning of our process up there, too. But I'll tell you, last year we were sold on this business to increase carapace and this is going to be one of the big solutions with this whole thing.

We were told at that time that in response to this it would only cost our fishermen up there about 5 percent of their catch. We'll I'd start off with that. In reality it's been closer to 20 or 25 percent of their catch that was affected. The major market in the state of Connecticut is the chick. We practically

eliminated the chick by the increase in carapace last year.

I think the records that you've been compiling in the performance in the state relative to the regulations in the lobsters, we've had a tremendous response to the buy-out of the traps. We've had a lot of reduction in fishing just by virtue of you might say mortality. We don't have the fishermen out there fishing to the degree they should or could have.

All these other factors in there, I think it's a good way to put the lobstermen in the state of Connecticut, and I would almost say even in New York state because, you know, I think the whole habitat of lobstering in Long Island Sound is different than everything else you have and our whole consideration especially with you guys up there in Maine who are catching those chicks and sending them down and having our guys put it in the market but I think that the whole habitat and that is different.

In fact last year I was surprised that you added to our section there people from Rhode Island and Massachusetts because I believe it's an entirely different type of fishery.

But if this business of the gauge and probably trying to stick to that issue, I think increasing the gauge even more than what we anticipated last year and then the possibility and of course that isn't being mentioned except in the original adoption last year it talked about the potential of doing it again in year 2007.

I think this will practically slaughter the little guy that's out there lobstering. And I think it's going to be a disaster in my book. And I don't think it's going to affect that recovery because I think the recovery is

happening right now, despite the fact that we are not doing any great dramatic things here.

But I think that 1999 disaster we had was not from overfishing. We had a disaster. And I think that if one of these days we can ever get the final answer whether I believe it was a bunch of things but whether it was hypoxia, whether it was temperature -- and incidentally, last year we had the hottest year in the state of Connecticut that I think that I can ever recall -- and other factors as different bacterium and that type of thing that could have been involved in that.

It's coming back and it's coming back well according to the people that are fishing. And we've had the cut back on the redemption on pots and that stuff. We've had the people dropping out.

And I think if we keep increasing that carapace right now we can probably get rid of all the fishermen and then have no excuse whatsoever that it don't come back in a hell of a hurry. So I would strongly disagree with my good friend, Mr. Eric Smith. And I would say that I intend to pursue the reduction or the repeal of the carapace movements this year and next year.

And I know that's contrary to what has been adopted here but we adopted by virtue of legislation because it took legislation in our state in order to take and adopt that regulation. And I have a little history in that.

I've been on our regulation review for probably over 35 years so I know what we can do and can't do by regulation. And I think having it been adopted by regulation it can be un-adopted by the action of the legislature. I intend to pursue that. So I would object to this and would like to oppose it.

CHAIRMAN NELSON: Okay, thank you. We've had one in favor and one opposed, from the same state. Who else is in favor of speaking in favor of this amendment? Do you want a clarification?

MR. G. RITCHIE WHITE: I've got a question of process. If New York and Connecticut were in agreement on this, going to this length, would it have to be part of an amendment? Where it's more conservative can't they just go ahead and do it?

CHAIRMAN NELSON: I think the answer is yes to that. But I think they'd like to go out to get public comment for that anyway but anyone can be more conservative. So, anyone want to speak for the motion? Mark.

DR. MARK GIBSON: Thank you, Mr. Chairman. I think Eric's on the right track. If you look at this information that has been provided, the agency can't sit on its hands. It has to do something extra, particularly you can see in the larval production. I mean it's just flat lining.

Abundance indices are coming down. Their trawl survey hasn't started to come back up the way the Rhode Island Fish and Wildlife one has in Area 2. So I mean it to me would be irresponsible if the agency didn't strike out a position to try to do a little extra, so that's why I seconded the motion to support his course of action.

CHAIRMAN NELSON: Thank you, Mark. Okay, would someone like to speak against the motion from the board? We've already heard from Connecticut already so Pat.

MR. AUGUSTINE: Okay, I'll bite the bullet. We are concerned about it. I think he's trying to do the right thing at the right

time, in his opinion. We're concerned that the LCMT hasn't been involved.

And even though it's a public hearing document that's going to go out there, it has not been passed by them. And as far as I know we've jointly participated with the LCMT in every major move, every major development and every major change that we've recommended to ASMFC through this process.

So, although I think we think it's very noble -- I do anyway. I think it's very noble that we're trying to do this and get it on this document -- I just think it's the wrong time. It's the right thing to do but the wrong time.

And that's the difficulty of it. If we were to abdicate the right, if you will, of the LCMT to pass judgment or to discuss this I think we broke the system and therefore it's difficult for New York to support it.

CHAIRMAN NELSON: All right, thank you, Pat. Let me have David just provide a little insight from the AP. He will not count as a positive or a negative.

MR. SPENCER: Thank you, Mr. Chairman. The AP has not looked at the specifics of this obviously and we typically don't comment on the specifics of a plan. But what we do feel very strongly about is the process.

And it has been echoed here a few times that you know we really would like to see industry and the states come up with these plans together. And I was happy to hear that that's the intent. I just wanted to add some encouragement. Thank you.

CHAIRMAN NELSON: All right. I'm going to go to the audience for a pro and con and then I'll come back to the board. Who

would like to speak for the motion? All right, that's a short list. Who would like to speak against the motion? Yes, sir. Just identify yourself for the record.

MR. JOHN GERMAN: My name is John German. I'm a commercial fisherman, Area 6. I've been fishing there 42 years full time. I'm also president of the Long Island Sound Lobstermen's Association.

I have right here in front of me the proposal that Mr. Smith was making and I'd like to commend Doc Gunther or Senator Gunther on his proposals. And I'm glad to see him at these meetings. He's very much proposed the side of the lobstermen and spoke for us very well.

I think the data we're looking at here in this survey is from 2003. And since that time we've turned a major corner in the lobster business. I think we should -- we pass all these measures in the lobster on this council and we expect results in a year.

We can expect results in four, five, six years. The results we're seeing now are things that happened four or five years ago. We have to sit back and see what happens with this. We should let the measures work that we've done already.

I personally feel the only people endangered, the only thing that's endangered in this whole process is the lobsterman. I personally know just about every member of Connecticut and New York LCMT from area 6.

