

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

**February 26, 2003
Arlington, Virginia**

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ATLANTIC STATES MARINE FISHERIES
COMMISSION
AMERICAN LOBSTER MANAGEMENT BOARD

DoubleTree Hotel Crystal City
Arlington, Virginia
February 26, 2003

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the DoubleTree Hotel Crystal City, Arlington, Virginia, Wednesday, February 26, 2003, and was called to order at 8:00 o'clock, a.m., by Chairman George Lapointe

Call to Order

CHAIRMAN GEORGE LAPOINTE: My name is George Lapointe. I'm the chair of the America Lobster Board. We are scheduled to go from now until 12:30.

We've got a full agenda so we will try to move the agenda along. We have an agenda before us, and we'll try to move through that as it is presented to you here. Are there additions to the agenda at this point? Seeing none we will accept the agenda as printed.

Before we go on, I would like to welcome a new legislative commissioner from Maine, Senator Dennis Damon; his first commission meeting. He was appointed by the legislature a couple weeks ago, and we look forward to Dennis' participation in all the commission's business. Welcome.

Approval of Proceedings

Board members were sent a copy of the minutes from the November 2002 meeting. Are there comments on those minutes?

MR. PATTEN WHITE: Move that we accept them.

CHAIRMAN LAPOINTE: There is a motion for acceptance. Is there a second?

MR. GIL POPE: Second.

CHAIRMAN LAPOINTE: Motion by Pat White, second by Gil Pope. Is there objection to acceptance of the proceedings, as they're called? Seeing none, they are accepted.

The next thing on our agenda is a period for public comment. We welcome public comment at this point if there are general issues that people want to bring up. We also welcome public comment during specific agenda topics.

Public Comment

I know there are a number of people here interested in the Area 2 issue, and we hope that you comment when that comes up. Are there public comments at this point that people would like to make?

Good morning. Could you state your name for the record. Good morning, Russ, please.

MR. RUSS WALLACE: Good morning. Russ Wallace. I'm a fourth- generation lobsterman from Rhode Island, Area 2 fisherman. I just wanted to give my experiences of over my lifetime as far as abundances and collapses. I have witnessed the lobster collapse in our area three times in my short career.

My father has witnessed lobster collapses four times since 1940. If you look back in the history of New England fisheries, there were collapses back in the 1800s when we didn't have effort problems and we didn't have overfishing and we didn't have a lot of other things.

We seem to think we know what is happening right now, but nobody could ever tell us what caused the early '80s, the early '60s, the early '40s and back on what were the conditions that made the industry go the way it did -- probably mother nature.

I think I'm a traditional fisherman, and I'd like to see us continue with our biological measures such as gauge increases and the things that are on the table right now.

I just want to read one short article then I'll go sit down and I won't bother anybody. This came from the "National Fisherman" ten years ago in March and it was to do with the surf clam industry in the Mid-Atlantic.

It said, "It's been two years since individual transferable quotas were introduced in the Mid-Atlantic surf clam fishery. and the verdict is mixed. 'It's a more streamlined business and a safer business,' says vessel owner Bill Gifford.

"Others lament the human toll taken when the fleet shrank by 100 boats. 'I don't think the people who

designed the plans foresee the domino effect they're going to have,' says fisheries consultant Ed McCloud. Editor Jim Fullerlove from the "National Fisherman" perceives more than a handful of lessons and warnings for others to heed."

I have a real, real concern that I think if we were to go in that type of a direction in this industry, I think it would very much spell the end of a traditional industry and probably very much the end of any small-time fisherman. I appreciate your time. Thank you.

CHAIRMAN LAPOINTE: Thank you. Other public comments at this point? Seeing none, we will move to the advisory panel report, Bob Baines.

Advisory Panel Report

MR. BOB BAINES: Good morning. I'm waiting for the screen to lighten up.

MR. VITO CALOMO: Mr. Chairman.

CHAIRMAN LAPOINTE: Vito, please.

MR. CALOMO: I'd just like to make one comment while the screen is warming up. That gentleman who just spoke, you said you won't bother us any more? People like you never bother us. We need your input so we appreciate it, thank you. That's all.

CHAIRMAN LAPOINTE: Thank you, Vito.

MR. BAINES: The advisory panel met on February 26 and we had very good attendance. We discussed quite a few topics. I am going to just discuss a few of them right now; and then as we move through the meeting, I will give you the AP's opinion on the other subjects.

Staff updated the AP on the operating procedures, management activities, Area 2, and we also discussed whale issues that lobstermen always seem to discuss when they get together in a room.

The AP recommends that the board form a subcommittee to address outstanding issues related to the most restrictive rule. This has been brought before the board a number of times, and it is a real concern by the advisory panel that this really hasn't been addressed yet.

What we'd like to do is have a subcommittee that we have AP members willing to serve on, we'd like to have a few board members serve on, and really

address these issues so they get ironed out. It is a real concern.

We also reviewed the transferability guidelines, the Massachusetts proposal and Area 2 situation, and I will be discussing those as they're brought forth.

CHAIRMAN LAPOINTE: Questions for Bob? The biggest issue I see that the AP is presenting to us is the recommendation for the subcommittee on most restrictive rule.

MR. BAINES: Yes.

CHAIRMAN LAPOINTE: There was in the AP report, in people's binders, it said a subcommittee of the AP was formed including one AP member from each area. There are four people on there. Are there people from the other areas who are interested or we don't know that?

MR. BAINES: That's one from each area. Well, Area 1, Area 2 and Area 6, we don't have anyone from Area 3. No, yes we do, David Spencer, so there are four areas.

CHAIRMAN LAPOINTE: And the idea is the continue working on the most restrictive rules in conjunction with the board so that we can come back with a recommendation to the next meeting?

MR. BAINES: Yes. The largest concern really right now with the most restrictive rule is the disparity of trap limits. If you have a lower trap limit -- if you fish multiple areas, if you have a lower trap limit in one of the areas, according to the most restrictive rule you have to have that lower trap limit throughout both areas.

Technically that really doesn't work, so that really needs to be ironed out. And, as things move forward here, probably today, there might be some other things concerning the most restrictive rule that need to be addressed.

CHAIRMAN LAPOINTE: Board members, questions for Bob? Bruce, please.

MR. BRUCE FREEMAN: This issue on the most restrict rule is one that's obviously concerning many. The recommendation has been to form a subcommittee. Does there need to be action taken, George, to do that or was that something --

CHAIRMAN LAPOINTE: If the board wants to move in that direction.

MR. FREEMAN: I would suggest that such a committee be done. It's a very contentious issue; it's somewhat confusing. With the most recent action taken by the federal agency to ask federal license holders what areas they fish, I suspect at least in our instance we have vessels in New Jersey that put down Area 1.

There's just no way that's going to happen, and yet people have done it. I don't think they understand the consequences. I would certainly favor forming such a subcommittee to try to address some of these issues, and this certainly is a way it could be done.

CHAIRMAN LAPOINTE: I just talked to Carrie. If the subcommittee is formed, people envision that we'll use conference calls and e-mails rather than actual meetings because of budget constraints and time constraints. We would come back with a recommendation or a report to the board at the June meeting.

MR. FREEMAN: Yes, I think it's an issue, George, where if you get a mix of both advisory people, technical people and board members, some of these issues can be discussed more thoroughly.

Some of the areas of difficulty can be addressed. It seems to me the recommendations coming from that subcommittee could certainly speed the process and deal with the issues. I agree, it could be done by conference call. Everyone does have a phone, and it would seem to me to be a very reasonable way to approach this problem.

CHAIRMAN LAPOINTE: Board members, is there objection to a subcommittee being formed and reporting back at the next committee? Seeing none, I need some board members to volunteer for that.

I will volunteer because the most restrictive rules we're developing in Maine at this time I think will be useful. Other board members? Bill Adler has his hand up; Pat White has his hand up. Others? Paul. Bruce, are you --

MR. FREEMAN: If you need members, I mean, we're on the fringe of the fishery but we do represent a valid interest. But if you have sufficient board members that are more directly involved in the fishery, that's fine. If you need members, I'll volunteer.

CHAIRMAN LAPOINTE: I don't think we need them, but we'd want your input. I mean, you may be

on the fringe of the fishery, but you still have the same concerns so your input would be valuable, I think.

And, Harry and Gil Pope. We're getting too many members, now, but that's six. Good, we'll stop there.

Other discussion on the subcommittee? I will work with Carrie to develop just some background information to get those folks started. We'll circulate that to board members and then to the subcommittee members. We'll try to schedule that soon but at some reasonable time. Bonnie, please.

MS. BONNIE SPINAZZOLA: Bonnie Spinazzola. Will you be including advisory panel members and technical people as recommended?

CHAIRMAN LAPOINTE: Certainly, the AP members there. I don't want to make it humongous. I would ask that state members bring along technical people as they see fit and then cycle back so we don't have --

MS. SPINAZZOLA: And should the advisory people get in touch with Bob Baines that want to sit on this subcommittee or are you just including --

CHAIRMAN LAPOINTE: They've already been appointed. I didn't read the list. The volunteers we had was Bob Baines, John Sorlien, David Spencer and --

MS. SPINEZOLA: Okay, so those people will stand.

CHAIRMAN LAPOINTE: -- Nick Crismale. Harry.

MS. SPINEZOLA: That's fine.

MR. HARRY MEARS: Mr. Chairman, in the process of this continuing discussion on most restrictive, we've certainly had our share of phone calls from industry representatives in Areas 4 and 5.

I would strongly recommend to the extent that they may not be included in this subcommittee or the advisory group's deliberations, that there be hopefully some attempt to include an Area 4-5 input into the process.

CHAIRMAN LAPOINTE: I agree, and we'll work on that, Harry. Other comment on this subcommittee? Seeing none, we will carry on with that. Are there other AP items?

MR. BAINES: Not at this time.

Transferability Board Discussion Update

CHAIRMAN LAPOINTE: Our next agenda item is the transferability board discussion update.

MS. SELBERG: I would like to update the board on a board meeting that happened in January 2003, outside a meeting week, to discuss transferability.

The purpose of this meeting was to allow commissioners to discuss issues associated with transferability and to talk through possible solutions. It was also an opportunity to outline issues which they believe still needed to be addressed before any transferability programs could be implemented.

First of all, in your packet there's a summary of what happened at that meeting. What I'm going to hit on are what the groups came up with for goals for an ASMFC transferability program, and then program elements that they thought were necessary for any transferability programs.

First for goals, all transferability programs needed to be consistent with the goals and objectives of Amendment 3. Effort should not increase through a transferability program in any one area.

Transferability programs should ensure that changes in geographic exploitation patterns as part of a transferability program do not undermine the success of ASMFC management programs.

Transferability should allow the individual fisherman to adapt as needed to reflect the existing social and cultural features of the industry. It should promote economic efficiency in harvesting and use of the resource.

This is a very basic statement, but individual areas should be able to develop transferability programs. As far as enforcement and administration, they don't want a program to significantly increase enforcement or administrative burden. The current character of the areas would be maintained.

Now the next slide outlines some program elements that those folks around the table thought were needed, and this is seen as a response to those LCMTs who have requested some guidance from the board on what they would like to see in transferability programs before they bring them forward.

Those program elements include a clear definition of the goals of the transferability program; consistency of transferability programs within a multiple-area state; identification of impacts on multiple-area fishermen consistent with state laws and policies in a given area.

They thought it was important that transfers be limited to one time a year along with a minimum number of traps for transfer. Each proposal should address the impacts on administration and enforcement. That's where that group ended at the end of that meeting in January.

CHAIRMAN LAPOINTE: This was a group that we talked about getting together and, again, we had a good discussion. You can see from the meeting participants, we had board members and other participants to develop guidelines for those areas that want to consider transferability. Are there board questions or comments? Bob Baines.

MR. BAINES: The AP did take the time and reviewed this. There were a number of AP members at the transferability workshop. The consensus of the AP was this was a good working list, and the AP thought that we should move forward on developing it.

Technical Committee Report

CHAIRMAN LAPOINTE: Thank you. Other board comments? Any public comments? Seeing none, again, because this list was just developed, I encourage board members to bring the list home, look at it, see if there are elements that they think need refinement or other elements that should be added as this document develops.

Again, it was designed to be guidance for those areas that want to discuss transferability and we can refine it as we move along. Other questions or comments? Seeing none, we will go the technical committee report, Bob Glenn.

I will tell folks Bob has been suffering from numerous maladies, and so if he loses his voice Carrie may take over part of the meeting for him.

Before Bob gets started, an issue that has come up -- and I want to remind board members, it's something we need to pay attention to all the time -- is technical committee workload.

We have been hitting up the technical committee a lot for various issues. That's what they're there for, but

they also have some long-standing issues like the assessment and preparing for the assessment that we want to ensure that they have adequate time for so we get good products out of them.

And this will come up in the Area 2 discussion; they've been asked to look at documents with fairly quick turnaround, and so what we get is their kind of "snapshot" technical committee assessment of what we are doing.

I am going to be working with Bob to make sure that we allow enough time for the technical committee to work on those long-term issues as we have near-term issues. That's just a bit of a heads up so that in fact we can get them to concentrate on the big issues and giving them enough time to work on issues well. Bob.

MR. BOB GLENN: Thanks, George. The first issue I'm to speak about today is the V-notching model compliance report that we were requested of by the Lobster Board. The TC has worked on a draft report to the board regarding V-notching compliance in Area 1.

Unfortunately, at the last minute we could not meet consensus on the appropriate input parameters to go into the model before this meeting. As such, we will not be able to present the report to the board at this time relative to V-notch compliance.

What we hope to do is continue to work on resolving those issues relative to the input parameters and report back to the board in June on V-notching compliance.

CHAIRMAN LAPOINTE: Questions? Paul.

MR. PAUL DIODATI: Bob, can you clarify what you're specifically talking about when you say "input parameters." You couldn't agree on "input parameters." What exactly does that mean?

MR. GLENN: Yes, at issue was the input parameters that go into the V-notch model. We look at the observed percentage of V-notch lobsters in the sea-sampling programs from the states of Maine, New Hampshire, and Massachusetts.

At issue is what specific percentage to look at. There is one camp that believes that we should look at the percentage of lobsters that were newly notched in that particular year and as being representative of a compliance rate for that year.

There is another camp that feels that the appropriate input parameter for that would be looking at all notches that come across, old and new, in that given year. We haven't been able to reach consensus relative to which is the most appropriate input parameter to use in that model.

CHAIRMAN LAPOINTE: Paul.

MR. DIODATI: It would seem to me that if you were trying to measure compliance of the rule within a specific year, then it's only logical that you would look at the newly notched animals. If you combine them, then theoretically you can get over 100 percent. That wouldn't be the way to do it.

So, maybe this is a policy board decision, if you needed that kind of guidance. It seems to me that it's very clear that you would just look at the newly notched animals. I don't understand what the difference of opinion would be about.

MR. GLENN: There's some members of the technical committee that expressed concern that by only looking at the new notched animals, that you're not giving enough credit to V-notching in the model. That's where their concern comes from.

Hopefully, we would be able to resolve those issues and come forward with a consensus document by the next board meeting, but we would certainly be willing to take any advice from the Lobster Board relative to that issue.

CHAIRMAN LAPOINTE: My sense is that in fact -- I mean, this is part of the long-standing Maine and Massachusetts difference on V-notching, and I asked Carl about this. My sense is that in fact you're going to reach consensus on what to do and to move forward.

It strikes me that it's not an issue that we need to elevate to the board level at this point unless they can't reach consensus, Paul. Other board members? Other technical committee issues?

MR. GLENN: No, not until we move to the next section.

CHAIRMAN LAPOINTE: Other questions or comments for the technical committee on the v-notching models? Seeing none, that's the end of your report at this point?

MR. GLENN: There a few other matters.

Area 2 Stock Declines

CHAIRMAN LAPOINTE: I suspect we might have a few others, yes. Then we will move to the discussion on Area 2 stock declines, clearly an issue that everybody has a lot of interest in and it has enormous implications.

I'm going to begin by asking Carrie to walk through the chronology on how we got to where we are today; just because, as you can see from the agenda, there has been a lot of activity on the part of the technical committee report, the LCMT, the PRT, law enforcement.

I think it would be worthwhile to put that in context before we begin the discussions. The board discussed this at the end of the last meeting, and I don't have the part of the minutes highlighted exactly.

People talked about Area 2 and we asked that a subcommittee of the board get together to discuss what to do about the Area 2 stock decline, and that's what got all of this started. And with that, I'll turn it over to Carrie.

MS. SELBERG: Last November, at the last Lobster Board meeting, the technical committee brought forward a report that the board had requested on Area 2. The full board then decided the best way to approach the Area 2 situation would be to form a subcommittee.

A subcommittee of the commissioners from Massachusetts, Rhode Island, Connecticut, New York and National Marine Fisheries Service had a meeting at the beginning of January to discuss Area 2.

They came out of that meeting with several recommendations for the Lobster Board. And given the serious nature of what was going on in Area 2, the subcommittee recommended that George task several groups to accomplish some work tasks before this February board meeting.

The first was asking the plan review team to review the idea of using emergency action in Area 2. The second was tasking the technical committee to develop a total allowable landings figure for Area 2 that's consistent with F 10 percent.

The third was asking the LCMT to get together to develop management measures consistent with that total allowable landings figure. And as you will see

from the agenda, you're going to be hearing from each one of these groups, and they will be outlining what decisions were made at their various meetings.

CHAIRMAN LAPOINTE: The last item on this agenda, Item Number 8, is board discussion. I would hope that we move through the reports fairly quickly, ask questions that are just about the reports themselves and then hold the bulk of the discussion for what is called "board discussion and anticipated action".

During that board discussion, we know there's a couple proposals have been floated. I think the first thing the board needs to do is look at the emergency criteria from our charter and say do we want to take emergency action and discuss that and then move into the action we take thereafter.

That strikes me as a good way to go. I'll start with Bob Glenn and the technical committee report on Area 2.

TC Report on Area 2

MR GLENN: Okay, thank you, Mr. Chairman. I'm going to try to breeze through this fairly quickly. For many of you, you've seen this presentation several times; others, it may be your first time seeing it, so I'm going to try to breeze through it very quickly.

If you have any specific questions as I go along, feel free to stop me and I'll be willing to answer those questions. So to keep the pace, as Carrie said, this goes back to a board motion given to the technical committee to document the declines and the spatial extent of the stock declines in Area 2.

The technical committee looked at both fisheries-dependent and fisheries-independent data sources, including trawl surveys, sea-sampling information and catch report data that we used to accumulate landings.

The first one I'd like to talk about is the trawl survey information. The trawl survey indices from Massachusetts are shown on the screen above. We broke it down into three size categories.

We looked at juvenile animals, which is represented by the blue line; pre-recruit animals, which is represented by the pink line; and legal animals, which is represented by the green line. This particular slide is for the Massachusetts Fall Trawl Survey, and it is for male animals.

As you can see, between the early 1980s and up until about 1990, we had fairly low abundance levels in

the stock; and then beginning through the mid-1990s, all three size categories had a real significant increase, especially a big pulse in the juvenile indices in the trawl surveys seeing a large recruitment pulse.

And then after that, in about 1996, we started to see a decline to a very low levels, back in the most current year, around 2002.

The female trends for Massachusetts follow the same thing where you see an early low abundance in the early '80s with increasing abundance throughout the mid-'90s and then declining abundance in the late 1990s to current times.

In fall of 2002, in the Massachusetts Trawl Survey, for all survey strata that Massachusetts looks at in Area 2, we caught a total of only one lobster. So our survey indices there in all cases are at historical lows.

Here are similar trends presented the same way from the Rhode Island Trawl Survey, the state of Rhode Island. You can see they started at fairly low abundance levels back in the late '70s and early '80s.

This increased fairly steadily throughout the '80s to high points in the mid-1990s, and then roughly at about 1997 you see the indexes of both pre-recruits and juveniles really start to decline precipitously. And the same thing occurred for legal size animals.

Looking at females, trends are very similar with an increase up until high points in the mid-1990s, and then a subsequent drastic decline from about 1997 until current levels where we're seeing extremely low.

I understand from talking to my counterparts in Rhode Island that the 2002 Trawl Survey indices for Rhode Island are at or near historical time series lows right now.

This is just looking at the percent difference in the 2001 Trawl Survey indices from the time series mean. As you can see, the blue lines are represented by males and the red lines are females.

In Massachusetts, for juvenile animals we're 67 percent and 87 percent below the time series mean respectively; for pre-recruit animals, 32 percent and 100 percent below the time series mean; and for legal size animals, for males 100 percent below the time series mean and the females, 42.

Similarly, in Rhode Island, with one exception, the male juvenile animals around were slightly above the time series mean; however, females were well below,

74 percent below; pre-recruit animals at 1 percent below for males, 51 percent below for females; and, finally, for legal size animals in the Rhode Island Trawl Survey were 54 percent and 66 percent below for females in 2001; basically showing that in the most recent years the trawl surveys are well below their historical means.

Based on that trawl survey information from Rhode Island, this is a plot of predicted abundance using a DeLury model analysis looking at the abundance levels for both legal and recruits. As you see, they follow similar trends to the trawl survey. They're just a little bit smoother.

We've seen increasing abundance in the lobster stocks from the early '80s up until high levels through 1990 and 1996, and then roughly in 1996 we started to see a large decline in abundance of both recruit animals and legal animals.

Similarly, from that model, there's a fishing mortality estimate. You can see the fishing mortality estimate over that time series has tended to decline throughout the time series.

However, you note that the blue line is the reference point of F 10 percent of an F of 0.84, fishing mortality levels have remained above that level throughout the entire time series.

This is looking at our fisheries-dependent information from both the Rhode Island and the Massachusetts sea-sampling information. This is a plot of the catch per unit effort of sub-legal animals in both Rhode Island and Massachusetts.

If you look at Massachusetts, it follows trends similar to the trawl survey indices where we see low levels in the early 1980s followed by very high levels between 1987 and roughly 1994; and after about '93 or '94, we see this real sharp decline in the catch per unit effort of sub-legal animals in our catch.

Rhode Island is a shorter time series. It's slightly less of a definitive trend. You see moderate levels in the mid-1990s and then you see a decline from around 1997 levels down to much lower levels.

This is a plot of the legal catch per unit effort, the green line being Massachusetts. As you can see, the actual catch per unit effort of legal-sized animals has remained fairly constant and high over the time series; whereas, for Rhode Island you see a pretty definitive trend as far as a decline from about 1995 to

2001 in the catch per unit effort of legal-sized animals.

I'm going to skip through a few slides here to be quick. This is looking at the catch per unit effort of ovigerous animals. In Massachusetts you can see it's a fairly noisy index. We see basically no trend over time.

It's kind of stayed at moderate levels throughout time, maybe higher levels in the mid-1990s, but it seems to jump around quite a bit. Rhode Island has stayed fairly stable, as well, for the catch per unit effort of egg-bearing females.

This is looking at the percent difference in the catch per trap haul from the time series mean. Rhode Island's sub-legals in 2001 were 23 percent below. Massachusetts was 63 percent below the time series mean.

Rhode Island legals were 43 percent below; Mass legals were actually 37 percent above the time series mean in 2001. And for ovigerous females in the terminal year, although, as I said, that survey is pretty noisy, both Massachusetts and Rhode Island were below the time series mean.

And, finally, the other thing the technical committee investigated is looking at commercial lobster landings in Area 2. We have a breakdown of both inshore and offshore and total Area 2 landings for Massachusetts.

I'll cover the inshore landings first. The blue line represents Massachusetts; the red line represents Rhode Island. You can see that back in the early '80s, the inshore landings in Area 2 were fairly low, less than a million pounds.

They increased to much higher levels, roughly doubled in the early 1980s to in excess of two million pounds; and then beginning in the 1990s, ratcheted up to even higher to in excess of -- for Rhode Island in excess of three million pounds and Massachusetts kind of hovered lower, roughly to around 500,000.

You see from about 1990 through about 1999, the landings in Area 2, Rhode Island, inshore stayed fairly high and mostly above 2.5 million to 3 million pounds. It was in the last three years, from 1999 we see a real decline from landings in excess of 3.5 million pounds in 1999. They've dropped down to less than 2 million pounds in 2001. We don't have 2002 landings figures at this time.

Massachusetts, similarly, we're at levels of about 750,000 pounds in 1998; and in the last year, 2001, they're down to less than 500,000 pounds for inshore.

Looking at the offshore trends for Area 2, that's a similar trend in that landings remained fairly high from the late 1980s throughout the mid-1990s; hovered around about 1.5 million pounds in Massachusetts, and between 1.5 and 2 million pounds in Rhode Island throughout the time series.

And it's in the last three years where we see a decline where Massachusetts went from about 1.5 million pounds down to about a million pounds in the offshore area; and similarly Rhode Island was in excess of 2 million pounds landed offshore in 1999. That figure has roughly been cut in half to about 1 million pounds in 2001.

Anecdotally, from talking to a number of industry members, I'm hearing reports of anywhere from 30 to 60 percent decline in landings for this upcoming year, for 2002, once those landing figures come in.

And this is total landings, which is just a combination of the inshore and the offshore. As you can see from 1990 to 2000, landings stayed fairly stable in Massachusetts, hovering around 2 million pounds for Area 2.

And it's in the last couple of years where it dropped from 2 million to roughly 1.5 million; and, again, we expect a very significant decline in 2002.

Similarly, for Rhode Island we see very stable landings, roughly averaging around 4 million pounds, with some excesses of 5 million pounds.

We note in 1999 record level landings of 6 million pounds. That was then followed by a decline to roughly half of what it was in 1999. In 2001 it was less than 3 million and expected to continue to decline.

One thing I would like to show you, the overall decline in landings in Area 2 isn't equal across all areas within Area 2. This is looking at just one small area, one portion of Area 2, Buzzard's Bay Proper, which would represent a large portion of the inshore of Massachusetts landings for Area 2 at Buzzard's Bay.

And if you look throughout time, Buzzard's Bay has probably roughly averaged around 300,000 pounds. It hovered around that period from about 1979 until about 1995, and then around 1995 through 1999 we saw a real increase in recruitment in that fishery and

a subsequent increase in landings, where landings went up to close to 400,000 pounds between 1995 and 1999, really extraordinary landings.

Subsequent to that, you see in 1999 it dropped to less than 300,000 pounds and then dropped again drastically in 2000 and 2001 to close to only a hundred thousand pounds. And in 2002 I'd expect to see little or very little landings coming from Buzzard's Bay Proper because there's just not a lot of fishing activity occurring in that embayment right now.

Finally, just looking at the percent difference from the time series means, if you look, these are the different landings categories. The Massachusetts total and the Rhode Island total are 26 percent and 29 percent respectively below the time series in mean Area 2 in the terminal year of 2001.

So you see very close agreement between the trends that we've seen in both Massachusetts and Rhode Island. For inshore it's 38 percent and a 29 percent decline, respectively. And, finally, offshore represents 24 percent and 29 percent decline, respectively, between Massachusetts and Rhode Island.

Other thing that we looked at, another fisheries-independent source of data that we looked at is a juvenile young-of-the-year index for lobster, which is a suctioning sampling survey that the state of Massachusetts and I believe the University of Rhode Island employs every year.

Rhode Island's time series is the blue line, which was started a lot earlier than Massachusetts, going back to 1990s. You can see settlement back in the early 1990s was very high, and the densities were roughly 1.4 to 1.5 per meter square YOY lobsters on the bottom.

That survey, although fluctuates quite a bit, you see that it has been a fairly consistent declining trend. For 2002 that blue line, I just recently heard from Rhode Island. They expect that at least preliminary figures for that density estimate is down to 0.26, which would bring it down to levels seen only back in 1996, so extremely low levels.

In Massachusetts our index of YOY lobsters has always been fairly low. That could be because we started in 1995; and since that time, I don't think recruitment has been very good in that particular fishery, in that area, so we really don't have any historical baseline information to contrast that with in

the Massachusetts portion. I would comment that it seems at very low levels overall.

And, finally, the other thing that the technical committee looked at was the prevalence of shell disease in Area 2. Starting back roughly in 1996, both the states of Massachusetts and Rhode Island began receiving a lot of phone calls from fishermen regarding the incidence of shell disease, starting to see an increase in the catch of the shell disease, a type of which hadn't really been seen before.

If you look, the dark blue line is the URI Trap Survey. The lighter blue line is the state of Rhode Island's DEM's sea-sampling survey incidence, the pink line being URI Trawl Survey and the orange line being the Massachusetts sea-sampling information.

Rhode Island started looking at this in 1996, and at that time, although there was some shell disease in the population, it was at fairly low levels. As you can see, between 1996 and 2001 the incidence of shell disease just basically skyrocketed to in 2001 we're having estimates between 30 and 40 percent of the catch coming up with shell disease.

Of particular interest relative to shell disease is it seems to affect females, specifically egg-bearing females, greater than any other portion of the lobster population. This is most likely due to the fact that females carrying eggs shed much less frequently than males or immature females, so they're exposed to the disease a much longer time period and don't have the luxury of being able to shed their shell as often.

And if you look, Massachusetts, when we looked at it in 1998, it was at fairly high levels of around 25 percent. That has fluctuated down a little bit, and then in the last two years started to fluctuate back up a little bit.

In 2002, for Massachusetts, I expect the prevalence of shell disease to probably push up close to the 20 percent level again.

Okay, after reviewing all that information, the technical committee looked at all those sources of data, found that there was very close agreement between the information that we're seeing from both states and very close agreement between the different data sources that we're looking at, both the fisheries-independent data, using the trawl survey indices, and the fisheries-dependent data which are collected aboard commercial lobster vessels.

In consideration of that data, the TC had the following recommendations. They felt that it was

necessary to reduce fishing mortality in Area 2. They felt that it was necessary to task the LCMT 2 to develop a plan that immediately reduces system-wide effort to levels that are consistent with rebuilding spawning stock biomass.

Although the exact levels of the reduction are yet undefined, reductions should begin while the model development subcommittee determines those levels. They also felt that it would be appropriate to develop a control rule that incorporates both F-based and biomass-based reference points to offer better management advice to respond to varying stock conditions in the future. That's the conclusion of the TC's report on Area 2.

CHAIRMAN LAPOINTE: Questions for Bob? I have Paul and then Gerry.

MR. DIODATI: Bob, the gentleman from Rhode Island earlier during the public comments indicated that there has been past collapses of this stock. I didn't see the time series going back beyond 1979, but is there information that the committee has that characterizes those historical declines in landings?

MR. GLENN: No. Unfortunately, we don't have data going back prior to 1980 on either fisheries-dependent or independent sources. If we did, it would be a lot easier to see the contrast if there were previous stock declines, but we don't have that information at this time, unfortunately.

CHAIRMAN LAPOINTE: Gerry.

MR. GERALD CARVALHO: Yes, thank you, Mr. Chairman. Bob, the rise in the biomass that we saw in the '90s there, because we don't have the data that goes back there, do we know that this was normal or this was abnormal to see this tremendous rise in the total biomass?

MR. GLENN: I would say in the context of the information that we have going back to 1979, it would be abnormal during that time period, abnormally high. Because we don't have an historical basis going farther back than that, I couldn't characterize it any farther back than 1980.

MR. CARVALHO: Does the technical committee have any idea what caused this abnormal increase in biomass during the '90s?

MR. GLENN: The technical committee doesn't have any real specific answer as to why the stock increased. There is speculation that there was

positive recruitment conditions that caused a large burst in recruitment, but it's very hard to put any hard data on that.

MR. CARVALHO: Does the adult stock from Area 2, is all that adult stock, are they born there in Area 2 and bred there or is the adult stock that's in Area 2 come from other areas?

MR. GLENN: The answer to that question is yes and yes. Both a fair portion of that stock would be come from local egg production, as well as I'm sure there's a large subsidy from other offshore stocks.

MR. CARVALHO: On the issue of the shell disease, do we know the exact percentage of loss caused to the total biomass was caused by this increase in shell disease that has been shown on the chart?

MR. GLENN: No, we do not. Basically, there has only been a limited amount of work done looking at determining whether or not shell disease causes mortality in lobsters.

There was some anecdotal evidence originally that caused -- I believe Millstone Lab in Connecticut held approximately two to three hundred animals that were heavily shell diseased through a molt, and then looked at to see how many of those animals survived molting with shell disease.

They found that they had in excess of 90 percent of all the animals that were heavily shell diseased survived through a molt and produced a new, viable shell. That's only one limited study. I don't have any further information if there is any large-scale mortality issues there.

MR. CARVALHO: So we don't have a lot of data to what extent the shell disease actually caused the mortality to the resource? --

MR. GLENN: We don't have a lot of data about the effects of shell disease on mortality. What limited data that we do have indicates that it's not a large source of mortality. But, there, again, it's only limited to that one very small study.

MR. CARVALHO: So it's your statement that the technical committee doesn't believe that the shell disease is responsible for a large amount of mortality?

MR. GLENN: That's my response. The technical committee does not have sufficient data to either

confirm nor deny that shell disease plays a large portion in the mortality in Area 2.

MR. CARVALHO: I have one last question. This shell disease that we've experienced as of late, in our studies has the technical committee studied or do we have any studies to show whether this particular shell disease is somehow much stronger than what was normally found in the water?

We always know there was some shell disease on some animals, but the amount of animals that had shell disease in the last few years seems to be so much greater, and we've never experienced this before. Do we know anything about that disease and is this an abnormal strain or is it a -- can you tell us some more about it?

MR. GLENN: Yes, there has been a lot of work studying this particular shell disease outbreak. There has been a lot of pathology work, specifically. Later on I believe there is going to be an update from Lisa Kline relative to some of the research that's going on in Long Island Sound, and some of that is related to shell disease.

What I can tell you from personal experience and from talking to my counterparts who have been at this a lot longer than me is that the shell disease that we're seeing right now is very different from what they've seen, say, back in the 1980s.

It's much more pervasive. It covers a much larger proportion of the body, and it seems to progress at a much faster speed than shell disease that we've seen in the past.

CHAIRMAN LAPOINTE: Bill Adler. I have at least three audience members. I'm going to cycle through the board and then get audience members. Bill Adler and then Harry Mears.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Bob, in the report of the stock of the sub-legal, is the technical committee basically saying that there is even a lack of sub-legals in the stock there?

MR. GLENN: Yes, I think one of the most alarming parts of the information we looked at isn't so much the decline of legal stock that we're seeing; it's the fact that what we expect to be recruiting into the fishery over the next three years seems to be dropping at a faster rate than the legal-sized catch, indicating that there has been some kind of problem in the recruitment stream coming into that fishery of sub-legal animals.

And we see that trend both -- it's much more pervasive in both the trawl survey and the sea-sampling trends. The indices for sub-legal animals have really just dropped like a stone.

MR. ADLER: All right, well, my point here was that obviously the lobstermen didn't take the sub-legals because they can't. And so my question, wafting through my mind, has always been, well, then who took the sub-legals since fishing didn't.

And you just said that it's unlikely that the shell disease killed them off, maybe. I certainly feel predation is one maybe part of being suspect, but I am concerned that we don't have the little lobsters there, and I didn't know if temperature drove them away, but I don't know.

But I'm just simply saying that I remember the ratio used to be -- I know in trapping it used to be before we had escape vents -- a good estimate was like four out of five of the lobsters you did catch in a trap went overboard.

So four out of five, just using that, four out of five of the lobsters, fishing didn't take and the secret question, of course, is who took them. Where did they go?

And also, with regard to the shell disease, I'm wondering if the warmer temperatures could have made that shell disease worse. I know there was a temperature situation down there, at least there supposedly, and I'm wondering if normally cold water with some shell disease, well, the shell disease goes away with the colder water, but with the warmer water it maybe helped it get worse.

I'm wondering if that might be the case, too. Does the technical committee feel that that might be a reason why there's worse shell disease?

MR. GLENN: I would say that the technical committee wouldn't necessarily agree or disagree with that statement, Bill. We've definitely seen an increase in temperature not just in that stock but throughout all the coastal waters in the past several years.

We simply don't have data or information to relate the temperature increase to an increase as a causative effect for the increase in shell disease. I think, personally, I could speculate that it's possible.

It's not out of the realm of possibility, but I wouldn't be comfortable making a statement for the technical committee relative to that because we haven't really discussed it in depth.

CHAIRMAN LAPOINTE: Harry Mears.

MR. MEARS: Bob, could you comment on the methods and definitions used by the technical committee to separate the analyses of inshore and offshore trends in lobster landings?

MR. GLENN: Sure. Basically, the trends for inshore and offshore, in Massachusetts we have a catch report system. Fishermen are required to put down what Massachusetts lobster area they fish out of. Based on those areas, we're able to divide up our inshore strata versus our offshore strata.

Rhode Island, I'm not as familiar with the trends and how they break up their information, but it's similar. They have a logbook system that just went into place in the last several years. I believe they're broken down by NMFS reporting areas.