And I've already talked to them and they're all against this proposal so we can go from there, base it on there that this will come out 100 percent against Mr. Smith's proposal. I have in here also some preliminary thoughts from Connecticut -- I assume Mr. Smith is

the author of it.

And he's got 292 licenses authorized to take lobsters. Ten of these lobster holders landed 40 percent of the lobsters in the state, ten guys. Why don't we just eliminate them ten guys and everything will be fine except I'm one of those ten guys.

That's the only thing I've got to say. I'd like to comment on the other part since you didn't call on me before about the gathering statistics. I could show you --

CHAIRMAN NELSON: We'll come back to that.

MR. GERMAN: This is part of the addendum.

CHAIRMAN NELSON: We'll come back to that.

MR. GERMAN: Well, you didn't call on me last time.

CHAIRMAN NELSON: Because I hadn't gone to the public yet and I'm not going to take comments on it at this particular point.

MR. GERMAN: Okay. I would also like to make one more comment on the whole thing. I am one of those people that are very distrustful of the government and big brother. I'm one of them combat Vietnam veterans left over who distrusts the government. You're right about distrusting them. Thank you.

CHAIRMAN NELSON: Okay, thank you very much. All right, back to the board. I think that it's really time for a caucus for the -- I said I was going to take a pro and con. No, so I don't need to have any further cons on it.

Gentlemen, gentlemen, that's the process we're using, pro and con. I think the essence is the board understands that the audience is not in favor of the motion. We don't need to go over that continually.

And so I'm coming back to the board and I'm going to have the board caucus now for a vote on the amendment. Just deal with the amendment. We're coming back to the full plan afterwards. All right, ready for the, is everyone ready for the vote? Are you ready?

All right, all those in favor of the amendment please raise your right hand; opposed; way up there so we can get them; abstentions; any null votes? All right, the motion to amend fails. We're back on the main motion. I'll go to the audience for comments on the main motion. Why don't I go for those that are opposed to the main motion. Go ahead.

MR. GERMAN: My name is John German. I'm still president, still a fisherman. On the main motion, on the main addendum we were talking about gathering statistics and I've been in this business for like I said 42 years. I have never in my life heard a fisherman say, "give us more paperwork."

Fishermen will file paperwork and generate paper because there are people who need it. They will do so under protest. And you will get all the paper you want. But you tell me how much you think that paperwork is going to be worth because, believe me, they hate the whole process of making paperwork. Thank you.

CHAIRMAN NELSON: Thank you, John. Anyone in the audience that's in favor of the motion, main motion. Okay, I'll take one more opposed, one more in favor. All right, back to the board. Any other comments on

the motion?

Again, the motion is to send this addendum out to public hearing. All right, why don't you do a caucus.

Okay, ready for the motion? Joe, do I need to read it or are you all set?

**All right, all in favor of approving the addendum to go to public hearing please raise your right hand; nine; opposed; we saw one; abstentions; one abstention; any null votes? All right, the motion passes.**

Okay, Toni, you've got to just check and see who wants to have a hearing.

MS. KERNS: Can I have a show of hands for those that would like a public hearing. Just a hand, please.

CHAIRMAN NELSON: Anyone not want to have a hearing? Raise them up again that want the hearings. Let's get the states. I have Rhode Island, New York, New Hampshire, Maine, Massachusetts, Connecticut. Did we miss anybody? All right, thank you very much. I think we've got that. All right, Toni, we're ready for the next agenda item.

## **PID for Amendment 5 to the**

### **Lobster FMP**

MS. KERNS: Thank you, Mr. Chairman. We will now discuss the public information document for Amendment 5 to the Lobster FMP. This document is also at the request of the board at the annual meeting to include the recommendations from the stock assessment.

And the timeline that goes through this document is at the very end of the document

in a table. I will quickly summarize this. The PID would go out for public comment if approved today in March and April. The last day for comment would be April 21<sup>st</sup>.

The board would review the PID public comment in May and then decide on the issues to be included in the draft amendment. The draft amendment would be developed in May through August with the plan development team.

The board would review this draft amendment for public comment in August. Public comment would go on from September through January of '07. The board would review the public comment at the February '07 meeting and approve the amendment with the final board action.

The purpose of the PID is to gather or is to inform the public that the commission is intending to gather information for the lobster fishery. It allows the public to identify major issues and alternatives relative to management.

The problems that are identified in this public information document are that the boundaries of the three stock areas and the seven lobster conservation management areas are mismatched. And we have a kaleidoscope regulations that take place in each stock unit.

The Lobster Technical Committee has found it impossible to continue to provide the best management advice for the management areas that span multiple stock unit areas due to differences in stock trends, biological parameters and management measures in these adjacent areas.

And one way to address these concerns is to unify the spatial scale of the management areas and the stock areas or have your

management areas equal your stock area boundaries. Within this document we go through the background of the lobster management.

It starts with the history of the lobster management with Amendment 3 and goes through Addendum VII which was approved in November of 2005. It also lists all the coast-wide requirements.

It lists the measures applicable to all states and areas. It lists the measures applicable to commercial fishing in each of the lobster conservation management areas. It establishes, it lists the establishment of the lobster conservation management teams.

And it also has the process for the recommendation for actions in federal waters. It also identifies the process for conservation equivalency. It goes through a description of the resource and the fishery as well as the most recent stock status as identified by the 2006 assessment which was approved at the last meeting.

The public comment issues within this document are the changing of the boundaries for the seven lobster conservation areas. Option 1 within the management options is status quo, is to continue with the current seven LCMAs that we have, Areas 1, 2, 3, 4, 5, 6, and the Outer Cape Cod which are identified here in this map for its boundaries.

Option 2 would identify three lobster conservation management areas. Under this option the management unit would be divided into three areas: Areas 1, 2, and 3. These areas would match the boundaries of the stock units so the Gulf of Maine, Georges Bank and Southern New England so that the spatial scale of the management areas and the stock units would be the same.

This would initiate a mechanism for the development of more standardized management measures within each stock unit area. Option 3 would be to split Lobster Conservation Management Area 3 into three sub-areas. It would be Areas 3A, 3B and 3C.

Area 3 covers offshore portions of the entire U.S. lobster stocks, spanning all three of the stock unit areas currently and having management measures inconsistent with the inshore portions of the stock.

By splitting Area 3 into three sub-areas along the stock assessment boundaries an offshore management component is created within each stock. The unique fleet characteristics of inshore and offshore areas could be retained while biological limits could be standardized to eliminate competing management measures within the same stock areas.

This also would initiate a mechanism for the development of more standardized management measures within each stock unit area. All other stock area boundaries would remain the same so it would be current Lobster Conservation Management Area 1, 2, 4, 5, 6 and Outer Cape Cod would remain the same.

And within this document we would recommend to the National Marine Fisheries Service that they adopt all necessary regulations to implement the measures contained within the amendment. And that is all the information that I have for the draft of the public information document. I will take any questions.

CHAIRMAN NELSON: Okay, we're going to have questions for Toni. I would remind the board that the reason that we have this before us is that we had asked the board, we

had asked staff to take a look at what could be done through addendum and what might have to be done through amendment if we were going to deal with the recommendations from the stock assessment. And that's why it has been split out this way. So having said that I'll work my way up. Mark.

DR. GIBSON: Thanks. To that point, Mr. Chairman, and in view of my prior comments about my concern about the lack of range in options on the fishing mortality rate targets and Penny Howell's comments on the interim nature of the median reference points should I then conclude that we don't have to have alternate thresholds and targets in this amendment, they could be addressed in the future addendum? Thank you.

CHAIRMAN NELSON: I think the answer is yes, Mark. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. To that last recommendation for action in federal waters, Item 15, and then one other question as a follow up after that, would Mr. Mears or someone comment on his organization's ability to meet this requirement or this request.

CHAIRMAN NELSON: Mr. Mears would be happy to, Pat.

MR. MEARS: Thank you, Mr. Chairman. In fact, that was a good segue. I intended to raise my hand on this. As I previously indicated at the last board meeting and the board meeting before that where we started talking about the potential to bring this to public hearing, I think back in '97 when we approved Amendment 3 I would have been waiving the flag for it.

It makes sense for management areas to

correspond to the stock units used in the assessment. At this time, however, I'm very strongly opposed to it, particularly for the option that would split Area 3 into three different areas for a number of reasons.

Number 1, it has taken us a long time to get to where we are now with regard to lobster management, particularly in the offshore fishery. We did respond to a recommendation from the commission under Addendum I or II to go forward with historical participation not only in Area 3 but also in Areas 4 and 5.

What this document would do is upset the fabric upon which it has taken us to get here since '97 when we approved Amendment 3. It would greatly complicate lobster management for no good reason.

It would duplicate what we would otherwise have to do for public comments for changing Area 3. It would increase the number of overall management areas from seven to nine. And, most of all, it would be very much counter to the recent strides that we have made for the socioeconomics of the lobster fishery in Area 3.

It would totally upset the decisions which have already been done. And this type of action in my opinion you simply don't consider after we have gone forward so far and made so many strides in terms of getting to a point that tries to match the resource with the fishery.

So, once again, would it be difficult? Yes. I mean would it be possible? I don't even think it might be possible. I'm trying to be objective but I can't. I'm very strongly opposed to it. Thank you.

MR. AUGUSTINE: Follow on question, Mr. Chairman.

CHAIRMAN NELSON: Go ahead, Pat.

MR. AUGUSTINE: That relates to Option 3. Would you have similar concerns for Option 2 where we're talking about going from under this option management it would be divided into three management areas, Areas 1, 2, and 3? They would match the boundaries that way. Or were your comments addressing both Option 2 and Option 3?

MR. MEARS: Again, my sense, my perspective on what this amendment would propose would be a step in the wrong direction that would be counter to the number of years it has taken us to get to where we are with the seven management areas.

MR. AUGUSTINE: Thank you, Mr. Chairman.

CHAIRMAN NELSON: Thank you, Pat. Anyone else on this side? Okay, George.

MR. LAPOINTE: All right, right down the end. I share some of Harry's concerns but I mean in the context of the amendment we're talking about we've heard time and again that the mismatch of the assessment areas and the management areas causes trouble so I think it's worth posing the question.

Toni reminded me of a conversation that we had earlier and it is to ask the board if, you know, if Option 1, 2, or 3 isn't, to see if there should be something in the public document that says if Option 1, 2, or 3 aren't the right options for area boundary adjustments to solicit comments on what other options might be.

And so the question for the board is, does the public information document by its very

nature ask that question or should we say that, you know, just should there be a statement saying, if Option 1, 2, or 3 don't make sense to George Lapointe a public hearing attendee are there other area boundary adjustments that we should consider.

So does it make sense to add some language I mean just to pose that question or is that -- you know I'm asking board members or whether that's complicating the issue before us.

CHAIRMAN NELSON: Well, I think, George, if the board desires to put this out to public hearing -- because I think that's the first, really the question that is before them - - do they want to follow through with that recommendation to get public comment?

Or do they feel that it's not, they don't want to change those management areas and so therefore they're not even going to move forward with this? If they vote to move forward let's come back to your comment and see if there is other modifications that would be helpful.

MR. LAPOINTE: Thank you, Mr. Chairman.

CHAIRMAN NELSON: Okay, Bill.

MR. ADLER: Thank you, Mr. Chairman. I'm having a problem with this. Initially I said, well, public information document goes out and you listen to the proposal and then you come back and you have time to see whether you were wasting your time or not.

There are several things on this. And I agree with Harry on a number of things here. Other than the Gulf of Maine situation I frequently wonder how far off these stock

areas are really from the management areas.

I'd love to see an overlap of the three stock areas and then the overlap of where the management areas are, remembering that the lobster science is not perfect. And I defy anybody to take a lobster and say, well, this is definitely this one; it belongs over there by two miles or belongs over there by two miles.

But we're doing the best we can. I understand that. I don't think that this is going to be a really necessary thing. And I think, as Harry had said, of all the work that's been done over these years by these management teams, by this board, trying to get to the healthy lobster resource stage, and all the various provisions that have come in, and the problems that we're going to have, this will be years away, especially since the federal process is so much slower than our process here and upset all the various programs which were thought up, approved, put in place.

And what's going to happen is they have to all be redone. There are areas where fishermen can fish in one area and now they'll be, if you change the stock areas they'll be having to fish in two areas. What are the rules? Are they going to split the rules up? And you can just think of the complications and the confusion.