Their areas would be, I believe, 539. But I also believe from their logbooks they can do similar to what Massachusetts does by breaking it down to an inshore and offshore category based on where the fisherman reports their landings.

MR. MEARS: Just one follow-up question. Does it necessarily or not necessarily equate to a three-mile mark separating state waters from the EEZ?

MR. GLENN: It doesn't necessarily relate to a specific three-mile mark, no.

CHAIRMAN LAPOINTE: Paul.

MR. DIODATI: Bob, it seems that the line of questioning about shell disease -- and reasonably so -- is suggesting that perhaps shell disease is one factor that may be causing a portion of the stock decline. But is it also true that shell disease is evident in catches in most stocks, to some small degree?

MR. GLENN: Yes, subsequent to the outbreak of shell disease in Area 2, we've seen a trend moving north of shell disease in Area 1. Also, to a limited degree, we've seen some start to occur offshore.

In the past several years, in the spring the incidence of shell disease in the southern portions of Area 1 has not been unlike what we've seen in Area 2.

MR. DIODATI: Has the committee thought about or would it be farfetched for shell disease incident to increase as population decreases because the harvest concentrates on the healthier animals; and as population levels decline to very low levels, perhaps the portion of shell-diseased animals left in the population is just much higher and so that would increase the incidence of shell disease in the catch?

MR. GLENN: That's a possible scenario, but the TC has not discussed that type of thing at this point.

MR. DIODATI: And what is the current F in Area 2?

MR. GLENN: The current F in Area 2?

MR. DIODATI: Yes.

MR. GLENN: There's a range of estimates based on several different models and some reapportioning that was done. It's very high. It's in excess of 1, and the estimates range from probably around roughly 1 to about 3, depending on what model configurations you use.

MR. DIODATI: And my last question, what is the target F for that stock?

MR. GLENN: The target F for that stock is 0.84.

MR. DIODATI: Point eight-four?

MR. GLENN: Correct.

CHAIRMAN LAPOINTE: Lance Stewart.

DR. LANCE STEWART: Yes, I would just like to comment on a couple of observations or maybe further interpretations of some of these losses. It seems like spawning stock biomass is really the target here.

I've always considered the window of survival of lobster recruitment to be more the young of the year of the second year stage rather than egg-bearing capacity.

And, as you look at larval distribution and a larval drift and settlement areas with the prevailing winds from the southwest and many of our linkages of Area 6 to Area 2 problems of shortages, I'm quite concerned with not temperature as much as inshore water quality and increasing chemical factors that may be part of that survival relationship.

Certainly, in the '90s lobsters experienced a behavioral expansion in their territorial use of the seabed, not only driven by the expansion of the pots to include greater open areas in the sea, making them much more uniformly distributed, but when the egg masses are carried on to the shore, those are things that I think we have to be very attentive to, habitat quality and especially changes that have occurred in affluent concentrations of chlorines and in particular some of the pesticides and chemical applications. Just that point.

I think shell disease is certainly important but, again, the rapid molting process of the first two years, shell disease is eventually excluded in a new molt. I think there are far more subtle, lethal factors occurring here that may be very specific to inshore habitat requirements of the animals, physiologically.

So, you know, I know that we don't have answers for that, but I think our rationales might be better placed in emphasizing some of those concerns.

CHAIRMAN LAPOINTE: I can't read your name, Sir. Mr. Ludford.

MR. CHRIS LUDFORD: Chris Ludford from Virginia. I don't want to take much of your time up, but I was glad he said something about that because I was curious as to how much it has been looked into, and I hadn't heard anything this morning yet, but the concerns about West Nile Virus and Equine Encephalitis and the increased spraying related to that.

I know in Virginia we're looking at low numbers recruitment in larval numbers of blue crabs and starting to see some similarities maybe to the lobster problem. But the spraying efforts in Virginia and Maryland has just been, you know, threefold and more.

One last thing I wanted to comment on is that it has come to my attention a lot of the chemicals and insecticides they're using aren't approved for use in Europe, let alone a lot of other places because of their, their marine effects. So, maybe that concurs with what Lance said.

CHAIRMAN LAPOINTE: I think at the end of the meeting we'll hear more from Lisa Kline on Long Island Sound research which will get into a lot of these questions. My sense from that is we see a lot of smoke and a lot of guns but no smoking gun.

And so it's kind of inconclusive at this point. Other board members? We had some audience members. Dick Allen and then I don't know your gentleman's names. We'll get you as we move forward.

MR. DICK ALLEN: Thank you, Mr. Chairman. The session this morning opened with a reference to the history of the lobster fishery and how all these things we've seen before and mother nature just controls this fishery goes up and down.

And then there was a question raised about whether we actually have some data on the historical record, and I've spent a little time over the years looking into that, and it may be useful to the board to consider because this is going to be a tremendous, difficult decision.

I think you might have gotten the wrong impression about the causes for earlier declines in the fishery where the remark was made that no one could explain those causes.

Well, certainly, the people at the time, when those causes occurred, thought they knew what the reason was. The first, at least to me, known case of people expressing concern about the lobster resource was in 1812 in Provincetown when the local folks asked the Massachusetts legislature to take action to prevent the depletion of that resource from out-of-state fishermen impacting it and the Massachusetts legislature did so.

The peak landings in the lobster fishery prior to the 1990s occurred in 1889, a catch of about 30 million pounds. After that the catch declined dramatically. And throughout the 1890s we see complaints from fishermen and the fishery officials about the tremendous decline and the possible commercial extinction of the lobster fishery.

The U.S. Fish Commission established a special commission to investigate the lobster and soft-shelled clam fisheries in 1903. Fishermen at the time are quoted in the newspapers as saying that the reason for this decline is the tremendous number of pots, the tremendous amount of people and fishing effort that have been placed on the lobster resource.

They note the decline in the average size of the catch as well as their total catch per trap. So, after the 1903 commission, most of the states put a lot of regulations in. In Rhode Island they started throwing people in jail for taking short lobsters.

And in Rhode Island, at least, the catch very quickly recovered and started to come back. The rest of New

England saw a continuing decline over the next 30 or 40 years from a high of 30 million in 1889 down to about 9 million pounds around 1930.

At that time the Rhode Island catch was actually 22 percent of the total New England catch. You might know that now it's a very small percentage and has been for quite a while. So, I think we can see that -- and the catch has gone up and down over the past 100 years or so.

In 1952 the Rhode Island catch reached a low point of 92,000 pounds was the total Rhode Island catch in 1952. Then we saw the tremendous increase in the 1990s and --

CHAIRMAN LAPOINTE: Dick, I don't want you to get cut off, but this is the technical committee report so we're trying to tie in questions.

MR. ALLEN: Right, I'm trying to give you some technical information that goes back a little bit further than what Bob gave you and then bring it up into the broader scientific picture, I think, and the big question that you have to ask is, first of all, is this caused by fishing.

Well, you have to keep in mind this is an animal that evolved over millions of years to be a long-lived species with a large accumulated biomass and annual fluctuations in recruitment, and natural conditions really didn't matter much because there was just a big standing stock of all these old animals.

We have turned the lobster over the last 200 years into a short-lived species. In our area at least, in Area 2, if a lobster lives more than five-six-seven years, that's unusual. So this is an animal that evolved to live 30-40-50-60 years, something like that, has this huge accumulated biomass.

That's gone. Now it's a short-lived species that requires almost entirely on favorable environmental conditions from year to year to produce the recruitment to keep the population going. So when you say was this a natural event, well, yes, it might have been caused by changes in the environment or something that we think of as a natural event.

It was not fishing that brought about this decline, but it was fishing that kept this resource kind of teetering back and forth, the way I look at it, on the brink of disaster.

And if conditions were favorable, it kind of got a little boost and we saw an increase in the fishery. If

conditions went the other way, the fishery was sufficient to push it back down.

So, I think that leads to a couple of very specific questions that I think the technical committee might be able to answer, Bob might be able to answer right now, and that would be that without assigning any blame for the cause in the decline, what impact does the high natural mortality rate have on the lobsters that are available to the fishery? Could we ask Bob if he could offer an answer to that?

MR. GLENN: Sure. Basically, what you need to look at in a population is a total mortality rate which is a combination of the fishing mortality rate and the natural mortality rate.

The implications of a very high natural mortality rate is that there is less available biomass to harvest because the overall mortality rate is increased, even if fishing stays static or fishing increases. If natural mortality increases, there is going to be less available biomass to harvest.

MR. ALLEN: Okay, and the second question that I have had because you responded to an earlier question by saying that the target F I think was 0.84 for this fishery but it's my understanding that was calculated on a low natural mortality rate, say 0.15, something like that. If in fact the natural mortality rate is now significantly higher, what would that do to the target F for the fishery?

MR. GLENN: That would lower the target F rate considerably. Essentially that target F of 0.84 is based on the natural mortality rate of 0.15 and stock conditions that we saw back in the late 1990s. If those stock conditions have changed, natural mortality has increased, the target F would have to be much lower than what it is right now.

MR. ALLEN: Thanks very much for your time.

CHAIRMAN LAPOINTE: Thank you, Dick. Please introduce yourself. And, please, questions to the technical committee now and as we get into other action, you can ask questions then as well.

MR. BILL McELROY: Thank you, Mr. Chairman. My name is Bill McElroy. I'm a fisherman from Rhode Island. I represent the Rhode Island Lobstermen's Association. I'll try to be a little briefer than Dick. That's pretty easy to do, I think.

The first question that I have to Bob is with all these charts

--and I've seen this presentation several times and we've had conversations about it, and I've never seen the chart that tries to correlate where fishing effort is in relation to these landings.

The last two or three years in Area 2 the amount of traps fished in the water has plummeted. The amount of trap hauls per year has plummeted. It's only natural that if we're not pushing as hard on the animals, the landings are going to go down accordingly.

We're not trying to suggest that there isn't a problem. There is, there's a big problem. But, I think that there's a little bit of misleading information here when it doesn't correlate to how much effort has been reduced.

We've done some polls in our area and we found that somewhere in the neighborhood of 25 percent of the effort that has been put into the fishery has vanished in the last two and a half years.

We did a poll just before I came up here, and in my harbor of Point Judith the 74 boats that are currently fishing out of that, 15 out of those 74 have already been sold or have made plans to not fish this year. That's a further 20 percent reduction.

The gentlemen that are still planning to fish this year have all suggested or virtually all of them have suggested that they're going to fish a shorter season and they're going to fish fewer trap hauls.

Now, these are all things that it seems to me that this committee is trying to get us to do, and we're doing them voluntarily. But when I see the charts, I don't see anything coming up that reflects that.

I'm afraid that the information that you show, without reflecting the fact that our effort has been reduced so much, gives a faulty impression of how drastic the dropoff actually is.

You had charts that showed at the LCMT meeting where in Buzzard's Bay there was virtually no pots fished the last couple of years because of landings dropping off.

If the people pick up and move, you can't very well expect to have any landings come out of there even if there was lobsters there to catch. It just strikes me as we're missing the point.

The industry is moving forward to reduce its effort. That is happening. And in spite of that, the shell

disease is still there. There's perhaps other things. You were asked the question earlier as to where the lobsters came from in Area 2; were they all born there and did they live there or did they come from somewhere else?

Well, I've been chasing them for 28 years, and I can tell you for an absolute fact that a good deal of our lobsters that we catch in Area 2 used to come out of Long Island Sound. Now we don't have that feeder.

There used to be a lot of lobsters that came out of the upper reaches of Buzzard's Bay and came down. There used to be a lot more lobsters that came out of Narragansett Bay and moved offshore. Some of those trends have changed so we're not getting those kinds of things.

CHAIRMAN LAPOINTE: Mr. McElroy, I'm going to let Bob answer the question. Something tells me you could give Dick Allen a run for his money as well.

MR. McELROY: I could try. Thank you. I'll cut it short.

MR. GLENN: I'm not exactly sure what exactly the question was or if it was just a comment.

CHAIRMAN LAPOINTE: I think the question is, as I understand it, this man didn't get the sense that the technical committee report reflected changes in effort because of changes in the way people fish. My sense is that you need to answer that and then talk about the things other than just landings that go into your report.

MR. GLENN: Relative to accounting for changes in effort, the information that we presented, we looked at, as I said, both fisheries-dependent and fisheries-independent data. The fisheries-dependent data would be the sea-sampling information that is taken aboard commercial lobster vessels.

That was presented as catch per unit of effort; so relative to the amount of effort, it should be relative. It's relative to the number of trawls that were made, so that would account for any declines in effort.

Relative to the fisheries-independent information, the trawl survey information, which mirrors what is happening in the sea-sampling information, that is probably a better overall estimator of relative abundance, and we've seen that the relative abundance of all sizes in that stock unit has declined.

MR. McELROY: Yes, I understand that, but actually the question that I wanted to have answered is do you have any charts that shows -- you showed a chart that showed the fishing, the landings, the total landings of legal lobsters had plummeted, and my question is how much of that is related to the fact that we're not putting as much effort out and how much of that is related to the decline in Area 2? Thank you.

MR. CARVALHO: Mr. Chairman. Excuse me, Mr. Chairman, I'd like to ask a question of the speaker, one question.

CHAIRMAN LAPOINTE: Go ahead. I mean, the more time -- I'm trying to keep things going because we've got a number of agenda items and I want --

MR. CARVALHO: I understand; it will be one short question.

CHAIRMAN LAPOINTE: All right, and I want to make sure that -- there's a couple other audience members and Bruce has his hand up as well. Ask your question while he's walking.

MR. CARVALHO: The question is in his experience with the shell disease, Bill, do you have any first-hand information on the extent of mortality from shell disease?

MR. McELROY: No, I don't. It's just a wild guess. I think it's significant, but I have no information that I could offer you to back that up. It's just my gut feeling from what I see. I never saw shell disease at all until the 1996 oil spill, and from that time forward we've seen an awful lot of it.

My suspicion, personally, is that that oil in the water somehow or other helped trigger, along with other environmental concerns that have been mentioned here, has helped trigger this disease but I couldn't tell you for certain.

CHAIRMAN LAPOINTE: Bruce, do you mind if I take the other two audience members or is this in regard to what is just being --all right, Bruce Freeman.

MR. FREEMAN: Well, I just had a question relative to the statement. You indicated that in a number of areas you greatly reduced your effort and my question is why?

MR. McELROY: Because we weren't catching as much. It became less cost-effective to chase the animals so people make different determinations.

The idea, for us, is to make a living. If it costs us a hundred dollars to catch ninety dollars worth of lobsters, there isn't a lot of incentive to go. So, as we saw this drop off occurring, we responded accordingly.

It's just a free-market business, you know. You reduce your effort if it isn't worthwhile.

MR. FREEMAN: Well, that's what I suspected occurred, but I wasn't sure. It appears to me that if in fact the reasons you've reduced your effort, you plotted your effort against the catch, you're going to find both simultaneously moving in the same direction.

MR. McELROY: That's right.

MR. FREEMAN: In other words, as the resource declines, the catch declines, so you're going to find these lines just tracking each other.

CHAIRMAN LAPOINTE: I don't want to get into a debate about this at this point, if you don't mind. I want to get to other audience members and get on with it. Is that all right? The gentleman in the tie.

MR. TED COLBURN: Good morning. I'm Ted Colburn. I'm Ocean Technology Foundation and Rhode Island Lobster Restoration Program on behalf of the responsible party as a result of the '96 oil spill.

And in doing so, we do the notching program in Rhode Island and we notched roughly 250,000 pounds of lobsters last year. To make sure we get an evaluation to make sure that notching was not having undue effects on the lobster, to be cautious we are running a small experiment at Avery Point on Rhode Island lobsters.

We've been lucky enough to have some of those lobsters molt. So we started with 200 lobsters roughly in June, all without shell disease. Some developed shell disease. And then some of those, have molted, shall I say, at least one. The one that molted, I have pictures of lost its rostrum.

And when it molted, it came out a nice, clean shell with no observable shell disease, a legal-sized lobster, and restored its rostrum. I have a photograph here if that's of interest to anybody. But we have that one experience from a legal-sized female lobster from Rhode Island.

CHAIRMAN LAPOINTE: Thank you. There was another gentleman. I don't remember your name, sir, but please come forward.

MR. WALLACE: Russ Wallace, Rhode Island. Speaking of lobster abundance, I believe the state of Rhode Island has graphs going back to about 1959 of lobster abundance, because I saw them at a Marine Fisheries Council meeting.

When I saw the way the abundances went I looked at it and I said, "My God, that's exactly how my life has gone." I think we do have some information back to '59, anyways.

CHAIRMAN LAPOINTE: Thank you. Other questions for Bob? Eric.

MR. ERIC SCHWAAB: Bob, just a quick question. You said there is a target F of 0.84, and is that based upon an F 10 percent?

MR. GLENN: Yes, that's the F 10 percent level calculated in the last stock assessment in 1998 based on those stock conditions and a natural mortality rate of 0.15. The F 10 percent target level is 0.84.

MR. SCHWAAB: And is there a threshold F in this plan; forgive my ignorance.

MR. GLENN: Actually, I guess I should correct myself. That's not a target. F 10 percent is a threshold.

MR. SCHWAAB: So is the target --

MR. GLENN: Currently in the plan there are no targets.

CHAIRMAN LAPOINTE: Other questions? Seeing none, we will go to Bob Beal, the report of the Area 2 Board Subcommittee.

Report of Board Area 2 Subcommittee

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. I'm just going to quickly go through a meeting of the subcommittee that met in mid-January to start to address the Area 2 issue.

If you remember, this board, at its November meeting, recommended that a subcommittee be formed to address the Area 2 situation. That subcommittee was to be made up of commissioners from New York, Connecticut, Rhode Island, Massachusetts, as well as the National Marine Fisheries Service.

This group was formed. They met on January 14th in Rhode Island. I was asked to chair that meeting, which I gladly did. That's the reason I was elected to give this presentation, I guess.

The meeting started off with Bob Glenn giving a similar presentation to what he gave today. I think maybe we went a little more in depth in some of the discussions at that meeting.

Following his presentation, there was a length discussion similar to what we had here, a brief one today, on the causes of the decline in Area 2. The group discussed environmental conditions and obviously fishing mortality.

The group couldn't come to a consensus regarding the magnitude of the impacts of environmental factors and fishing mortality, but they did agree that both these factors were involved with the decline in Area 2.

The group also agreed that the current F 10 percent or the current estimate is F of 0.84, that the current overfishing definition was not sufficient to initiate the rebuilding of the stock.