I know it's not perfect but neither is the science. And I think that overall I think we could save ourselves a lot of time and energy and frustration which will happen during the PID process, during the amendment process, and then the confusion and the upset that would happen if, for instance, we didn't stick to the status quo and we picked another one of these and then everything falls apart from everything that we've been working on.

As Harry said, some areas have a trap historic participation trap system. They're different from another one. Well, what happens if all of a sudden you're stuck in two ones. Now we have to figure out, well, what do we do with that situation.

These areas were drawn to reference the socioeconomic fishery operations. And I thought they did a good job of drawing a line that separates one type of a fisherman from another fisherman. And we've worked with this for so long so I'm having a big problem with going ahead and wasting, perhaps wasting our time on this. Thank you.

CHAIRMAN NELSON: Thank you, Bill. Let me come back to Dave. I saw George waiving his hand and I didn't even look far enough to my left so, David, sorry.

MR. SPENCER: Thank you, Mr. Chairman. The AP discussed this issue in general very briefly. It was while it was still a discussion rather than in an amendment. But we did have concerns regarding changing the boundaries of management areas.

We wondered if there would be other changes that could be made to allow for better management of stocks rather than changing the boundary areas. And we did have quite a bit of discussion of the nightmare that this would create for the federal process. Thank you.

CHAIRMAN NELSON: Okay, Bill, to -- I think Penny has a couple of comments that I think may be helpful to the points that you raised.

MS. HOWELL: Well, I just wanted to remind the people that why this was -- we didn't come up with this on a frivolous

thought here. The peer review agreed with us that it's very difficult to give you meaningful management advice when the nature of the population off the canyons, off Hudson Canyon and off New Jersey, is wholly different than what is going on off Maine.

And the inshore areas are all divided up for that reason. So we just feel that it's very difficult for us to do what our job is supposed to be if we have to take Area 3 -- which you can see on the map is an extremely large area -- and say what's the status of the Area 3 stock.

It's all over the map. We can't give you meaningful advice or a meaningful management when we have to join New Jersey with something up close to the Canadian border. That's the reason why it's there.

CHAIRMAN NELSON: Okay, I had Eric next.

MR. SMITH: Thank you, Mr. Chairman. I'm following your lead which I think was a good way to cast the question. We either have to decide whether to go to public comment with this or decide that we don't want to.

I think that's the way to ask the question. I'm sort of leaning away from going to the public comment on it except for the fact that I keep telling anybody who wants to listen that this is an assessment I tend to, I want to stand behind 100 percent and just go as far as I can with that logic because I thought it was a good job and a good peer review.

I can argue with some parts of it but everyone can. It was the basis for management and so I don't want to discard the idea too quickly. I'd rather find a way to

salvage it. Harry is right. There is a lot of history behind how we got to those areas.

We didn't choose those areas in 1997 lightly. We did it for reasons that bear on the people's involvement in fishery management. And I would point out for Area 6 it worked very, very well.

You know, Connecticut and New York are side-by-side except they have Long Island Sound in between them. And it's not so easy. There are no bridges, thank God, although the proposal comes up from time to time.

We have to take ferries back and forth. To have a four or five hour meeting with New York and Connecticut lobstermen burns a whole day of their time. And I cannot envision an LCMT that stretches from New Jersey, Delaware, up to Chatham. I mean I just can't envision it.

You would never get the kind of public input that you need. And here is how well it worked. In the late 1990s when we all had to adopt our trap cap systems they came up with one that had the same control dates, if you will, the same rules for both sides.

They adopted it without, you know, over the state boundary acrimony. And they gave it to the state agencies and we gave it to the commission and it got passed and it works. That's the best of the LCMT process, how it works.

And it only worked or one of the largest reasons was because they were in enough proximity to each other that we could get together periodically on a day-to-day basis and not have to make it a weeklong trip to get everyone together.

So, the boundaries had a reason based in the

sociology of lobstering. Those reasons are still valid. But to respond to what the stock assessment people are saying, I think if we want to go out to public comment with this we need a fourth option in there. It has nothing to do with a gauge increase.

We either need to change the management boundaries so that there is no overlap with the stock assessment areas -- and if you think about that for a minute look at the back two pages of this. Either one of those pages has the three digit statistical areas.

It's not too difficult to draw revised lobster management area boundaries. They all change a little bit. But you can draw them so that they don't overlap with what the technical group is recommending be the stock assessment areas. That's the biggest concern as I understand it is that overlap makes the assessment difficult.

So if you could redraw those boundaries you still preserve the Outer Cape, for example, but you call it 521. You've expanded the boundaries a little bit but they basically coincide. And you could do that right up and down the coast with Area 4, 5, and whatever. That's one way of doing it.

The other way and from a political point of view it would probably be far easier to just tell the stock assessment people to change their stock assessment boundaries so there are no overlap with the existing management boundaries.

Now that's a much harder sell scientifically because theoretically they have a technical basis for the boundaries they're proposing. But that's no more important than trying to satisfy the political needs of the states, quite frankly.

So, if we pursue this I would suggest --

frankly I would suggest we do the first of those. I mean I think we should change the management boundaries to coincide with the stock areas, just so that we avoid the overlaps.

We can still have seven areas but you will be drawing management boundaries a little differently. So I would propose that we do that and then take it out to public comment. Thank you.

CHAIRMAN NELSON: Thank you, Eric. Anyone else down that side? All right, George, do you have a motion, then?

MR. LAPOINTE: I think I do, Mr. Chairman. Just we need to move this along. As you said, we need a motion to move forward. I think there are a couple things. Eric has made a lot of points about the stock assessment areas. And we've heard people today say don't change things too quickly.

And we've had our management areas in place for seven years and so the question is, is that too quickly to reexamine the commitment to the seven areas or to change them because we have tried it for a while? And people will say a lot of things have taken a lot of time in that process.

But nonetheless we've been on this big experiment, this grand experiment now for seven or eight years. And so I think it's a fair question to ask is how it's working. So consequently I would move that we do take this public information document out to public hearing.

CHAIRMAN NELSON: Okay, a motion. Second on it? Pat. All right. Let me -- pardon?

MR. AUGUSTINE: A point of clarification.

CHAIRMAN NELSON: Yes, go ahead for the clarification.

MR. AUGUSTINE: Okay, Mr. Chairman, were we going to add any of the comments in any capsule form that Eric Smith made and I think someone else made about putting in another -- I guess it was just Eric made a comment about putting one more line item in there. Are we going to go just the way we are now without any further changes?

CHAIRMAN NELSON: Well, it hasn't been amended yet, Pat. We certainly can amend it as we would desire. You know to me it was kind of a thought that we should decide do we want to go out and change anything or not change anything at all and not go out to public hearing, not worry about doing an amendment?

If the feeling of the board is that we don't want to waste time changing this then we should stop it right now. If the intent is to move ahead with this then, yes, we certainly can refine it as necessary.

MR. AUGUSTINE: Mr. Chairman, follow up. Well, then, is it the desire of the technical committee that we move it forward to satisfy -- I've got to say this right so I don't become a bad guy -- to satisfy their needs more appropriately so they'll come back with better statistical and data information for us?

Or is it to clean up something that we should have cleaned up over the last seven years, as George mentioned? So I think we have to distinguish whether it's for a technical need. Is it going to accomplish what we want? Will we end up with more accurate and clearer data? And will it assist us in our process more clearly?

CHAIRMAN NELSON: Well, the stock

assessment advice was that they should match up. I think you heard Eric and George point out that the management areas were set up by really by the fishermen in the sense of how they were fishing these areas.

And that made sense at that time to manage those areas specifically for that purpose. As staff has whispered in my ear, it's not going to change really the quality of the data; it's going to change the quality of the advice.

Yes, I'll let you ponder that for a while. Well, let me get some -- yes, I wanted to get public comment on whether or not we should go out to public hearing on this so then I will come back to the board and we'll have further discussions on that. So, public comment on this motion to change the boundaries to the management areas to the statistical areas. Bonnie.

MS. BONNIE SPINAZZOLA: Bonnie Spinazzola, Atlantic Offshore Lobstermen's Association. In response to Penny's explanation about reporting by statistics, as far as the reasons these boundaries need to be changed, I would like to suggest hopefully a simple cure that would maybe do nothing at all to the boundary areas such as Area 3 has had since Addendum II in their recommendations for management, mandatory reporting.

We would be more than happy to report by statistical area if that was the case; therefore, we would get the technical committee all the information they needed; therefore in essence deleting any area management lines whatsoever and letting them deal with strictly the data that comes in and just managing that way.

Therefore, I guess Area 3 seems to be the largest problem here because it looks like they're the ones that span all of the different

management areas or stock assessment areas.

Therefore, if we just gave you information and data by statistical areas that would probably take care of a great deal of the problem and that would be my recommendation. I don't know if I -- Mr. Chairman, can I ask Penny if that is something that might work?

CHAIRMAN NELSON: No, but you can ask me to ask her.

MS. SPINAZZOLA: Mr. Chairman, would you please ask Penny if that might work.

CHAIRMAN NELSON: Penny, do you have a comment on that suggestion?

MS. HOWELL: Yes, our major frustration, although there are other areas that don't match up the biggest one, the biggest problem is Area 3. And what we'd like to do is recognize that the northern part of Area 3 is vastly different than the southern part and treat them differently and give you advice differently.

To me that's Area 3A, B and C but if you don't want to give it that name and the fishermen don't want to be severed from their mother area then we will just take the data, do the analysis in three pieces or in two pieces and then Harry can straighten it all out.

MS. SPINAZZOLA: Mr. Chairman, can I respond to that, please?

CHAIRMAN NELSON: Did you have a response, Bonnie?

MS. SPINAZZOLA: I do. Right now what we're doing in Area 3 in essence is managing according to the different areas, in

a sense. We do have a v-notch provision above the 42-30 line which goes into the Gulf of Maine.

We have a minimum size gauge which in essence is helping Southern New England stock. And if things need to be done to the Georges Bank stock later on, there are things that we can look at in that area.

So, in other words, we're more than willing to take management advice for different areas. In fact, we appreciate that. And we're more than happy to look at those different areas and manage accordingly so that it affects the stock that needs the most help. I am finished, Mr. Chairman. Thank you.

CHAIRMAN NELSON: Thank you, Bonnie. Anyone else want to speak on the motion? Yes, sir.

MR. MIKE TYLER: Mike Tyler. I'm on the LCMT for Area 6, vice president of the Connecticut Lobstermen's Association. As far as management options, our preferred option would be Number 1 which would be take no action and would leave Area 6 management area as it is and not fold in it. Thanks.

CHAIRMAN NELSON: Okay, thank you. Yes, John.

MR. GERMAN: Well, you all know me by now. I'm president of the lobstermen, Long Island Sound Lobstermen's Association. When we developed Lobster Management Area 6 it was a lot of push and shove. There was a lot of people that wanted to be out of it, a lot of people that wanted to be in it.

The boundaries were actually changed to eliminate the state of New York and the state of Connecticut having to be in three

management areas, meaning 2, 4, and 6. So a lot of it was we really did not want in there and we'd like to keep it the way it is without losing our, say, autonomy to the rest of the lobster world. We prefer Option 1. Thank you very much.

CHAIRMAN NELSON: Before you run off, you heard what Bonnie was suggesting as far as reporting by the statistical areas. And since you're -- well, actually you're in Long Island Sound so that's totally different. I'm sorry. Okay, anyone else want to make a comment on this public information document? Did you have a question?

MR. AUGUSTINE: Yes, a final one, based on what Bonnie's group is doing in Area 3, would that division and I'll call them demarcation lines, if you will, that they're using, could that not be applied to the technical committee as opposed to making any other major changes?

I mean if they specifically are managing that appropriately and are cognizant of the fact if they've got a problem in one area they're able to do something, can that, can those areas within three accommodate what you need?

CHAIRMAN NELSON: Well, staff is checking on that. We did have that little sidebar up here and it seems like the area of the, the point of the discussion would revolve around most of it is going to be in federal waters.

And it would actually fall upon Harry and his group to have the reporting done by statistical area for Management Area 3 and rather than it coming through us. So that's something that we just want to check on and see what might be feasible.

You know we know Harry can do anything.