In other words, the fishing mortality rate needed to be reduced below the F 10 percent number to initiate the rebuilding of the Area 2 stock. They didn't come up with a specific recommendation on what the appropriate F rate is, but they agreed that it needed to be more conservative than the current overfishing definition.

The group discussed the use of a soft quota or a TAC to limit the removals from this area in order to get down to the current target and threshold, which were the same number in the fishery management plan.

So, the intent of this group was not to develop a quota in the sense that once these numbers of animals were landed or numbers of pounds of animals were landed the fishery was shut down; the idea was to develop a TAC to use as a soft quota.

In other words, develop a number of pounds that could be removed from this area that had a reasonable chance of achieving the target in the plan; and then based on this number, a set of management measures would be developed to restrict the fishery to that number.

The group also discussed the need for long-term and short-term management changes in this area. There are some things that can be done rather quickly, some management measure changes that can be done, obviously, in a matter of weeks or months; and some things dealing with effort and participation in the fishery, that would take a lot longer to develop and to

implement through the commission and/or state management programs and the federal government, as well.

The other thing the group discussed was what avenues of change are available to the ASMFC as well as the states and the federal government to effect change in this area. In other words, what type of actions can be taken at the state, federal and commission level that would result in management changes in this area?

They discussed the commission's emergency rule. They discussed the addendum process through the commission. They also discussed states acting voluntarily, more conservative than what the commission requires in the current management program.

The group did come up with a set of four specific recommendations. I'll go through those rather quickly here.

The subcommittee recommended that this Lobster Board at this meeting take emergency action to implement management measures to reduce fishing mortality to the F 10 percent target and threshold that are in the plan right now.

The group also recommended that this emergency action be effective on or before July 1st of 2003. That's the first recommendation that came out of this group.

The second one is that the group recommended that the board chair charge the technical committee with development of the TAC number that I spoke about earlier; in other words, develop a number that has a reasonable chance of achieving the F 10 percent target in the plan.

The subcommittee also recommended that the LCMT convene a meeting prior to this February board meeting, which they have had two meetings, actually.

They were going to use the TAC or the soft quota that is developed by the technical committee to frame their recommendations on management measures for the emergency action in this area.

The technical committee was also charged with evaluating the proposal that the LCMT has put forward, which they have done, as well, and you'll hear reports on those in a minute.

The final recommendation from this committee was that the plan review team review any potential

emergency rule or the emergency rule procedures that the commission has and report back to the management board.

I think there is a more detailed summary of the meeting than I just went over that is included in your -- I think it was on the CD-Rom. Yes, it was on the CD-Rom, so everyone has the summary that I quickly went through.

So ultimately this group recommended that emergency action be taken today to reduce fishing mortality to the F 10 percent level. If there's any questions, Mr. Chairman, I'll be glad to answer them.

CHAIRMAN LAPOINTE: Questions, recognizing that our next item is the PRT report, and then we're going to hear the technical committee report on the development of the total allowable level of landings and then discuss the LCMT proposal.

And, again, when we get into the board discussion we will discuss -- Carrie, I think, is going to talk about the criteria for emergencies as contained in the charter, but under the board discussion is when we will have the in-depth discussion on whether in fact that's the way we want to go. Lance.

DR. STEWART: In light of what we've heard from the industry, I think one of the quantitative figures or corrective factors we don't have, which may be something the AP could put together or the LCMTs, is a natural response to lower fishing success and how each area has already reduced their fishing effort in response to the lower take.

I mean, if there is some way to develop some sort of a table of voluntary effort reduction long and before it's required by management measures of F, I think would be extremely useful to track before we impose these fishing mortality indices.

So, I mean, it appears to me that we just don't have that data. The fishermen have done the polls. We should request from especially the Area 6 and Area 2 LCMTs that they provide that, if they can; just if it's general because it isn't on the books. It's not something we relate to what the science of fisheries management is really involved with.

CHAIRMAN LAPOINTE: I mean, every report is going to bring up a number of other questions. I mean, we're going to have to use our judgment and move forward based on the information we have because if we go back to LCMTs and the technical committee with these kind of questions, it will be

June before we act and then we'll probably raise other questions. So that's just the flip side of those kind of concerns.

DR. STEWART: Not that it would prevent us from acting or anything, but I think it's an extremely important information set that's not available for us at this point.

CHAIRMAN LAPOINTE: Thank you. Other questions, comments? Ernie, please.

MR. ERNEST E. BECKWITH, JR.: Just a follow up on what Lance said and perhaps maybe say it in a slightly different way. I'm not entirely comfortable with the current estimate of F for Area 2. I think it's based on Z minus M.

And in fact we're using an M that's 0.15 when M could be quite a bit higher; maybe in fact F is quite a bit lower. And maybe the current F, the real current F in Area 2 is already below the threshold.

PRT Report on Area 2 Emergency Action proposal

CHAIRMAN LAPOINTE: I think there will be some follow ups to that when we discuss the estimate of the total allowable landings level, the interaction of changes in M to the F estimate. Other questions or comments? Seeing none, Carrie, the PRT report, please, and we have a written copy.

MS. SELBERG: There is no presentation on this but in the smaller packet that you received either today or in the past couple of days, there is a copy of the plan review team report.

The plan review team was asked by the board chair, based on request from the Area 2 Subcommittee, to review the recommendation for emergency action in Area 2.

I'm going to spend most of my time talking about what is needed for emergency action, and then I've a couple other items I want to raise. On the first page, it's the language straight from the charter which outlines the commission's emergency actions rules.

First, the emergency action must be approved by two-thirds of all voting members. Within 30 days of taking emergency action -- so if the board did choose to take emergency action today, that would be by the end of March -- the states and the commission need to hold at least four public hearings.

The emergency action is effective for a period not to exceed 180 days. Now that can be renewed up to two times for up to a year each time, provided that the board has initiated an amendment or addendum action.

So that would mean that if the board did choose to take emergency action today, by the August meeting they would need to initiate addenda process. And then the last thing I want to raise under emergencies is what the definition of an emergency is under the commission's charter.

The provisions of this subsection shall only apply in those circumstances under which public health or the conservation of coastal fishery resources or attainment of fishery management objectives has been placed substantially at risk by unanticipated changes in the ecosystem, the stock or the fishery.

A couple other issues. The PRT thinks it's important that board members keep the most restrictive rule in mind as they're discussing various management measures. Those fishermen who marked both Area 2 and another area will be bound by the most restrictive rule under this emergency action.

And then we have some information about the capabilities of Rhode Island, Massachusetts and National Marine Fisheries Service to implement various management measures. I'm not going to go through those in detail, but that information is available for the board if you would like.

CHAIRMAN LAPOINTE: Pat White, question?

MR. WHITE: Carrie, how many states are represented on the board today?

MS. SELBERG: We have 12 jurisdictions.

MR. WHITE: I mean, all 12 are here?

MS. SELBERG: They have been up and down from the table, but at some point during this morning's meeting all 12 jurisdictions have been represented.

MR. WHITE: So we're capable of having a two-thirds vote?

MS. SELBERG: Yes. If everybody who has gotten up from the table in the past couple of minutes sits back down, then, yes.

CHAIRMAN LAPOINTE: Other questions? We will find them if we need to. Other questions of

Carrie for the PRT report? Seeing none, the technical committee report on total allowable landings for Area 2. Bob Glenn.

TC Report on Total Allowable Landings for Area 2

MR. GLENN: Okay, as mentioned before, back on January 14, 2003, a subcommittee of Area 2 commissioners recommended that the chair of the Lobster Board direct the technical committee to determine a total allowable catch for Area 2 that would lead to F 10 percent immediately.

Subsequently, the Lobster TC requested the Lobster Modeling Subcommittee to determine the total allowable landings for Area 2 that would reduce fishing mortality in Area 2 to the F 10 percent immediately.

The Modeling Development Subcommittee subsequently met and worked on developing a total allowable landings, a soft total allowable landings, for Area 2 that would be consistent with fishing mortality levels at F 10 percent.

The subcommittee employed four methods to calculate total allowable landings for lobsters in Area 2. We thought it would be important, given the short time frame, to not put all of our eggs in one basket, and that it would be important to provide a range of values for that particular estimate to give the board the best information that we could.

The four different methods that we employed were based on two different stock assessment models, the first being the Collie-Sisewine System 1 Analysis or CSA, which you all should be familiar with. It was formerly called the DeLury Analysis. That was one model that we employed.

The other was a Biomass Dynamics Model, or BDM, that we previously had not employed for lobsters, but is widely accepted as a model used in many assessments for many different species. We also ran the two different models under two different sets of assumptions about the biological parameters.

The first configuration of both models assumed that either constant natural mortality, because in the CSA model you have the ability to input natural mortality or constant stock productivity, which is R in the BDM model, essentially the first two model runs assume that those two parameters stay constant over time.

The second configuration of both model runs was intended to accommodate variations in biological

parameters, specifically natural mortality in the CSA model and stock productivity in the BDM model.

We felt that these variations in biological parameters potentially associated with recent increases in coastal water temperatures, shell disease or other environmental factors, so essentially what we did was given the information that we've heard from the industry and members of the technical committee relative to the potential increase in natural mortality, or reciprocally, a decrease in stock productivity in the last several years, we ran a few model scenarios where we allowed natural mortality to increase over time. We also allowed stock productivity to subsequently decrease over time in the last several years.

First I'll go over the CSA model results. The CSA model for Area 2 was configured basically as laid out in the last stock assessment. Separate CSA models were used for males and females. Projections used estimates for males and females produced by combining results for separate sex models.

CSA model estimates fishing mortality on legal sized lobsters reckoned in numerical unit, so we talk in terms of abundance in the CSA model and not biomass.

Other aspects of the CSA model used in the analysis mimic procedures established in the last ASMFC assessment, in particular the Q ratio, which is the catchability coefficient for Rhode Island Trawl Survey, which measures the relative catchability of pre-recruit and recruit lobsters was assumed to be one to one.

The natural mortality rate in the CSA model run with constant natural mortality was M equals 0.15. The natural mortality rate in the CSA model in the second run was allowed to increase proportionally to the incidence of shell disease from 1996 to 2001. Prior to that M was assumed to be 0.15.

So in that time period from 1996 to 2001, we ratcheted up the natural mortality proportionally with shell disease, and the effect of that was about a threefold increase in natural mortality in the last several years.

In the biomass dynamics model, using this analysis for Area 2 lobster, was a discreet time non-equilibrium version of the Schaffer Surplus Model. BDM estimates fishing mortality based on catch and weight of legal lobsters and population biomass over a wide size range.

The BDM measured biomass and productivity of male and female lobsters during 1962 to 2002 over the ranges of sizes taken in the bottom trawl survey and in the fishery. Catch data for the BDM analysis for 1981 to 2002 were combined Massachusetts and Rhode Island landings for Area 2 from standard federal summaries.

Data were in units of weight instead of number but correspond to the landings data for the same period used in the CSA model. Time periods with high and low stock productivity, represented as R in the model, were chosen based on preliminary model results and information about water temperatures and shell disease during recent years.

So similarly to the CSA model run, where we allowed natural mortality to increase, because that's not something that's explicitly modeled in the BDM model, natural mortality is not explicitly modeled in the BDM model so what we did, to mimic the same results in the CSA, is we allowed stock productivity to decrease over time.

Looking at the results from the CSA model, the run with constant natural mortality estimated the abundance at 1.5 million lobsters in Area 2, and this was based on female lobsters -- or actually combined -- at a biomass of 827 metric tons.

This results in an F rate currently estimated at 3.4, and that estimate is fairly high, and it's largely due to how trawl survey indices and landings and catch information were reapportioned in that stock unit relative to the overlap between trawl survey indices and catch reporting.

The current benchmark for that area, based on those levels, would be 0.84 or a relative exploitation rate of 0.53. Based on those inputs, it came up with a total allowable landings estimate of 966,000 pounds, assuming the abundance times 1.2, a pound and a quarter lobster, essentially.

For the variable M model, where we allowed natural mortality to increase up to 0.46, it gave us a slightly higher abundance level -- not that much different -- roughly 100,000 more animals, a biomass of 880 metric tons. F's were similarly very high.

But, as you will see, if you increase the natural mortality up that high, what it does is it takes away from the total allowable landings because of the available biomass. Because of the increase in natural mortality, it goes down so the estimate for total

allowable landings, using the variable mortality model run, was 680,000 pounds.

Moving on to estimates from the biomass dynamics models. The model run, stock productivity was held constant, basically represented the biomass at maximum sustainable yield of around 608,0521 estimated a much higher stock biomass at 2,563, with an F of 1.04.

Because the biomass dynamic model does not come - - its units of F are related to biomass not abundance, we don't really have a comparable F 10 percent calculation for this model, so we presented a rough benchmark fishing mortality reference point of F at MSY for that stock would be 0.63 under the constant stock productivity scenario with a biomass at maximum sustainable yield of 0.44.

This resulted in a total allowable landings estimate of 2,721,000 pounds. Under a variable stock productivity model run, you can see the biomass at maximum sustainable yield is lower by about 2,000. The biomass is a little bit lower. It's down to 2,300 metric tons, roughly, and the fishing mortality rate is slightly higher at 1.23.

You notice that by decreasing stock productivity, it has the effect of basically limiting the amount of available biomass to harvest so you can see that the benchmark F of FMSY is much lower, of 0.37 or at a BMSY of 0.29. And, finally, the total allowable landings estimate for that particular model run was 1,160,000 pounds.

Okay, in summary, the model subcommittee preferred the second configuration of both models based on residual analysis and a variety of credible information about shell disease and warm water conditions in Area 2.

So, essentially, we felt, based on looking at the model results, the model fits and the residual analysis, that both model runs were real, and the first one where we allowed natural mortality increase in the CSA; and where we allowed stock productivity to decrease in the BDM, we got much better model fit, and it would also fit better the assumptions that we've been hearing anecdotally about increases in natural mortality from whatever; the shell disease, temperature, increasing predators, et cetera.

The TAL levels for the two preferred models range from 680,000 pounds to 1,160,000 pounds. The modeling subcommittee recommended an average of those two, and it comes out to 920,000 pounds as the best overall estimate.

In the opinion of the modeling subcommittee from a technical point of view, F 10 percent and FMSY are limit reference points that are probably inappropriate for use in rebuilding a depleted stock.

TALS for lobster based on F 10 and FMSY may be too high to promote stock rebuilding, so the committee is essentially saying that although scaling back the total allowable landings to that level would represent a one-time very large scale reduction in F, it may stop the decline of the resource in the short-term, but it may not provide significant conditions to promote stock rebuilding over time.

Review of trawl survey data and settlement indices indicate that improvements in recruitment are unlikely during the near future. Consequently, if rebuilding is the management goal, then target fishing mortality points and associated total allowable landings should be set at levels below the reference points used in this analysis. That concludes the presentation on the Area 2 TAL.

CHAIRMAN LAPOINTE: Thank you, Bob. Questions? Ernie, Bill, Paul, Gil.

MR. BECKWITH: I've got a couple of questions, a couple different kind of questions. What was the total Area 2 landings in 2002 and what percent of reduction is the 920 from that?

MR. GLENN: Okay, we do not having landings estimates for 2002. Both the state of Massachusetts and Rhode Island collect their landings information from catch reports, which would have just been filed starting this January, and fishermen have until, I believe it's the end of March to file their catch reports, so we don't have all that information yet.

MR. BECKWITH: Could you give me your best guestimate?

MR. GLENN: What I can give you is a guestimate based from 2001 levels, and roughly the total landings in Area 2 in 2001 were around four million pounds. So dropping it down to roughly one million pounds would represent close to a 75 percent reduction in landings.

MR. BECKWITH: Wow! Just a couple of technical questions going up to the CSA model. I'm looking at the F rates that were generated both under the constant M and also the variable M, and they pretty much came out with the same F rates. I would have

expected under the variable M you would have generated a lower F rate. Can you comment on that?

MR. GLENN: Yes, under both runs, the F rates did come out fairly similar. The increase in natural mortality doesn't really affect the F rate as such. What it does is it increase the total mortality Z if you add the two together.

So, we didn't see a decline there, we just saw an increase in the total mortality which resulted in a much lower essentially surplus biomass that can be harvested in the fishery.

MR. BECKWITH: And one final question on the CSA model, and I might get this botched up so please bear with me and correct me if I'm wrong, but doesn't that model assume that all of the pre-recruits molt, and then 100 percent of those become legal-sized lobsters?

MR. GLENN: No, we have basically an apportioning technique that allows for partial recruitment at size of the animals so the trawl survey indices are adjusted as such, and then only a certain proportion at a time will molt over to the next size.

MR. BECKWITH: Okay, maybe I didn't say that right because I probably don't understand it thoroughly, but isn't that one molt group below the gauge size, isn't it assumed that all of those, 100 percent of those become legal sized when they molt?

MR. GLENN: No, again, no. We apply a partial recruitment vector to those based on low probabilities so that a large portion of them obviously would but not necessarily 100 percent.

CHAIRMAN LAPOINTE: Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. Bob, you just said the four million pounds was the 2001 estimated or landings. And what did you just say; did you give a range as to where you think it might come in at 2002? Obviously, below four.

MR. GLENN: For 2002 I don't have a solid estimate. All I have is anecdotal information from what I've heard from industry members. I mentioned before I've heard estimates for the 2002 decline anywhere from 30 to 60 percent decline, but I don't have any hard information on the landings as of yet for 2002.

MR. ADLER: Okay, and the 920,000 pound TAC that you're looking at, you said that would likely stop the decline but it won't rebuild; is that right?

MR. GLENN: That's the advice of the modeling subcommittee, yes.

MR. ADLER: Now the decline we know was not caused all by the fishermen. So in this thing, it looks like, okay, to stop the decline and then we get into the rebuilding that we need to do, but to stop the decline, even though it wasn't all the fishermen's fault, they're the ones that have to basically stop the decline by stopping the fishing; is that how that works? In other words, 920 is what would be good if we could do it that way.

MR. GLENN: Yes, basically, landings level around one million pounds at a one-time deal would be a significant reduction in F. And it's viewed on both the modeling subcommittee and the technical committee that an immediate reduction is necessary to stop the downward decline of that population.

That particular population is in such a state, if we continue to decline beyond the point that we are now, I think we have to start to question the future reproductive viability of that stock.

CHAIRMAN LAPOINTE: Paul Diodati.