It's just really whether he wants to or not. Anyone else in the public want to make a comment on this particular motion? Okay, coming back to the board. Go ahead, Dan.

MR. McKIERNAN: I think this amendment is premature and I would suggest if appropriate a substitute motion to table this until the August meeting. I understand what the technical committee was asking for but there is a lot of other issues that I think should come forward in this, for instance the Outer Cape gets cut in half.

I think we can negotiate with the Outer Cape fishermen and maybe even move the stock unit line a little bit to make those match up. I just think there are a lot of unresolved issues. I'd hate to see this go forward. I don't think it's that time sensitive. I'd ask for a postponement for six months.

CHAIRMAN NELSON: Well, in that six month period what is happening, Dan, in your mind?

MR. McKIERNAN: Well, for one from my perspective or my state's perspective I would like to explore the issues not only with Bonnie but with some of the other areas that are split up to come back and make suggestions how lobster management areas and stock units can be better aligned.

But at the same time I have a series of other issues that could be resolved through an amendment that aren't even captured here. I just, I can understand the reason for the first addendum but I think there are just a lot of other issues that could be worked on.

But specifically I think we can address Bonnie's issues through more discussion. And I would hate to see the addendum and the amendment go out at the same time. I think it's confusing.

CHAIRMAN NELSON: All right, thank you. So, having clarified that, **are you making a motion to table this?**

MR. McKIERNAN: Yes, I am.

CHAIRMAN NELSON: Is there a second? It's being tabled to a time certain. That was August, the August meeting?

MR. McKIERNAN: Yes, the August meeting.

CHAIRMAN NELSON: Postponed to the August meeting. Staff is telling me again what to do. Postponed to the August meeting for a discussion so we'll have it on the agenda at that time if the motion passes. So Pat has seconded it. And Dennis, go ahead.

MR. DENNIS ABBOTT: Thank you, Mr. Chairman. I'm opposed to postponing this. I think the sense of, I'm not sure the sense of the board but we've heard some reasons of why we should move forward with this. But I'm more concerned as well about the reasons that we shouldn't move forward with this.

Harry Mears talked about why we shouldn't. Bill Adler at length spoke about why we shouldn't move forward with this. And to me that's more convincing of the pros of why we should so I would urge the board to oppose this motion and allow the vote on moving forward with the public information document to proceed up or down.

CHAIRMAN NELSON: Vince, go ahead. You haven't spoken.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. You know it strikes me that this document is a

public information document, meaning it is intended to be a scoping document to collect information on the issues outlined in the document.

So while I appreciate the, understand the need by certain individuals to gather more information, it seems to me that's exactly what the intent of this document was, is to take these issues out, to get information and bring that back to the board and frankly in a more formalized way that everybody would understand what they're gaining information on.

I would just be questioning why we think those things will happen better without a public information document. Thank you.

CHAIRMAN NELSON: Okay, George.

MR. LAPOINTE: Just a question for the parliamentarians in the crowd. Aren't motions to table non-debatable?

CHAIRMAN NELSON: Yes, table would be but --

MR. LAPOINTE: Postpone wouldn't be.

CHAIRMAN NELSON: Postpone, as I understand it would not be and that's why I'm continuing.

MR. LAPOINTE: Thank you for that.

CHAIRMAN NELSON: Otherwise I would agree with you wholeheartedly, my friend. Go ahead, David.

MR. SPENCER: Thank you, Mr. Chairman. I guess I would just like to ask a question from what I think might be industry's point of view in this, I think industry has been primed to start to look towards the next meeting to get tasked to address this latest

stock assessment which, you know, obviously has all the LCMT people starting to think.

And it's going to be quite a production for some I'm sure. If this amendment goes forward is there going to be some sort of, in other words, I guess I don't know are we going to have all this stuff put on the weight of industry all at once?

And from an Area 3 perspective I don't know how you're going to task an Area 3 LCMT to come up with anything when it may not be Area 3 next year. So, I mean, I guess that's the confusion that I'm seeing right now. Thank you.

CHAIRMAN NELSON: All right, Pat, you're going to have the last comment on this and then we're going to caucus.

MR. AUGUSTINE: Thank you, Mr. Chairman. It just seems to me the point of clarification that I would be looking for, for this document, whether it were to go out or not, or even move forward, was the comment that Bonnie had made not only suggesting but telling us that they in fact area dealing with Area 3 in a manageable way.

And they clearly have identified three different areas without making any changes to anything. And it would just seem to me that between now and August if we could get the technical committee and/or the LCMT from Bonnie's area, Area 3, or just Bonnie, someone to clearly identify what those demarcation lines are and whether or not the technical committee can deal with those for Area 3, that would be the added information I'd be looking for. And if we can't get that then I would withdraw my second.

CHAIRMAN NELSON: All right, why don't we caucus on the motion to postpone until the August meeting on which we'll have it on the agenda. And if this passes my sense is the folks in Mass and Area 3 folks will work with the technical committee to come up with something for us to consider.

Okay, my sense is that we have enough time to have made a caucus and as soon as staff is ready to count hands.

**All those in favor of the motion to postpone this discussion until the August meeting please raise your right hand; opposed, likewise; what was New York doing; so could I have the opposed again, please; up high, nice and high; three; abstentions; null votes;**

anyone couldn't make up their minds?

Okay, the motion passes. This will be on the agenda for August. In the meantime, I would again -- staff would expect that some states that have multiple, you know, management areas certainly would be interested in working with staff to come up with suggestions.

And also the, Bonnie, if you would work with the folks and anyone else who wishes to work on Area 3 with the staff I think that would be appropriate. Anything else to that? Vince, go ahead.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I had a question for the technical committee. It seems to me there may be other fisheries in other parts of the country or even other parts of the world that have a problem with political management boundaries not synchronized with the biological boundaries. And in fact I think some of the members on the peer review are perhaps familiar with those fisheries.

My question is, how much of a dialogue was there between the Lobster Stock Assessment Subcommittee or the Lobster Technical Committee and maybe other scientists about this problem? Has there been any exchange over that? Or would that be an area that might be productive to pursue?

MS. HOWELL: The first answer is none or very little. We felt that talking to our own fishermen would, was enough of a confusion without going to the West Coast. But it could be that there is something in the West Coast fishery that would be helpful so we certainly could, if I could find somebody -- the peer reviewers are gone now. Maybe the ASMFC staff can help us.