MR. DIODATI: I think most of my questions were already asked and answered. It was relative to the 2002 landings. If you had 4 million in 2001 and applied a 30 percent decrease as a preliminary estimate, that brings you around 2.8 million. And another 30 percent off that is probably going to recur in 2003, regardless of what action the board takes; is that true?

MR. GLENN: Yes, I would think so. If you look at the recruitment trends coming into the fishery in both the juvenile and the pre-recruit sizes in both sea-sampling information and in trawl survey information, and as noted by the modeling subcommittee, we don't see very much coming in along the recruitment stream, so in the near future I don't see any relief relative to the stock increasing from recruitment coming down the pipe currently.

CHAIRMAN LAPOINTE: Okay, Gil Pope and then Lance and then Ernie.

MR. POPE: Thank you. I just have a question about the natural mortality model, and you went from a 0.15 to a 0.46. And the reasoning, if I heard you, was shell disease causes the mortality.

But earlier I think Gerry was asking you about shell disease and you didn't think that it caused mortality. So, was this a purely precautionary number or is there something substantial to lowering it to that 0.46, or raising it?

MR. GLENN: Yes, basically what the committee did was wanted to entertain a scenario that natural mortality has in fact increased, shell disease being one of the potential factors that we don't have -- well, as I said before, we don't have information to either confirm nor deny whether it's in fact causing an increase in natural mortality.

But we were willing to adjust model input parameters to determine to see what it would look like if it were true. It's not just shell disease that are considerations for natural mortality.

It's also potential recruitment shortfalls from temperature increase, as well as increases in predators, things of that nature that were considered as potentially credible information that may indicate that natural mortality has increased in recent years.

Under those scenarios, the only information that we have hard numbers on currently is the proportion of shell disease in the catch. That was used as a rough estimator proportion to allow the natural mortality to increase based on the rate at which shell disease increased.

MR. POPE: Thank you. Also, another question, 2001 was about 4 million pounds; 2002, I thought I heard 2.8 million from Paul as an estimate. Do you think 2.8 is close? Sea sampling is about 3 million, somewhere around there.

MR. GLENN: Yes, if you will look at the decline in Rhode Island's catch per unit effort in 2002, I believe it's around a 29 percent decline. Based on the catch of sub-legals, if you project forward, you have potentially a 30 percent decline would be in the ballpark for 2002. But, there, again, that's very preliminary because we don't simply have all the catch report information collated yet at this time.

MR. POPE: And earlier I had asked you a question about what if -- and I'd asked this question before up in Rhode Island -- what would the landings be projected, in your opinion, 2003 if it were just the normal gauge increases and the normal plan were to take effect and there were no emergency actions?

MR. GLENN: The only indicator that I have to base landings on in 2003 would be looking at the indices

of pre-recruit and juvenile animals in the trawl survey and at sea sampling. Given their extremely low levels in the past several years, I would project anecdotally the landings to be very low in 2003.

CHAIRMAN LAPOINTE: The technical term for that would be "a wild-assed guess."

MR. GLENN: Correct.

CHAIRMAN LAPOINTE: Thank you. Lance.

DR. STEWART: Yes, given that estimate for TAL in 2003, if you were to look at Page 10 where you do have the past landings and if you were to plot that on both the --

CHAIRMAN LAPOINTE: Ten of what?

DR. STEWART: TAL landings for 2003 as recommended by the technical committee.

CHAIRMAN LAPOINTE: But you referenced a Page 10; Page 10 of what document so we can look at it?

DR. STEWART: Page 10 of the Inshore and Offshore Area 2 landings. In the technical committee report that indicates a summary of landings for Area 2 --

CHAIRMAN LAPOINTE: It's the bar graphs that Bob talked about earlier.

DR. STEWART: Right. Now, if you put TAL at 92,000, it looks like essentially what we're saying is we're going to allow the natural trend to occur. And it is already occurring at this present fishing mortality rate and the present mortality rates are occurring. It almost tracks, you know, just by eye. I was wondering if you would comment. You see what I mean? It seems to follow the natural flow of what is occurring in the fishery.

MR. GLENN: In other words, you're asking whether or not, if left unchecked, would the current landings in the upcoming season be that low anyway; is that essentially what you're asking?

DR. STEWART: It appears to me if you did a regression analysis on those past four years, you would end up with a TAL naturally occurring with what the landings rate patterns have been.

MR. GLENN: Without running such an analysis, I really wouldn't be able to comment on that. As I said

before, all recruitment conditions, reviewing all recruitment conditions would indicate that landings are going to be very low in this year. But as the chairman rightfully pointed out, that would be a wild guess at this point because we just simply don't have the information.

CHAIRMAN LAPOINTE: Ernie.

MR. BECKWITH: Yes, actually, Gil and Lance both sort of went in the direction I was going. I was going to ask Bob the question if this board does nothing in terms of Area 2 for conditional restrictions, what is the probability that landings in 2003 would be fairly close to the TAL, and you've already, I guess, answered that to the best of your ability.

I just wanted to also follow up, just to give you some insight into what we think is going on in Area 6, not unlike what is going on in Area 2, our staffs have recently done some work on estimating what Z is and also what M is.

Z in Long Island Sound is very, very high. And if you use the 0.15 natural mortality rate, you come up with an extremely high F rate, but we know that just isn't the case. There's very few fishermen fishing, very few landings coming in.

I guess my advice is we have to be very, very careful as we go forth. We may be moving in the direction of putting additional restrictions on the fishermen, which really aren't needed to bring F down, because in fact F may be already down there.

CHAIRMAN LAPOINTE: Other board comments? Dick Allen.

MR. ALLEN: I had a question raised by Bob's presentation and I'm wondering. I think the biomass dynamic model is a much easier to understand concept than some of the things we've been working with in the past.

It seems to me the key to that is this natural productivity of the stock and whether it's highly productive or the productivity has gone down. And the question of whether the stock can rebuild or not and what level of fishing will allow rebuilding seem to depend -- there's one key point.

It would be where the stock productivity actually went negative. And even if there was fishing, the stock would continue to decline. We know there are resources where that happens.

I'm wondering, Bob, is there any indication or evidence that the productivity of the Area 2 lobster stock has gone negative; that, in fact, if there was no fishing, would the stock likely continue to decline or would we have some reasonable expectation that it might start to rebuild?

MR. GLENN: Based on the biomass dynamics model, we have not had any indication that stock productivity, R, is in negative territory; therefore, the expected response of a decline in fishing mortality would be for an increase in stock size over time.

MR. ALLEN: So in fact it's the catch that will determine whether the stock continues to decline, whether it stabilizes or whether it starts to come back or not?

MR. GLENN: Yes, the largest portion of that would be determined by the catch.

CHAIRMAN LAPOINTE: Thank you, Dick. Pat White.

MR. WHITE: I just get a little concerned as we move forward with this. In Bob's presentation he estimated a wild-assed guess that the decline in 2002 would be 30 to 60 percent, and everybody seems to be picking up on the 30 percent.

If you do your math on 60 percent, we could well be below the estimated 920,000 pounds, so I think it's going to be very hard not to have something in between there and not just start forward with the lowest estimate.

CHAIRMAN LAPOINTE: Other questions or comments? Sir, in the audience.

MR. McELROY: Thank you, Mr. Chairman, Bill McElroy again. I kind of like the phraseology here "wild-assed guesses." There seems to be an awful lot of it going on.

We seem to think a lot differently than you, that we are reducing effort, that we are getting F down to a reasonable level, that fishermen are taking gear out of the water. We're doing all the right things.

When you try to put us into a bin of 920,000 pounds, I have a lot of trouble with that because, as you very well explained and very clearly, all four of those figures from 680,000, 966,000, a million one and 2.7 million were all, at best, educated guesses, but yet you say that the best number to pick is an average that is quite low.

And as other people have already pointed out, we very well could already be getting ourselves down to that level by the gentleman from Connecticut said with the fact that we've taken the pots out of the water.

If we had to deal with a TAC, which I don't believe is the right way to go, I don't see where there is enough science to say beyond a shadow of a doubt that these numbers are right.

I would feel much more comfortable if we were talking about numbers, that if you took the high number and low number and averaged it out, that would come out to 1.7 million.

Now, you say that you want to see a 75 percent reduction in our effort and landings and what have you, and that's based on a 920,000 pound TAC. If the TAC was "guessed out" to be a different number -- and that's all it is is a guess -- say it was that average figure of 1.7, that would take that 75 percent reduction that you're talking about and reduce it down to closer to a 35 or 40 percent reduction.

Now we've already heard -- well, we haven't heard yet but it's going to be talked about later that we're going to have a bigger gauge this year. You factor that in -- and I testified earlier that there's a lot of fishermen in Area 2 that either aren't going to fish or are going to fish at greatly reduced rates.

And it seems to me that if you took that higher number, take the one-third effort that I've estimated and that our industry has estimated as being reduced out of the fishery, to go along with these other numbers, we're pretty darned close to where we need to be, just like the gentleman from Connecticut suggested.

It's very likely that what we are doing now, voluntarily or out of economic distress, is enough to get there. If we go forward and carve these numbers out and it turns out that we're wrong, we are very, very concerned that.

In every other fishery on the Eastern Seaboard that has gone through a total allowable catch, it has been very difficult to get the scientists in real time to make any adjustments to those numbers.

The scenario that I see that worries me very much is if we do go this route and it turns out that we're wrong and the scientists find out that, well, gee whiz, there is a few more lobsters out there, but in all the

other fisheries when that has occurred, it has taken two-three-four years to get a very minor adjustment to the quota.

I mean, look what is going on up in the Gulf of Maine in cod fish. The fishermen up there can't get clear of them, but they're told they can't catch any. We see very much the same scenario happening here in the lobsters.

And we're very, very concerned that the board is not seeing what the industry is doing in response to this crisis, and we're not getting credit for it. We're going to be forced into doing things that are far more severe than are necessary for essentially no benefit either to the resource or to the industry.

CHAIRMAN LAPOINTE: I want to respond to that. We haven't been talking about a quota. We talked about a total allowable level of landings as a surrogate to tell us how much of a reduction in harvest we thought we needed to judge the impact of management measures that would be needed to deal with what I'm calling an "emergency", but the commission hasn't done that yet.

You have to have actions that are commensurate with the degree of severity of impact on the resource, and that's what we're here to discuss. When I mentioned a "wild-assed guess", it was because Bob was talking about projections and predicting landings. He can't do it and nobody can do it.

The technical committee has used their best tools to come up with these estimates that asked them to do. In regard to the comment about whether the way in which lobstermen react to landings will in fact drive us down to that total allowable landings, that target number of 920,000 pounds, is a valid question.

I think we have observed in other fisheries that when -- there is a danger when there is a declining abundance curve -- and this certainly seems to be there -- if you don't taken enough action, you can drive the bottom end of that curve much lower and, therefore, the recovery will take much longer as well. That's the dilemma we're going to be discussing when we discuss board action in a couple minutes. Paul Diodati.

MR. DIODATI: It might help if I could actually see what the fishery has done to respond to the situation. I'm hearing it, but I don't see it in terms of do we have any information that shows the number of traps that have stopped fishing in Area 2 over the past five years, for instance, or do we have anything like that?

MR. GLENN: No, I don't have any information here with me looking at the number of traps in Area 2. Up through recent history, I can't comment there, again, on what was done in the last two fishing seasons relative to the number of traps fished, if there has been a response.

We don't have that indicated in the data as of yet. As far as the number of traps in Area 2, in the late 1990s and around year 2000, we've seen a slight increase in the number of traps in the water during that time period in Area 2.

MR. DIODATI: Increased. And isn't it true that even if landings drop to a million pounds in 2003 without doing any regulatory action, that doesn't necessarily mean that the F rate has dropped?

MR. GLENN: That's correct.

CHAIRMAN LAPOINTE: Seeing no other hands up, we will go to the LCMT proposal presentation. Carrie is going to do that and we'll follow up with the technical committee report. It's my intention to take a ten-minute break thereafter, before we do board discussion. Sir, a question on the technical committee report? If you want to speak, can you come to the mike here and identify yourself, please.

MR. HENRY CEBULA: I was trying to get that done if you will give me a minute, please. I am LCMT chair from Area 2. I have met you at a previous meeting. I thought that it would be a good time before we -- Henry Cebula is my name.

I thought that before we were to get into this, it would be a good time. I've prepared a letter here, and I put a great deal of thought into this. And probably no one else has probably, with the exception of maybe one or two other fishermen here, have put as much thought into Area 2 as I have as chairman.

I spent many a restless night thinking about these things, so I wrote this letter from the bottom of my heart. I particularly aimed it at Mr. O'Shea, who I have a lot of confidence in, and I have given a copy to the commercial fisheries.

I will mail you people a copy because I didn't have a chance to do that. This is a hard-hitting letter. Don't take it personally. I can back up some of the things. There is no time for discussion. I will take time, as I read it, to say a few things.

Please recognize that this paper is penned in a sincere, respectful and concerned manner. Also, understand that the Area 2 Chair fully recognizes the ASMFC's responsibility to manage the fishery and the limited yet significant industry opportunity to advise.

As we all know, the Area 2 Lobster Fishery is a complex weaving of overlapping management zones, multiple state jurisdictions, Massachusetts double management zone problem, diverse fishing efforts and philosophies and a vacillating and unclear definition of "to the beach."

We also know that the Area 2 LCMTs have spent more hours at the table than any other zone management group. We also know that the Area 2 LCMT has shown a propensity toward proactive management that address active and latent effort.

So why has the process failed? The failure has multiple causes. However, four are significant and doom the process. The four factors are the slow nature of the management process cannot keep up with the rapid decline in the fishery; denial by some fishers to accept the need for conservation until it was too late and then not willing to make the necessary sacrifice to address stock collapse; at times mixed and unclear signals from management, management's tendency to sacrifice Area 2's position to intransigence of other management zones, lack of criteria for LCMTs and a troublesome designation of alternate voting; contributions of industry organizations further compounded the problem of not doing what is best for Area 2 but rather what is best for another area.

I should just take a minute here to say the title of this paper that I wrote is "Area 2 Zone Management, Perspectives from the Chair on Why the Process Failed." I say the process failed because I know what we have as a plan doesn't meet the F 10.

I would also say that as chairman I went on record at the meeting of not voting for the plan, so I will continue with this. That was my four things. I'll explain those as I go along.

Upon examining the slow nature of the process, one concludes that is the result of denial by fishers; nevertheless, after years of EMT and LCMT meetings, the LCMT finally reached agreement on a plan that capped effort and agreed to transferability and allocation.

Although this plan called for passive reductions in fishing effort rather than active, it was nonetheless a tool management could sharpen. We must keep in mind that managers have the final responsibility to take action.

I know that some people think that there was dissent against that particular spring of 2002 proposal; however, it was a vote of the LCMT. Our role is to advise and no action was taken. Leaders lead, that's the bottom line.

Upon examining denial by fishermen, one can conclude the obvious. It bogs the process down because most fishers are apathetic and unaware of the process. They come and go in waves and are counterproductive, offering no solutions and only like measures that affect others and not them.

This was a significant factor in the eleventh hour failure of the LCMT to put forth a plan to meet today's crisis. Instead, with new faces at the table, the LCMT retreated from its previous, more meaningful hard-earned position.

Now, again, an aside. This is not the place for debate, respectfully. I will just go on record as saying that many of the things that my colleagues said from Area 2, I can provide an alternative point of view the other way.

You know, we can just go on and on forever. We have to accept a certain amount of -- you know, there is a certain degree -- striped bass are eating lobsters, oil pollution, but, you know what, fishermen took a few lobsters.

Upon examining the roll of management, the chair respectfully suggests that the LCMT has received unclear, ambiguous and vacillating signals. For instance, in the spring of 2002 the LCMT sent forth a plan that looks hauntingly like the plan up for consideration as Massachusetts conservation equivalency plan.

Is this because Mr. Diodati feels an immediacy to manage his fishery and address active and latent effort in Massachusetts? I believe so. Yet, ASMFC failed to take action on a similar plan that was officially submitted by LCMT 2.

That plan was LCMT advice that managers could have sharpened as they saw fit to best address the area of stock collapse in Area 2. I have been told in the spring that we created latent effort. We put more

traps in the waters. I know we did. But our role is to advise; you could have sharpened it.

As I go on, one wonders if this was because of management's tendency to sacrifice Area 2's position to the whims of Area 1. Clearly, this was a mixed signal. It frustrated the LCMT and undermined their creditability, at the same time energized fishers who were in denial.

This played a significant role in the LCMT's eleventh hour failure. Another unclear signal that causes problems is the ever, again, changing the definition of what the beach means.

Another big problem that the LCMT process is the use of alternates. At the last LCMT meeting, two members were out of the country. This was obviously because of the eleventh hour nature of it. We were given two weeks.

These members were knowledgeable and have a near-perfect attendance record. One member had no alternate. He wanted to be represented by someone with similar views and this was denied. I feel this was not in the best interest of Area 2. Even worse, one LCMT was replaced at the last minute by a non-fisherman, a full-time lobster dealer.

On a motion to expedite landings reporting, he was the only nay vote. One can only surmise he was voting to protect dealers and not lobstermen. How can we at the eleventh hour have a non-fisherman voting on measures that will impact fishermen's lives? Is this a mixed signal from management that this demeans LCMT? Sadly, I think so.

Again, an aside from this letter. We had two members, 95 percent attendance ratio. As you know, it's hard to get anything done, even in your group, never mind our group. You have to have a certain amount of continuity to a plan.

You put an alternate that has probably been to three meetings in two years or four meetings, he's not knowledgeable. He's not even an active member of industry. I ask you, how can you say that we have a process?

How can you say that you're not undermining the process? I mean, you have a proposal on the table that may shut down my way of living, period, and you didn't have a mechanism. I asked people and no one had the courage to make a decision.

I said let the LCMT chair, who has tried to be objective. I have had Rhode Island people vote for Massachusetts people. I have always picked as alternates the most active alternate, and some of them were Rhode Island people. They have become sitting members of the table.

Lately, industry organizations came in on the side of doing as little as possible. This was inevitable as they try to please the large group of fishers who are in denial. This manifested in the results of the last Area 2 meeting failure.

It is my candid opinion that on the ASMFC level, Area 2 cannot be addressed until we do what is best for Area 2. Managers in Rhode Island and Massachusetts, as well as LCMT members, see the problem and are willing to address it.

Area 2 is being impacted by Area 1. Area 1 Massachusetts fishers control MLA and they are fighting Mr. Diodati's plan, which is in effect the original LCMT proposal. The MLA has come out against LCMT 2. As an aside, the LCMT and Mr. Adler even tried to add more voting members to the situation.

In other words, the larger group of the Massachusetts Lobster Association comes from Area 1. Area 1 is what drives that association. I am on the LCMT. I am on the Executive Committee of Massachusetts Lobsterman's Association, as is David McGee, and Arthur Decosta is also a delegate.

So you have three active Massachusetts Lobstermen's people sitting on that particular board, yet the MLA came out against that. They brought people to the meeting to challenge our position. Instead, MLA should have approached this as an Area 2 matter and they could have seen the dichotomy.

I know you are going to move me along, but I feel, after years of getting kicked in the stomach, I have a right to say my piece. I appreciate that, thank you.

In closing, the chair feels that industry and management are equally to blame for our inability to manage the Area 2 fishery.

Industry has to sort out those in denial and must change and seek common ground.

Likewise, management must decide if area management can work and then ASMFC must find its own common ground. Only then can the strong, consistent signal be sent out for the LCMT process to follow. Management must provide the beacon in the

dark and industry must take advantage of that strong signal to save their ship. Thank you.

CHAIRMAN LAPOINTE: Thank you, Henry. Can you give staff a copy, and we'll make copies for people while we're here today rather than --

MR. CEBULA: Sure, thank you.

CHAIRMAN LAPOINTE: I think that would be useful.

MR. CEBULA: Thank you very much.

CHAIRMAN LAPOINTE: Thank you. LCMT proposal, are you going to do that?

LCMT Proposal Presentation

MS. SELBERG: I can. The LCMT 2 submitted a proposal to the Atlantic States Marine Fisheries Commission through their state contact in Rhode Island. You have a copy of that in the smaller packet that you received either today or in the past couple of days under a cover memo from Mark Gibson.

I'm simply going to go through the motions that were passed by the Area 2 LCMT. Every motion that I am presenting are motions that did pass.

The task of the LCMT was to develop a proposal for Lobster Board consideration including management measures that achieve the total allowable catch immediately. They had two day-long meetings. It was on a very tight timeline.

They had about a week between each meeting to develop this proposal. Here is the list of motions.

The first is a motion by Mr. Conroy for the LCMT to vote if they believe there is a crisis, and that motion did pass, unanimously.

The second motion was to move to raise the gauge as presented by the Rhode Island Lobsterman's Association, which is one increase July 1, 2003, and one increase December 31, 2003.

The next motion is moved to request that the Lobster Board declare the Area 2 lobster fishery a natural disaster and immediately begin initial preparations and planning for an effort buyback.

The next motion is move to develop and implement a zero tolerance definition of V-notching, the definition of zero tolerance V-notching to be determined.

The next motion is move to recommend that the relevant state and federal jurisdictions begin immediately updating the process of collecting landings data for Area 2. Improvements should be accomplished in the methods of data collection, enforcement of data collection, as well as the timeliness of data availability.

The next motion is by Mr. Marketty to cap freeze effective effort, which is number of people and number of traps in Area 2. Details will be developed at future meetings. That was passed at their first meeting.

At the second meeting, the next motion was passed, which was motion that the effort cap proposed in LCMT motion, which is right above, have a sunset provision after three years and an annual review process to ensure that adjustments, if necessary, are made in response to unforeseen changes in the resource and fishery.

The final motion that they passed was moved that the LCMT group, the motions passed through the LCMT meetings and recommend them to the Lobster Board to address the current situation in Area 2.

CHAIRMAN LAPOINTE: Thank you. Are there questions for Carrie before we go to the technical committee report? Paul Diodati.

MR. DIODATI: It seems to me there was a suite of recommendations that Carrie just provided, but I really didn't see any that addressed the objective of the task. Increasing minimum size, transfers, mortality to older age lobsters, it doesn't decrease capping effort.

Although there was a proposal to cap effort, it wasn't clear whether that was approved. That in itself does not decrease mortality. I didn't see anything there other than -- well, I actually didn't see anything there that decreases mortality.

I'm also concerned, in view of Mr. Cebula's comments as chair of our LCMT, he has serious concerns with the veracity of the process and whether or not these recommendations are truly recommendations of the voting members of that committee.

This is a serious situation. It suggests to me that there are flaws in the LCMT process. It suggests to me that there are flaws in the entire management process, that we have an undertone here that is not going to allow this sort of management to percolate

very meaningful management recommendations to the board.

And, given that, I'm going to have to suggest that the board ignore these recommendations, and whatever we do in terms of moving forward, we do that using the knowledge, the information that we've gained from our technical committee, the experiences that we have as professional managers within our designations and make the recommendations necessary to protect the resource and the future of the fishery. Thank you.

CHAIRMAN LAPOINTE: I think we're going to get the technical committee's response. My answer to that would be that I don't think it's in our advantage to ignore the LCMT recommendations, but to take them into account with all the input we get, Paul.

We have advisors. Bob is the chair. We have in-state advisory processes. It does suggest that the states need to do some care and feeding of their LCMT members so that in fact ideally you broaden out from the one LCMT member to a spider web of contacts in state so that doesn't represent the views of one person but of many.

But, that advice, like the advice we're going to hear from members of the public, are all things we have to take into account as we advance on this very tough issue today. Gil.

MR. POPE: Thank you very much, and I agree with you, I hope we would not ignore some of the advice and some of the ideas that we get from any fisherman, anywhere.

But could you go back to the very first motion. I tried to find that because I was following along in my book here and I didn't see it, the very first.

CHAIRMAN LAPOINTE: The first one in our report?

MR. POPE: The very first one.

MS. SELBERG: It's listed under February 5th in your report.

MR. POPE: Okay, develop a proposal immediately - well the one before that.

MS. SELBERG: That's not a motion; that was their task.

MR. POPE: Okay, thank you.

CHAIRMAN LAPOINTE: Gerry.

MR. CARVALHO: Carrie, there are a number of recommendations that have been made. It was my understanding, in watching the process, that the task that was given to them was to come up with suggestions that would meet the goals. Were these proposals prioritized; like, this particular proposal was more important than this one and so forth; or, were they all thrown out on the table with equal measure?

MS. SELBERG: I did not hear the LCMT prioritize the motions that they brought forward.

CHAIRMAN LAPOINTE: Bob Glenn, technical committee report on the LCMT or analysis of the LCMT proposals.

TC Report on LCMT proposal

MR. GLENN: Subsequent to receiving the LCMT proposal, it was distributed to the entire technical committee for review. The technical committee met via conference call and discussed the merits of that. And from that, we developed a report.

The charge to the TC was to review the Area 2 LCMT proposal and indicate whether the proposal would keep the Area 2 landings under the total allowable landings of 920,000 pounds and if it would be appropriate to address the current status of the resource in Area 2.

The TC findings were that although it found there were positive biological benefits to the measures proposed in the Area 2 plan, in general the TC felt that the proposal was weak and that it lacks sufficient measures to meet the goals that were charged to the LCMT.

The TC felt that the slightly accelerated gauge increase would not reduce landings to a sufficient level to come close to the proposed TAL.

It felt that there was no specific mechanisms for any real effort control outlined in the plan. There is certainly not any effort reduction or large-scale effort reduction that would effect a decrease in fishing mortality. And it, in general, felt that the plan was unlikely to restrict landings.

Additional advice from the TC, the TC questioned the appropriateness of applying a TAL based on a threshold reference point for managing/rebuilding a collapsed stock. They felt, also, that the measures

may need to be applied over the entire stock area rather than just Area 2 itself to be most effective.

And, furthermore, they also felt that the measures will likely need to be maintained for more than just one year to affect the stock rebuilding in that area. That's in summary the TC report.

CHAIRMAN LAPOINTE: Questions about that specifically, although I think it was pretty clear? Bob Baines wants to make a comment. Go ahead.

MR. BAINES: Were you just getting ready to break?

CHAIRMAN LAPOINTE: I was.

MR. BAINES: I'll be very brief. I just wanted the board to realize that the AP did discuss the Area 2 concerns in length. We did not come up with a consensus statement, but I would like to read from our report just a little bit.

Bob Glenn gave a presentation to the AP on the technical committee report about stock declines in Area 2. The staff updated the AP on the Area 2 Board Subcommittee that had met several weeks earlier. Let me skip down.

The AP had a general discussion about what is leading to the stock declines and expressed concern with overfishing, shell disease, increasing water temperatures and pesticides. The AP noted that because of the stock decline in both legal lobsters and recruits, that environmental conditions must be impacting the stock.

The AP agreed that this should be addressed through the LCMT process and that there are both economic and biological considerations that need to be addressed. Some AP members indicated that the board needs to be flexible and open-minded when addressing these concerns.

There is one other point I would like to make concerning this. Representatives from Area 2 and Area 6 compared their situations and stressed the importance of continued research into the use of pesticides and shell disease.

The AP did not come up with any recommendation to the board on this other than it was discussed, and it needed to go through the process. We just couldn't come up with any consensus on a recommendation.

CHAIRMAN LAPOINTE: Thank you, Bob. We will break for ten minutes. I am looking at our

schedule, which we're supposed to be done with our discussion on and we aren't -- I mean, we're done with the discussion, but now we'll get into the harder part about board discussion and anticipated action.

I'm hoping that we get our discussing done by 11:40 on this, and then we will move directly into the Massachusetts proposal. If we are close to that, if it gets to be 11:30 and we're nowhere close, I'm going to take have a caucus to figure out what to do next because we owe it to the board and to Massachusetts to spend time on that proposal.

The last two items, an update on lobster research and the lobster database are really short, I've heard; and if we don't get to that, we'll ask that those be done in written form and distributed to board members. Paul.

MR. DIODATI: I don't mind if you don't want to spend any time today on the Massachusetts proposal.

CHAIRMAN LAPOINTE: All right, I'll take that into advice. Ten minutes.

(Whereupon, a recess was taken.)

Board Discussion on Area 2

CHAIRMAN LAPOINTE: Take your seats, please. We heard all the discussion this morning. We have until 11:40 to further this issue. The best way to get that started is probably to start with a motion on a course of action. We could take a motion on whether in fact we want to declare an emergency.

I think that will be incumbent in any of the motions people take. I would rather just skip over that formality because anything we do is by emergency action, so people should just incorporate that into their motion at this point. Mark Gibson.

MR. MARK GIBSON: Yes, I haven't said anything yet at this meeting. Of course, I've been defanged. The draft motion that you have in this packet is no longer viable through instructions earlier this week at the highest levels of our department that they would not support any motion that involved a closure of the Area 2 fishery.

But what I have done is redrafted a motion. I spoke to Paul about it. He hasn't come back in yet. I will dispense with the part that talks about emergency action -- or I guess just incorporate that in this.

CHAIRMAN LAPOINTE: We will have that incorporated that the board take emergency action and --

MR. GIBSON: All right, I move that the Lobster Board take emergency action to address the stock decline in Area 2. The gauge size in Area 2 will increase to 3-5/16 inches immediately and to 3-3/8 inches on July 1, 2003.

The states of Massachusetts and Rhode Island will continue to develop measures to reduce fishing mortality rate in Area 2 in 2004 to a level which will allow for stock rebuilding.

CHAIRMAN LAPOINTE: The motion was, through emergency action, to increase the size limit to 3-5/16 inches immediately and 3-3/8 on the first of July?

MR. GIBSON: That's it.

CHAIRMAN LAPOINTE: And then for Massachusetts and Rhode Island to come up with the plan necessary for stock rebuilding by when?

MR. GIBSON: To reduce fishing mortality in 2004 to a level that would allow for stock rebuilding, but I had not specified time certain for the rebuilding or the level.

CHAIRMAN LAPOINTE: That implies, just for clarification, that we would have implementation of that plan for 2004?

MR. GIBSON: Yes.

CHAIRMAN LAPOINTE: There is a motion which we will get on the board. A motion by Mark Gibson; do we have a second on that motion? Was that a second, Paul?

MR. DIODATI: Yes.

CHAIRMAN LAPOINTE: Seconded by Paul Diodati. Discussion on the motion? Mark.

MR. GIBSON: Okay, what I have done here is followed up on the task that came to the area working group, which was to move immediately to F 10 by bumping up as quickly as we can the two remaining gauge increases, and there, of course, is a vent increase scheduled for July 1st already.

We would achieve the F 10 standard at 0.84 fishing mortality rate as compared to the old 1998 stock assessment, so this motion would achieve that. By July we would have equalized our biological reference point with the fishing mortality rate of the day when that was calculated.

And rather than going to some fairly draconian measures in 2003 to reduce catch further, it would have Massachusetts and Rhode Island continue to collaborate on an effort reduction schedule which would bring fishing mortality rate down to a low enough level to allow for stock rebuilding.

We will need guidance and work with the technical committee as to how low that level is and what stock rebuilding target we would shoot for, perhaps in the modeling sub-group.

So that is what my rationale for this is, to get us to where we need to be in terms of F 10 as quickly as possible, continue to work the rebuilding targets and measures to get there.

CHAIRMAN LAPOINTE: Ritchie White.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. This takes a two-thirds majority, it is my understanding.

CHAIRMAN LAPOINTE: That's correct, eight states voting for.

MR. WHITE: Then any amendments, additions or changes would take a two-thirds majority; is that also the case?

CHAIRMAN LAPOINTE: I would think amendments and substitutes would go by normal Robert's Rules of Order and then the vote on the final motion would require the two-thirds.

MR. WHITE: Okay, thank you.

CHAIRMAN LAPOINTE: Other comments? Harry Mears and then Paul Diodati.

MR. MEARS: Thank you, Mr. Chairman. A clarification that obviously we're talking about in this need recommended emergency measures in Area 2, would this pertain to lobstermen in other states in addition to the two states noted in terms of the need for overall coastal regulations to be enacted relative to Area 2?

For example, if there's a number of lobstermen from Connecticut or New York fishing in Area 2, does this or does this not pertain to coastal implementation of Area 2 regulations?

CHAIRMAN LAPOINTE: To be effective, it would have to effect all fishermen who fish in Area 2, right. Other board members? Paul.

MR. DIODATI: Thank you, Mr. Chairman. I just wanted to clarify. My earlier comment did not suggest that I don't take the advice of the fishermen. What I was referring to was in this particular situation, I think we have to be very guarded in how we use the advice that we're getting from this process.

I think it's not only difficult, but I think we're asking too much of fishermen to provide us with recommendations when resource conditions plummet as they have here. It's a very difficult task and challenge for them to come up and provide us with the level of recommendations that we might be looking for.

So, again, I just wanted to clarify that we need to be guarded. You know, I'll just ask the maker of the motion if he thinks that instead of the states of Massachusetts and Rhode Island, that perhaps a better wording might be the Lobster Management Board will continue to work to develop.

MR. GIBSON: That's fine with me. I just wanted to make sure that it was understood that we had more work to do here. Whatever the appropriate venue is to do it is fine with me. There is one other technical correction that needs to be made. We're already at 3-5/16. It should say 3-11/32 and 3-3/8.

CHAIRMAN LAPOINTE: Clarification. In regard to it being a -- I mean, it will be final action with the board. With our normal board schedule of meeting in June and August and December, this is going to take work outside the meeting weeks to ensure that if this motion passes, that a proposal be developed in time for implementation for 2004. Mark Gibson and then Ritch White and David Borden.

MR. GIBSON: I'm all set now.

CHAIRMAN LAPOINTE: Ritch.

MR. WHITE: If we pass this, how would we implement the additional measures during 2004? Would that be another emergency action?

CHAIRMAN LAPOINTE: I would think that would require another emergency action for implementation of those. Well, I mean, you could use an addenda, Carrie tells me correctly.

But I suspect that it would take a while to develop these so by the time -- if you balance the time that it would take to develop whatever might come out of

that process minus the time you would need to run through the state regulatory processes for implementation in July 2004, it would be very unlikely the addenda process would work well for that. All right, David Borden and then Gordon Colvin.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. David Borden, Rhode Island. I just wanted to go back and comment on the remark that Harry Mears made, because I think that's really a critical issue, and I'm not sure it has been totally resolved.

I mean, the current plan requires all states basically under the most restrictive rule to enforce regulations on any fisherman licensed in their state who has an Area 2 permit. So you've got to be very clear on the record what the intent here is.

If the intent is that you want an emergency action so that every state that has an Area 2 licensed fisherman is bound by this, I think you have to state that on the record. And that's the way the current rules apply.

All the states, including Rhode Island, have promulgated all of the regulations for all of the different areas so that we can do dockside enforcement. And if you don't do that, you will compromise the dockside enforcement.

CHAIRMAN LAPOINTE: Gordon.

MR. GORDON C. COLVIN: Just a plea to not let go of the possibility of doing this by addendum. Recognize that the emergency action, should it pass, will have to be followed up with an addendum to make it permanent, anyway.

So we're going to be in that process. That process has the advantage of providing for greater opportunity for the stakeholders and those affected by the action to contribute to it before it's done. I would hope that we don't give up on that ahead of time.

CHAIRMAN LAPOINTE: Good point. And should this pass, I will work with staff to develop as aggressive a schedule as we can all tolerate to try to accomplish that. Board members? Pat White.

MR. WHITE: Refresh my memory, if you would, the addendum process now we said would be within a year's time. We had some time table that we had set where the amendment process was going to be two years.

CHAIRMAN LAPOINTE: Refresh his mind, please.

MS. SELBERG: If the board chooses to take emergency action today, they need to begin the addenda process within six months of passing it.

MR. WHITE: And then the completion of that would be what, Carrie?

MS. SELBERG: Depending on the schedule that you choose, you need to go out to public hearing. You need to draft the addenda, go out to public hearing, and then approve it. So it wouldn't be able to be put in place for this fishing season, but if you pursue a very aggressive schedule, it could be for next.

CHAIRMAN LAPOINTE: And I would suspect that would mean approving an addenda at the June ASMFC meeting week.

MS. SELBERG: Approving it for public hearing.

CHAIRMAN LAPOINTE: Approving it for public hearing and then we would go to public hearing; and if you want implementation by 2004, I mean, when is our next meeting after that, August?

MS. SELBERG: You could do it June or August and probably make it.

CHAIRMAN LAPOINTE: June, likely, August would be tough. Ritch.

MR. WHITE: Would that addendum have the ability to add these additional measures in at the same time?

CHAIRMAN LAPOINTE: I think that would be the intention. Audience members. Dick Allen and John Sorlien.

MR. ALLEN: Thank you, Mr. Chairman. I have a couple of questions, and particularly about the F 10 percent level. It was pointed out earlier that if in fact stock productivity has declined, then the fishing mortality rate that would produce the F 10 percent egg production would be lower than the 0.84.