EXECUTIVE DIRECTOR O'SHEA: Well, I wasn't, you know perhaps the fishermen would come up with methodologies but I was actually thinking of scientific methodologies to deal with that. And I'd be happy to help you find those scientists if you haven't had that dialogue.

CHAIRMAN NELSON: All right, that sounds like we've got a plan scheduled for August. I look forward to the creative thought process that will come out of that. All right, we're on to our next agenda item. That's the update on the Lobster Health Steering Committee and Rhode Island's Sea Grant funding opportunities for the rest of New England and elsewhere.

## **Lobster Health Steering Committee**

### **Update**

MS. KERNS: I just wanted to give the board an update on the Lobster Health Steering Committee. I'm still waiting for a recommendation from one state on the additional members to the Lobster Health

Steering Committee, that we needed a person from each state and also a person from industry.

And we're missing that person from the state of Maine and then we will have a full list to forward on to the Lobster Health Steering Committee. And also in 2005 I believe it was the proposal sponsored by Senator Reed and Senator Snowe was approved for \$3 million to establish cooperative research programs to study the causes of lobster shell disease and the decline of lobsters in Southern New England waters.

This funding will be split for monitoring and research on shell disease. The bill has language to indicate that the University of Rhode Island Sea Grant will be disbursing this funding. In November 2005 an organization committee that included Mark Gibson was put together to form and determine how to move forward on this initiative.

As a result of this meeting an executive committee was proposed. And the members of that committee are: I think it's Mark Michetti, Laney Dellinger, Bill Adler, Patrice McKiernan, Mark Gibson, Carl Wilson, J.S. Cobb and H. Halverson.

From Sea Grant is Dr. Costa Pierce, Dr. Balcom and Anderson. And the National Marine Fisheries Service liaison is Terry Smith. And Williams is the seafood industry representative on that committee.

They created five subcommittees to investigate and develop for future research, including a monitoring strategy, a synthesis document, research priorities, a vision and to have a commission liaison.

The total funds available are going to be

\$2,938,135. This money will be disbursed directly to the states through the National Marine Fisheries Service if it's possible. They haven't received official notification from the service but upon receipt will submit a written proposal within 30 days and that will be before April 1<sup>st</sup>.

They're also working on an outreach work with potential researchers to provide an updated synthesis on shell disease monitoring results and research. So that's what's going on with that Sea Grant money for your information.

CHAIRMAN NELSON: Okay, is there, the proposals, when you said proposals, is that from any state or is it restricted to a certain area?

MS. KERNS: I believe it's for the New England area but I'm going to ask Mark since he sat in on both of those meetings.

DR. GIBSON: I think the concept at this point was to divide the available funding into two sources, one that would be so-called competitive awards where researchers from essentially anywhere could apply for research dollars that were relevant to investigations on shell disease.

But there was a component of the funding which as I understand it the congressional supporters had asked that it go directly to the states to support existing programs, some of those being in Maine and New Hampshire that are ongoing.

So that's where the discussions are or have been at this point. And my role is not necessarily that I wanted to get involved in it but I saw a need for some communication between this board and their existing executive lobster health committee and this newly evolving one.

So there seems to be a need to continue with funding of existing programs that are going on that have been funded I think through Harry's shop up to this point as well as a portion of the funds to go to competitive type research proposals for the lobster health, you know, health issues.

CHAIRMAN NELSON: Okay, thanks, Mark. Any questions for Mark or Toni? All right, ready for the next agenda item, then? And the next one is the recommendation from our Committee on Economic and Social Sciences.

### **CESS Committee Recommendation**

MS. KERNS: Thank you, John. The CESS Committee met at the end of the year and I went over the proposed management that the lobster board could be facing for 2006. And they would like to recommend to the board that the Lobster CESS Subcommittee be convened to provide any necessary and appropriate social and economic assessment information for the pending lobster addendums and amendments that we will be looking at or potentially looking at in 2006.

This does not include the addendum that we are going through right now. What they would like the ability to make comments on is a future addendum that would propose any management strategy changes, so a rebuilding plan, that sort of information as well as if we do move forward with the amendment then they would definitely like to have that committee make comments on that document. But we would need an action by the board to initiate a meeting of that CESS Lobster Subcommittee.

CHAIRMAN NELSON: Yes, Bob, do we need it from the board or is it --

MR. ROBERT E. BEAL: Well, if the board would like to employ, I mean, there is a lobster specific committee on economics and social sciences. I think it's a subcommittee of the technical committee.

If the lobster would like to employ that group and have them comment on future, on the future addendum that will essentially implement the addendum that was initiated today, that's up to the prerogative of this board. If there is agreement around the table to do it then you don't necessarily need a motion.

CHAIRMAN NELSON: And we did have that in the funds available for that?

MR. BEAL: Yes.

CHAIRMAN NELSON: Put into the action plan. Anyone have a problem with that group, that subcommittee, taking a look at the addendum? Eric.

MR. SMITH: Not a problem just that we charge them with the right question. I wouldn't want to ask a subcommittee that's not embedded in the day-to-day of what we do to just say what do you guys think because you're liable to get an answer that's all across the board.

What I think we ought to ask them to do is given this stock assessment advice, including what the peer reviewers said, what are the social and economic implications of the different management strategies that you might use to achieve those goals?

That's kind of a hard question to answer today because you don't quite know yet what the goals are going to be but the technical committee has already given some advice preliminarily on what that Southern New England/Mid-Atlantic bay area might

need to start rebuilding the stock to meet those new proposed targets.

And the social and economic science group if they gave us advice that said, well, if you do quota management in this kind of a fishery to meet that kind of a goal here is the kind of things that you can expect to have happen, or if you do it by some other measure here is the kind of things you can expect to happen, I think that would be very useful. And it would be useful to get that fairly early on.

CHAIRMAN NELSON: Okay, let me just, to be clear because I was a little confused about what we were asking the folks to do, and that is for, it's for future addendums that may have management measures in there, analyzing that and along the lines of what Eric just suggested, being very specific and asking them to provide their input based on the guidance from the board.

So right now it's just a generic do we want to have them available to do anything like that for the future? I think the answer was yes. And we just don't have an addendum for them to look at right now is what it boiled down to. Having said that, Bill, go ahead.