And it sounded to me like Mark's proposal was aiming at the 0.84, so it seems to me it's misleading to use that as F 10 percent because that's not F 10 percent under current conditions.

CHAIRMAN LAPOINTE: But we don't know what that is. I don't want to get stuck on a lot of nuance because it's the F 10 in the plan right now. It strikes me that we should all recognize that what this does is

takes the step to go to F 10 and recognizing, based on the conversation we've had and with all the uncertainty, that there is a much bigger step that needs to be considered by this board to allow rebuilding in Area 2.

MR. ALLEN: Okay, so I guess my big question is how does this motion relate to any of the technical advice that was put forward by the technical committee to the concerns that have been expressed by the industry?

I mean, I can't really, myself, get a sense of whether this is any significant action or its just delaying action on dealing with the problem.

My sense is that it's not a significant action in response to the conditions in the fishery, and I wonder if Mark could address whether he sees it as being significant or just kind of a placeholder.

MR. GIBSON: Well, it's what my department is prepared to support at this time. I agree that it meets an old F 10 standard under old assumptions of stock productivity. It is essentially the old plan being brought into force by July of 2003 instead of the longer schedule.

I think it's clear from technical committee testimony and what I have said in the past that there needs to be a substantial reduction in fishing mortality rates beyond this level to affect stock rebuilding. We just don't have the elements of that in a form right now that Rhode Island can endorse.

I'm not sure what Paul thinks about it at this time in terms of a large reduction in fishing mortality. The levels we're talking about in terms of a one million pound total allowable landings are, you know, perhaps one-half to one-third of what we think is currently being landed.

That's what we think the landings need to go to if it were done in one fell swoop to affect stock rebuilding. Lacking any means for the industry to respond in an economic sense to that low availability of landings in the form of some kind of enhanced economic efficiency, whether it be your idea of co-ops, whether it be some other system of tying of the allowable number of traps to historical landings data and computing how many traps need to be made, we simply don't have that in front of us right now, so I see this just as a first step.

I'm very serious about the second part of that, that this board and the key players need to continue

working this problem to find a solution to allowing relatively low levels of landings in the near future but maintaining some remnants of a viable industry. We have an obligation to figure that out. It's not on the table right now.

MR. ALLEN: Could I have one more question of a technical nature? It was stated earlier that it would be the catch that would primarily determine whether the stock either continues to decline, stabilizes or starts to rebuild.

I'm wondering, Mark, in your opinion, whether the motion that is proposed here will result in a catch that keeps the stock on a downward trend, stabilizes it or starts to rebuild it?

MR. GIBSON: I don't think I know the answer to that. I mean, there is no effective effort reductions or fully recruited fishing mortality rate reductions here.

We're simply changing the partial recruitment pattern and putting a group of smaller lobsters off limits. What remains legal will continue to experience the full force of mortality of whatever level of effort remains out there given the low abundance levels.

CHAIRMAN LAPOINTE: John. Brevity is right next to cleanliness and godliness, remember that.

MR. JOHN SORLIEN: Okay, I'll try. John Sorlien, representative of the Area 2 Professional Lobsterman's Alliance and the Area 2 LCMT, or a member of the LCMT. Mark and I have discussed this just before this meeting reconvened.

Actually, the second question that Dick just asked was the one that I was mostly concerned about. Will, in fact, this emergency action, if it is approved, move this fishery to the point where we're staying even within the old definition of F 10, never mind taking into consideration changes in stock productivity.

And if, in fact, it doesn't or we're not sure whether it will, if in fact then this motion and this measure for emergency action does what it ostensibly intends to do, which is to protect the stock within the balance of a fishing mortality rate or a TAL, which will keep us around the F 10 level, so I have that concern. I'd be interested to hear some more discussion on that.

Through this whole process, I find myself trying to find things to cling to that have some stability. It's like climbing a rock wall and you're grabbing onto the things that rocks are falling off.

And one of the things that I've always looked back to, as we moved forward through the years, is the statement of planned objectives for Amendment 3. There are eleven of them.

And in combination with what Area 2 has for a management plan in place, in addition to what might be proposed and accepted here as an emergency measure or some other thing, but I guess basically pertaining to what is on the board right now, I'm questioning whether in fact when we're done with this today, when we're done talking about Area 2, we're moving towards the June board meeting, what in fact will we have for a management plan for Area 2, and does that management plan in fact achieve and is it capable of achieving these eleven objectives?

Does the management plan as it exists, including this potential emergency action, will this plan protect, increase or maintain as appropriate the brood stock? That's Objective 1. I'll ask these questions to Mark or to Paul or to anybody.

Will this program, as we have it in front of us today, when we're done, have we developed flexible regional programs to control fishing effort and regulate fishing mortality rates? Have we done that yet? That's objective Number 2.

Will this program, given the status of this fishery, the stock declines, the declining catch, throwing these gauge increases on top of this pile, will we be maintaining existing social and cultural features of the industry wherever possible?

Unfortunately, I fear that we will not, given the status of the landings, historical landings, the fact that the fishery, the capacity of the fishery has built up so tremendously in the '90s, that we have a fishery capacity now poised to harvest 6 million pounds, and we're looking at something far less than that, throwing on top of that a series of gauge increases with no other thing to mitigate how the fishery is going to be prosecuted, not allowances for consolidation or anything else, that in fact I think we're going to be seeing massive attrition from this fishery.

I think we're going to be losing a significant portion of the full-time fleet. I don't believe that we will be maintaining existing social and cultural features.

Are we promoting economic efficiency in harvesting and the use of the resource? This is objective Number 5. When we're done today, will we have

achieved that objective with an Area 2 Lobster Management Plan? I don't think we have.

Objective Number 9 asks that we ensure that changes in geographic exploitation patterns do not undermine success of the ASMFC management program. One of the things that I fear, if we continue down the path that we're on, is that we're going to be seeing more and more boats -- and I understand the Area 3 process is ongoing, but we're going to see more and more boats trying to press farther and farther from shore, maybe jettisoning Area 2 as a designation on their federal permits and picking up Area 3 alone.

These boats are not equipped to fish in the offshore zone, but it might be a viable solution to an economic problem, and I fear that we are going to be undermining the success of other area management plans if we don't stop that from happening, which means that we're going to be boxing people into the Area 2 fishery.

That's probably part of what needs to happen. But if we don't do that, then we're inviting people to fish with boats that are not equipped to fish in distant waters, and then I think we could be working our way towards potentially some physical harm.

We need to optimize yield from the fishery while maintaining harvest at a sustainable level. That's Objective Number 10. Have we done that? I'm really curious where, at the end of this day, we are going to find ourselves with an Area 2 Management Plan.

Have we in fact even begun to attempt to achieve the eleven objectives of Amendment 3? They've been in front of us for years now. I'd invite comments. I mean, I'm asking basically this as a question.

Mark, do you think that this proposal, coupled with what we have for an Area 2 management plan, that we have begun to achieve these eleven objectives?

CHAIRMAN LAPOINTE: I'm going to do a point of order. Things get addressed to me.

MR. SORLIEN: I'm sorry, Mr. Chairman, I apologize. I'm not up on Robert's Rules.

CHAIRMAN LAPOINTE: No, that's all right. I'm doing it to try to save time. We're now at 25 after eleven. Everything we do meets part of those eleven objectives; everything we do. And you can argue; we've heard arguments before.

We've heard arguments about a partial recruitment vector on achieving the objectives of the plan. I think the consensus of board members, the consensus of the technical committee is that the proposal before us does not start rebuilding that plan.

It is in fact a first step to control mortality, to delay mortality to the old F 10 level. We don't have a new F 10 level, and we don't want to take the time to develop it right now. We have an emergency situation. I mean, I think if we didn't have to pay attention to the socio-economics of the fishermen in the room, we would close the area.

But, clearly, people have heard that that's not what we want to do or that's not what they want do, and so this is a first step in that process. What it does is it takes the size limit increases that would have been done in the future and crams them into the next three months.

And then has the board -- but, most importantly, those states that have the most impact on Area 2, to address the kind of questions that Massachusetts and Rhode Island tried to do in their proposal, I think what they did was do the right thing in two quick a way.

I think they're trying to ask the right questions. And because of the compressed schedule to try to address this emergency, they didn't have time to cycle in with a lot of fishermen.

They didn't have time to cycle in with commissioners and governors' offices and legislators, and that's why we are where we are today. Is it perfect? No. I mean, you and I have discussed before, you love consolidation. You think that's the way we need to go.

MR. SORLIEN: No, I love good fisheries management, sir.

CHAIRMAN LAPOINTE: Well, and there's a number of people who think that's not the way to go with good fisheries management. But without conservation, without trying to get to the F 10 and then developing a plan to rebuild the stock, we won't be able to have that argument because it will be made for us. That's what we're trying to do today.

MR. SORLIEN: May I ask a question of the motion maker, Mr. Chairman, on the motion?

CHAIRMAN LAPOINTE: Yes.

MR. SORLIEN: Mark, the motion consolidates the gauge increases and puts them all this summer. The Area 2 LCMT proposal, I believe, was to accomplish one gauge increase this summer and a second one, I believe we proposed January of 2004.

So, essentially what this motion does is it does what the Area 2 LCMT did, but it just takes that last gauge increase and drags it six months closer to the present.

That motion from the Area 2 LCMT was evaluated by the technical committee as not being adequate to address the decline in the stock and bring the fishing mortality rate close to or achieve the F 10 level or keep the catch within the TAL or close to the TAL.

Do you believe that this motion, that the action of taking these two gauge increases and bringing them in to basically accomplish them at once will do what the Area 2 LCMT proposal could not?

CHAIRMAN LAPOINTE: Point of order, again. Ask that to the technical committee.

MR. SORLIEN: Okay, I'll ask it to whoever you think it is most appropriate. He made the motion so I asked it that -- I don't know whether that's the appropriate place to go. If I need to ask it to Bob, then I'll ask Bob.

CHAIRMAN LAPOINTE: Please.

MR. GLENN: In short, I don't think the acceleration of six months is going to make up for that difference or effect a large-scale reduction in fishing mortality. The accelerated timeframe would be beneficial in doing it in a quicker order in that I think that current stock conditions are in such shape that any action that happens immediately would have some positive benefit effect.

However, I don't think overall the difference of six months makes up for the large-scale type of fishing mortality that is necessary.

MR. SORLIEN: Thank you, Mr. Chairman.

CHAIRMAN LAPOINTE: Bill, I believe your name was.

MR. McELROY: Yes, that's right, Bill McElroy. I'd like to say I think that's a very good motion. I think it's a good first step. We all agree that there are going to be more steps necessary. It gives a little bit of breathing time to the fishermen.

It gives a little bit of breathing time to the committee to further develop ideas. Henry, earlier there expressed frustration with the LCMT process, and we all share in that frustration. We all want to be farther along than what we are, but these are difficult issues.

There were points that we wanted to bring up at the last LCMT meeting, but we ran into 4:30 and there were several proposals still yet to be aired that we didn't have a chance to do. Doing something like this gives us that opportunity.

We were going to put in a control date recommendation and a few other different things like that, that now if this committee passes this motion, it would allow us those few months to develop these things. So that's all I got to say is I think it's an excellent motion and I hope it passes.

CHAIRMAN LAPOINTE: Thank you. Board members, other comments, alternate proposals? I am going to call the question. Joe, do you want me to read the motion? All right, I will read the motion and then we will go into a caucus.

The motion is move that the Lobster Board take emergency action to address the stock decline in Area 2. The gauge size in Area 2 will increase to 3-11/32 immediately and to 3-3/8 on July 1, 2003.

The Lobster Board will continue to develop measures to reduce the fishing mortality rate in Area 2 in 2004 to a level which will allow for stock rebuilding.

Motion by Mr. Gibson, seconded by Mr. Diodati. Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. I think the question will be asked if not now, if this motion is passed, is what is "immediately?"

If in fact I were a state impacted by this, which I'm not, I'd be interested in knowing when do I need to have 3-11/32 in place and enforced? I think that perhaps could be clarified.

CHAIRMAN LAPOINTE: That is a good question. I mean, I will ask the two primary states. Immediate is pretty immediate in Rhode Island through emergency action, if I can glean from what I've learned over time from your state.

MR. GIBSON: I am assuming that once the board takes this action, if it passes by the two-thirds of the majority, it becomes a compliance measure for the

states, and they are obligated to, as quickly as they can, put the measure into place, not knowing what the respective rule-making apparatus is in the state. We can go back and do this pretty quick, and I'm assuming Paul has comparable ability to do it as does the other states that have fisheries in Area 2.

CHAIRMAN LAPOINTE: Paul, if you might.

MR. DIODATI: Yes, we do have the ability to move very quickly, probably by March 15th on the first increase, and we'll be able to make the July 1.

CHAIRMAN LAPOINTE: Thank you, both. Bob Baines.

MR. BAINES: My question to this motion is will the LCMTs be brought back into this process to start developing the other measures that are needed, or is this going to be kept right at the board level?

CHAIRMAN LAPOINTE: I will work with staff to develop a schedule and -- she already did it right here. We have to have public hearings. Go ahead.

MS. SELBERG: There are a couple of different options. One option is -- well, first of all, if this emergency action passes, we need to have four public hearings within 30 days. Then the question is how do you move with the second part of the motion, what schedule.

There are two options. One would be that the board gives enough guidance today in what they would like to see in a draft addendum, and we would come back at the June meeting with a draft addendum for your review.

You would approve it for public hearing at that point. It would go out for public hearing in July and approve it in August. If the board is not yet prepared to provide guidance in what you would like to see in a draft addendum, this is a little bit longer schedule, which is the plan development team and plan review team would draft some options based on various proposals that have been put forward and input from board members in the next couple of months.

We would get both technical committee and socio-economic feedback and assistance in developing those options. At the June meeting, you could review an options paper of various options and feedback from your technical, socio-economic advisors on all those different options, and then at that point direct what you would like to see in a draft addendum.

We would come to the August meeting with the draft addendum. At that point, you would approve it for public hearings and then final approval of the addendum would be at the December meeting.

CHAIRMAN LAPOINTE: With that in mind, recognizing that I think we would be foolish not to include LCMTs, recognizing the difficult job we will be asking them to do, my thought would be that we would get them involved in this accelerated process between now and June; because if we don't get the input now, we will get it later and we will run into trouble. Board members, caucus.
(Whereupon, a caucus was held.)

CHAIRMAN LAPOINTE: Board members, I've been asked for a couple of clarifications. One is that under the most restrictive rules, those states with fishermen who have Area 2 designation will be bound -- those states or the fishermen?

The fishermen will be bound by the most restrictive conditions that they have checked on boxes; so for Area 1 fishermen who check Area 2, pay attention. Is that clear for everybody? I'm seeing a lot of heads shaking, and that's going to be an incredibly important thing and we'll have to revisit it.

The second thing Ritch White asked, and he said this does not require that the board take the next tough step by the beginning of 2004. I want to make it clear to everybody that's the intention of this motion.

And if the addendum process fails this board, at its December meeting, should entertain emergency action to do what the addendum process fails, if we don't get there. I see heads shaking yes.

All right, all members in favor of this motion, all states, please raise your hand. All right, a roll call has been requested. Carrie.

MS. SELBERG: State of Maine.

MAINE: Yes.

MS. SELBERG: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. SELBERG: Massachusetts.

MASSACHUSETTS: Yes.

MS. SELBERG: Rhode Island.

RHODE ISLAND: Yes.

MS. SELBERG: Connecticut.

CONNECTICUT: Yes.

MS. SELBERG: New York.
NEW YORK: Yes.

MS. SELBERG: New Jersey.
NEW JERSEY: Yes.

MS. SELBERG: Delaware.
DELAWARE: Yes.

MS. SELBERG: Maryland.
MARYLAND: Yes.

MS. SELBERG: Virginia.
VIRGINIA: Yes.

MS. SELBERG: North Carolina.
NORTH CAROLINA: Yes.

MS. SELBERG: National Marine Fisheries Service.
NATIONAL MARINE FISHERIES SERVICE: Yes.

MS. SELBERG: It's unanimous.

CHAIRMAN LAPOINTE: The motion passes. Thank you all for your discussion this morning, and we've got a lot of work to do between now and December.

The next agenda item is Agenda Item number 9, the Massachusetts proposal. Bill Adler.

MR. ADLER: Before we leave Area 2, I'll make this quick.

CHAIRMAN LAPOINTE: Make it really quick.

MR. ADLER: In the fact that this disaster is not just caused by fishing, I would like to make a motion that shows that the states and the government are concerned and recognize the fact that part of this problem is not just fishermen.

And to that, I would like to make a motion that requests that the Lobster Board commissioners from the affected states in Area 2 and the federal service meet to discuss possible ways that these government agencies can share the burden with the fishermen in reversing the decline in the lobster resource in Area 2 and report back to the board at its next meeting.

These ideas should include but are not limited to the following: a buyback program of permits; a volunteer program to pay active licensed fishermen to temporarily suspend their lobster fishing activities; and develop a lobster stocking program for the area.

CHAIRMAN LAPOINTE: Is there objection on the part of the affected states or the services to get together to discuss this issue? Bill, we don't need a motion; we'll consider it done.

MR. ADLER: Thank you.

CHAIRMAN LAPOINTE: Massachusetts proposal, Agenda Item Number nine. Paul.

Massachusetts Proposal

MR. DIODATI: Mr. Chairman, I'm not exactly sure how you want me to proceed with this issue other than to summarize that a proposal to cap effort was developed, and I'll just remind the board why I've been doing that and how I got to this point.

Addendum III does require Massachusetts to implement a program to cap trap levels and reduce them by 25 percent in our area Outer Cape. There are other similar proposals that have been brought forward by other areas such as 2 and 3, but not yet adopted by the board.

So for the Outer Cape this program is mandatory for the state of Massachusetts, given that we approved it as part of Addendum III. That particular plan, once we took a closer look at it, it would not be appropriate in capping effort in the rest of the state. It takes a single year, the year 2000, and assigns people their level of trap activity in that single year.

There's a number of problems in doing that, and given that there are competing interests for similar programs in the rest of our state, I think it's a pragmatic approach for me to develop a single program that, when we implement it in the Outer Cape, it will be available to use elsewhere in the state as needed.

So, we've gone ahead and done that. We do have a program that continues to be refined after every public hearing I attend. I have attended a number of them. The most recent one was the MLA meeting, annual meeting, held in January?

MR. ADLER: The end of January.