MR. ADLER: Thank you, Mr. Chairman. On this thing I think that's fine to have them go ahead. But when they assess things are they going to use some economic book out of the university of something for a textbook answer or are they going to go out and get real data or real feelings and real ideas on what is going to happen?

So frequently I've seen these reports that come out and they come right out of a, well, the economics book. But you know sometimes they're not the real thing so I would hope that if this committee does work

on something like this that there would be a component to it that would go out to the real world and get some real world answers. That's on this thing.

I did, at some point I did want to bring up one other thing about actually it was in the addendum if I may now or later, whatever you want.

CHAIRMAN NELSON: Well, let me finish up with this and then I'll come back to you. Go ahead, Dan.

MR. McKIERNAN: A quick question for Toni, the Gulf of Maine Research Institute is doing a socio-economic study. How does that factor in to what's going on here?

MS. KERNS: I can talk with them about it. I mean they are just starting their survey so depending on when their results come in, which I think you know better on that timeline than I do.

And if they'll share that information with us then I'm sure that the CESS Committee would probably take a look at that data. I can't speak for them but I would bring it forward to their attention.

MR. McKIERNAN: I don't know if Terry Stockwell is in the audience but I believe that they're trying to get this done fairly quickly, like within a few months as under contract with NMFS so that NMFS can write a, you know, well-founded environmental impact statement. So I would urge them to try to use all this data because they seem like a pretty good outfit and they're on it right now.

CHAIRMAN NELSON: Pete.

MR. PETER MOORESIDE: Well, I don't know if this is comforting but just for your

information, the Committee on Economic and Social Sciences were asked to assess the impact of a specific management action, namely a horseshoe crab moratorium, and the way they're going about this is that they're actually developing research proposals to present for the consideration of the board.

Then they're going out and just taking on the task. So I think this Thursday their proposals will be presented to the ISFMP Policy Board. So maybe the same requirement could be here under the lobster.

CHAIRMAN NELSON: Okay, thank you. I think we've heard that from Bill and others. Anything else on this particular topic? All right, Bill, what did you want to discuss?

MR. ADLER: Thank you, Mr. Chairman. I forgot to point this thing out. Back on the addendum on the monitoring thing it did say that you were changing something that was in Amendment 3.

And I just wanted the -- Toni, maybe you could just look it over because I always thought if something was in an amendment it took an amendment to change it rather than an addendum. Now, maybe the words are wrong but in the addendum it says something about monitoring that was in Amendment 3.

And I forgot to bring it up at the time. It may be nothing. It may be a mis-word, I don't know. But remember the process of amendments take amendments to fix. We're trying to fix it in an addendum. Maybe that's fine. And just check that over, a point of information, that's all.

CHAIRMAN NELSON: Okay, they'll check it over. My sense would be that in the

amendment it said what could be done by addendum. And they will check it just to make sure on that. And I guess the answer is it can be done by addendum and therefore you're all set.

MR. ADLER: I can sleep tonight.

CHAIRMAN NELSON: All right. The next item on the agenda is the AP nominations. And everyone has copies of those there or are they going to be sent? They're going to be circulated around so hang on for a minute.

### **Advisory Panel Nominations**

MS. KERNS: Currently staff is providing you with the most recent nominations to the American Lobster Advisory Panel. There are two gentlemen who you have not seen nomination forms from and those are Lanny Dellinger and John Whittaker.

Lanny Dellinger, you will notice that the three commissioners have not signed Lanny Dellinger's application. That's because -- from the state of Rhode Island, but Mark will speak to that and that they all have approved Lanny. It's just that we did not have these signatures prior to me photocopying his application.

Also, you have received Jack Fulmer and Greg DiDomenico's nomination forms. Jack Fulmer is from the state of New Jersey and Greg DiDomenico is also from the state of New Jersey. Jack Fulmer is a recreational fisherman and Greg DiDomenico represents the commercial fishing industry. So there are four nominees that we would need approval from for the Lobster Advisory Panel.

CHAIRMAN NELSON: Okay, I'm going to just give everyone 30-seconds more to

review them and then I'll look for the motion. Mark, to the point of where the folks, the nominee from Rhode Island had not been signed, do you want to comment on that a little bit further?

DR. GIBSON: Yes, just that the Rhode Island delegation supports Lanny Dellinger. We just got the form in late but Everett Petronio is fine with this as am I and Mr. Carvalho.

CHAIRMAN NELSON: Okay, fine. Has everyone had a chance to review the applications? Okay, Pat.

MR. AUGUSTINE: Yes, Mr. Chairman, just a point of information before I move that we accept them. Do we have paperwork on the other two gentlemen, on Greg, or did we already see that on Greg and on Jack Fulmer? We've got Lanny Dellinger.

CHAIRMAN NELSON: Well, we're going to bring Tina right up here and she'll answer that question for you.

MR. AUGUSTINE: Thank you, Tina. Thank you, thank you, Tina.

MS. TINA BERGER: I just received at the meeting the full suite of new advisors that includes signatures for the currently two commissioners from New Jersey.

CHAIRMAN NELSON: Currently two?

MS. BERGER: Well, we have a legislator who needs to be appointed still.

CHAIRMAN NELSON: Oh, okay. I just wondered what New Jersey might be doing. But Tom is here to verify that further if we want to question him about that.

MR. AUGUSTINE: So a motion now?

CHAIRMAN NELSON: All right, let's have that motion, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. So

**I move that we approve the advisory panel nominations, by name: John Whittaker, Jack Fulmer, Greg DiDomenico -- and who is the fourth one -- and Lanny Dellinger. Thank you, Mr. Chairman.**

CHAIRMAN NELSON: A second to that -- Ritchie White seconds. Do you need to caucus? All right, any objection? All right, seeing none the nominees are approved. Anything else before the board? Go ahead, George.

MR. LAPOINTE: I do hope that you tell Pat White that you finished way ahead of time. He is on vacation but we shouldn't let him off the hook, all right?

CHAIRMAN NELSON: Well, let's call him. All right, seeing nothing else. Nothing else before the board? All right, the board is adjourned. Thank you very much.

(Whereupon, the American Lobster Management Board meeting adjourned on Tuesday, February 21, 2006, at 3:50 o'clock, p.m.)

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