MR. DIODATI: And, I have actually refined our proposal for a program even further, but I am meeting with Outer Cape representatives on Wednesday of next week to present our final plan and some alternative plans as well.

But we will be presenting it to them next week with the hopes of adopting this program for January 1, 2004. So that's my update. I did present the current plan without refinements to the technical committee. I still am not sure what the outcome of that review was, but that is where it's at.

CHAIRMAN LAPOINTE: If you don't mind, we'll go right to the technical committee and the PRT review and then get into discussion.

MR. DIODATI: Fine.

CHAIRMAN LAPOINTE: Technical committee report, Bob.

MR. GLENN: Okay, at the last technical committee meeting, the Lobster TC was charged with reviewing the proposal from Massachusetts relative to conservation equivalency in Outer Cape Cod, and also relative to conservation equivalency for Area 1 for Massachusetts being out of compliance for not employing the zero tolerance definition of V-notching.

As a process, the TC was asked to evaluate the Massachusetts proposal, and it was asked the question, is the Massachusetts proposal conservation equivalent to the two components of Addenda III that Massachusetts has not implemented, the first being the Outer Cape Cod 25 percent trap reduction plan, the second being zero tolerance definition for V-notching.

It's important to note that the TC did not revisit the efficacy of either program, the trap reduction in Outer Cape Cod or in the V-notching in Area 1.

For Outer Cape Cod, the TC felt that the 25 percent reduction outlined in the Massachusetts proposal is conservation equivalent to the 25 percent reduction outlined in the Outer Cape Cod Area Plan. However, there were some concerns.

The TC had reservations that the passive reductions would actually be effective at achieving the 25 percent reduction. They recommended that more explicit details be provided of how the actual reductions would take place.

They recommended that there be a step-by-step schedule of when the trap reductions would be expected, and also noted that any delays of reductions, active or passive, would slow the rebuilding timeline.

As for Area 1 and the zero tolerance definition, the TC did not reach consensus whether or not conservation equivalence was achieved. The majority of the TC did not indicate whether or not the proposal was conservation equivalent.

Most were unclear whether or not the proposal would or would not be conservation equivalent and, therefore, were not comfortable answering the question. There were a few minority opinions, as well.

There was one minority that felt that the proposal was not equivalent, and their concerns were that the savings from the proposed recreational regulations in that plan would be absorbed by the commercial fishery.

Including the gauge increase for non-commercial licenses, they were concerned that it did not apply to commercial licenses; and given the high F that the lobsters protected would likely be caught in the commercial sector.

They also felt that the reduction in non-commercial traps from ten to five reduces the potential traps by roughly half, but is still above the current level of traps reported fished in Massachusetts.

They also felt that no limit on entry in the non-commercial sector lead to an immediate -- basically there was no immediate gains for trap reductions because of the loss as participants in the non-commercial sector were to increase.

And they felt that the dive bag limit of ten lobster per day is already currently higher than the current estimated catch per day in 2001 for a Massachusetts recreational dive fishery.

Other concerns were that the overall benefits to be gained by a trap reduction was that sufficient evidence was not provided that these would be equal to the benefits of the zero tolerance V-notching definition.

TC members expressed concern that the relationships between traps and landings was not linear, and they felt that the unspecified overall 25 percent reduction in Massachusetts was not demonstrated to have any reductions in fishing mortality in Area 1. They also felt that there was a potential that the Massachusetts proposal could erode support for the V-notch program in Area 1.

Okay, the other minority felt that the Massachusetts proposal was conservation equivalent, and they noted

that a 25 percent reduction in effort is equivalent if not more conservative than the biological benefits gained by a zero tolerance definition.

Effort control will ensure that the assumptions underlying the conservation benefits; namely, static effective fishing effort and static fishing mortality rates, are actually realized.

They felt that a 25 percent reduction in Area 1 may not lead to a 25 percent reduction in landings in Area 1; however, they felt that the benefits gained by this effort reduction would more than make up for the difference in the definitions.

They felt that the Massachusetts proposal addresses growth overfishing which exists in all U.S. inshore American lobster fisheries and potentially moves an important egg production buffer, which would be provided by a more robust legal size range.

They also noted that with the low observed compliance rates for V-notching in Massachusetts waters of Area 1, they believe that these supplemental management measures will compensate for the shortfall, and Area 1 will then meet its objective in Massachusetts. That's the conclusion of the TC report on the Massachusetts proposal.

CHAIRMAN LAPOINTE: The PRT report, please.

MS. SELBERG: There is a report in your original meeting materials packet from the plan review team. Because the technical committee, law enforcement and advisory panels were reviewing this, the plan review team limited their review to consistency with Amendment 3 and subsequent addenda and any other related issues that we thought the board should consider.

And overall, the PRT noted that we thought this was a positive step towards capping effort, but we did focus our review on issues that we thought that the board should be considering. The first part of the report includes the Amendment 3 language, which allows for alternate management measures in state waters.

And so that is there for your review during this discussion. Overall, the board needs to determine if they believe that Massachusetts is equivalent or more conservative than what is required under Amendment 3 and subsequent addenda.

The next issue that the plan review team raised has to do with the implementation date. The August policy

board motion that was passed indicates that Massachusetts needs to implement one of the alternative measures by February 28, 2003, provided that the alternative has been reviewed and approved by the management board.

However, the Massachusetts proposals indicate that they wouldn't be able to launch this trap control until 2004, and so the board will just need to indicate the expected implementation dates in order for the PRT to judge future compliance.

The next issue has to do with state-federal waters. It's not clear to the plan review team from the Massachusetts proposal if this trap tier program is intended to impact only Massachusetts state waters and not federal waters.

We outlined several different scenarios where it's not clear from the Massachusetts proposal what Massachusetts' intentions are relative to federal waters in Area 1, the Outer Cape, and Area 2, as well as other areas that land in Massachusetts.

The plan review team urges Massachusetts to clearly outline in their regulations area-by-area management measures so it is clear.

The next issue has to do with the need for more detailed management measures. The plan review team raises several different areas. They thought it would be important to have more details.

The first is the schedule. There is not a schedule for when the passive reductions will take place and when the active reductions would begin, if needed.

The second is the active reductions themselves. There are no specifics of what active reductions mentioned in Massachusetts would include.

The next is other management measures. The Massachusetts proposal does not indicate whether they would implement the other management measures such as gauge size increases.

Now, the PRT did assume that the management measures outlined in Amendment 3 and subsequent addenda, beside zero tolerance definition in Area 1 and the trap reduction plan in the Outer Cape, all would be implemented, but we're just seeking clarification on that.

The next is the appeals process. In public forums the appeals process has been mentioned, but there aren't any details in the Massachusetts proposal.

The next is license combination. It's not clear whether or not a fisherman can combine two different licenses in order to increase the number of traps he has, or if they're only simply allowed to drop one license and pick up another license with more traps.

The next issue we thought the board should consider is non-commercial management measures. In past board meetings, the board has emphasized that the ASMFC lobster management is focused on commercial management measures, not non-commercial.

While many states manage their non-commercial lobster fisheries outside of the ASMFC process, the board needs to decide whether or not a state should get "conservation" credit for those actions.

The next area has to do with multi-area concerns. It is not clear from the proposal whether or not fishermen from one area could transfer traps to fishermen in another area or what is allowed for multi-area fishermen. The PRT has concerns about effort shifts between different areas.

The next, under multi-area, is it's not clear how Massachusetts would judge effort reductions in particular areas like the Outer Cape if transfers are allowed between different areas.

The plan review team discussed conservation equivalency with V-notching, and we wanted the board to know we had discussed this and this was our conclusion. V-notching is a coast-wide measure and is defined by the ASMFC as a quarter-inch V with no sedal hairs.

This coast-wide measure is not subject to conservation equivalency; however, the zero tolerance definition is an area-specific rule that we do believe is subject to conservation equivalency, and this is the definition that Massachusetts is proposing not to implement. We think that worked out.

And, finally, the PRT just wanted to note that at any point in the process states have the ability to bring forward alternative proposals for management, and on top of area-based management this does add another layer of complexity to the process.

The PRT has concerns that it is becoming more and more difficult to judge the performance of the management program as things become more complex.

This is in no way to imply that states do not have the ability to bring forward alternative management programs but we think it's something that the plan review team should keep in mind, the board should keep in mind. Thank you.

CHAIRMAN LAPOINTE: I missed Bob Baines' AP report and Joe Fessenden's law enforcement committee, so I'll quickly go to those.

MR. BAINES: Thank you. The AP discussed at length the Massachusetts proposal. I'm going to work directly off of our report. The AP reviewed the Massachusetts proposal submitted to the ASMFC outlined in a memo from Paul Diodati dated December 31, 2003.

Bob Glenn reviewed the content of the proposal and staff outlined the preliminary discussions to the technical committee the week prior.

The AP made several assumptions about the Massachusetts proposal that are not clearly outlined in the proposal, including that only licensed individuals can buy traps, that no partial transfers are allowed, and that this only applies to state waters and that area-specific licenses would be used.

We did come up with a consensus statement, which consists of this. There was a consensus among the AP members that they strongly believe in the LCMT process and believe this co-management between the states and industry is the best way to establish management measures.

Therefore, the AP has serious concerns that the Massachusetts proposal was developed outside of the LCMT process. The AP recommends that the LCMT in Area 1 meet along with the jurisdictions involved, Maine, New Hampshire and Massachusetts, to work out concerns with the V-notching definitions to address law enforcement concerns raised by Massachusetts.

However, the AP would like all of the area plans originally approved to move forward as developed as quickly as possible and do not want this suggestion to slow down the implementation process in any way.

I also have here a number of concerns that were brought up by AP members. This is not consensus. This is just different opinions that went around the table.

The AP also believes it is important that the Massachusetts proposal be conservation equivalent to

the area plans as outlined in Addendum III. Most AP members raised concern that the Massachusetts proposal is not equivalent.

Some of the specific concerns are using different gauge sizes between recreational and commercial fisheries in the same area would lead to the savings from the larger recreational gauge size would be taken by the commercial fishermen.

The 50 percent cut for recreational fishermen would not lead to a 35 percent reduction as described in the proposal because there is an assumption that recreational licenses remain constant.

They question the statement that the coast-wide definition only protects the lobsters for one molt, and therefore question the figure in the Massachusetts proposal that only 18,000 lobsters are protected by zero tolerance definition.

In the past industry has been told that trap reductions would have to be cut drastically in order to meet the rebuilding goals. The AP questions why it is given such consideration now. Effort shifts may occur between the various areas in Massachusetts if transfers are allowed between areas.

And, finally, the V-notch is more enforceable than a tier trap cap plan, especially without enforcement boats. Several AP members did indicate that they believe the plan does a good job of capping commercial effort at historic levels and expressed support for capping effort overall.

Finally, the AP discussed whether there is a true disincentive to be out of compliance with the lobster management process. Many AP members believe that without true disincentives, there are delays to implementation of various management measures. The AP began this discussion and will continue it in the future. Thank you.

CHAIRMAN LAPOINTE: Thank you, Bob. Joe, law enforcement committee report, which is in our package, is it not?

MR. JOSEPH FESSENDEN: Yes, that is correct, George. The committee was asked to review the proposal from Massachusetts and came up with the conclusion that this plan is enforceable, but success will depend on the availability of personnel and equipment to enforce the trap limit and the possession limits.

Presently, right now, the state of Massachusetts does not have a boat to haul lobster traps, and this plan relies heavily on the enforcement of the trap limit.

They did review the V-notch proposal. The state is requesting a uniform V-notch definition for the state of Massachusetts. The Massachusetts law enforcement officials felt that would make it easier for them to enforce that proposal.

The rest of the plan really deals with trap limits and enforcement, and they desperately need the equipment to enforce the trap limit in Massachusetts. That's it.

CHAIRMAN LAPOINTE: Thank you. At our November meeting the policy board moved to table action on the Massachusetts V-notch non-compliance finding until the first Lobster Board meeting in 2003, today, and subject to the commonwealth of Massachusetts taking the following action to evaluate the rate of compliance with the requirement to V-notch all egg-bearing female lobsters by Massachusetts fishermen in Lobster Area 1 and to provide an analysis to the technical committee and management board prior to January 7, 2003; to immediately undertake a process to formulate and prioritize alternative management measures to achieve egg-production targets equivalent to 100 percent V-notch compliance; and submit alternatives to the board in November 2002; and to submit a quantitative analysis of the alternatives to the technical committee by January and then to implement one of the alternative measures by February 28, 2003, provided the alternative has been reviewed and approved by the management board.

So, the proper thing to do is to take off the table the motion of non-compliance, is it not, and do we have that?

MS. SELBERG: This is the August policy board meeting text, and we're working on getting the text from the August Lobster Board meeting that was before this motion.

CHAIRMAN LAPOINTE: Because of the constraints of time, should we begin discussion -- I mean, we know the issues that are there -- or should we wait? Paul.

MR. DIODATI: To be completely honest, Mr. Chairman, given the four reports I just heard, I'm a little bit confused as to what is expected of Massachusetts at this point other than we plan to move forward as I outlined earlier.

As I look at earlier motions of the board, for instance, management measures to achieve the egg-production targets equivalent to 100 percent V-notch, just a little while ago we heard from the technical committee that they can't measure compliance or there is a big disagreement.

So, not only do I think that voids this part of the motion, but I think that puts in jeopardy that whole management tool. If they can't measure it, how can we say that is the primary tool that we're using in the most important area along the coast?

That is our most primary tool to protect the resource. What I heard this morning is they can't measure whether or not we're complying with it or not. That's a concern, and so I think we want to void that from that motion. But I'm not sure what you're asking of me at this point.

CHAIRMAN LAPOINTE: Well, what we're asking the board is we had a motion for non-compliance. It was tabled until this meeting based on the motion you see before you. I think it's incumbent upon the board to move that off the table and to either determine you in compliance or out of compliance. I think that's what we need to do.

MR. COLVIN: Do we need a motion to that effect?

CHAIRMAN LAPOINTE: Well, we should see what the motion said before we take action on it. I will comment as the Maine commissioner, and not the board chair, that the technical committee wasn't in consensus about how measurable the V-notching is.

Similarly, the measurability of effort reductions are equally in question. And so if we're throwing out things that are unmeasurable, we're in trouble. We have to rely on our professional judgment and move forward with those things area by area as was set forth in this plan. Bob Beal.

MR. BEAL: Thank you, Mr. Chairman. Up on the board there you will actually see two different motions. Both of these motions were passed by the Lobster Management Board in August of last year.

These two motions initiated the policy board motion that George spoke about a minute ago. These are two separate management issues dealing with the Commonwealth of Massachusetts; however, they are both compliance issues.

The first one deals with the non-commercial gear in Massachusetts, and I think that issue has been resolved; is that right, George? Okay.

And the second one is the issue dealing with V-notching in Area 1 as well as the -- yes, okay, it's just the V-notching issue, then, in that one. I think we need to dig around more and find the -- is there a separate motion, do you remember?

CHAIRMAN LAPOINTE: I believe that is the motion.

MR. BEAL: That is the motion, okay.

CHAIRMAN LAPOINTE: Board members, motion to move this off the table?

MR. WHITE: So moved.

CHAIRMAN LAPOINTE: Moved by Pat White, seconded by Pat Augustine. Questions or comment on --

MR. PATRICK AUGUSTINE: Point of information, Mr. Chairman. Does that mean that the first motion is -- does it have to come off the table or is it just the issue has been resolved, the first one?

CHAIRMAN LAPOINTE: I believe we resolved that at the last board meeting, did we not?

MR. AUGUSTINE: I thought we did so it goes away or just stays dead?

CHAIRMAN LAPOINTE: All right, my parliamentarian says that this was postponed and not tabled, so we do not need a motion to take it off the table; therefore, we are dealing with the issue of non-compliance for the Commonwealth of Massachusetts.

Board members, discussion. And the issue was compliance with the zero tolerance on V-notching. Bob, I mean, because we've discussed a number of things, run us back, Bob Glenn, to the technical committee discussion on the V-notching. What were the conclusions, again, just to refresh people's minds.

MR. GLENN: You're speaking specifically about whether or not the Massachusetts proposal was conservation equivalent to not adopting zero tolerance definition; is that the discussion that we're -

CHAIRMAN LAPOINTE: I believe that is correct, is it not? Yes.

MR. GLENN: Just to recap what the technical committee reviewed, the majority of the TC did not feel comfortable providing advice one way or another.

They could not decide whether or not it was conservation equivalency. There were two separate minority opinions. One felt that the measures Massachusetts proposed was not conservation equivalent. The other felt that it was conservation equivalence for that measure.

CHAIRMAN LAPOINTE: And, Carrie, the PRT.

MS. SELBERG: The PRT had several different issues. They were mostly seeking clarification from Massachusetts and seeking details from Massachusetts on their proposals.

CHAIRMAN LAPOINTE: Paul Diodati and then Pat White.

MR. DIODATI: Mr. Chairman, I'm going to try to simplify the board's task, and what I'm going to propose is that we de-link any recreational measures or non-commercial measures from consideration of compliance issues.

They were not a part of this addendum, although they are a very much a part of the mortality that we measure from year to year. Someone questioned earlier whether or not non-commercial savings should be applied in any of this planning process, and I think indeed it should; because, when we estimate the mortality rates, the effects of that fishing is in there. But, nevertheless, let's de-link it and try to separate the issues.

The one relative to our zero tolerance definition, let's agree that Massachusetts will adopt a definition that has already been approved by the board and move forward with that. We'll do that as soon as possible, probably by March 15th.

CHAIRMAN LAPOINTE: Which definition has been approved by the board?

MR. DIODATI: I believe the one that is in place in New Hampshire was approved when Addendum III was approved, and I have that language in front of me so we will adopt that language. I think that takes care of one compliance issue for the board this afternoon.

The other issue deals specifically with Outer Cape, and the Outer Cape -- is there a question?

CHAIRMAN LAPOINTE: The zero tolerance is the issue of non-compliance before us today. And Outer Cape is --

MR. DIODATI: Is still delayed?

CHAIRMAN LAPOINTE: Well, it's not part of this motion.

MR. DIODATI: Okay.

CHAIRMAN LAPOINTE: I'll have staff clarify that in a moment.

MR. DIODATI: So I'm willing to propose that Massachusetts will adopt the definition of zero tolerance as applied by the state of New Hampshire.

CHAIRMAN LAPOINTE: For Area 1?

MR. DIODATI: Certainly, for Area 1 and I'll consider doing that for the rest of my state, but Area 1 is the issue of concern.

CHAIRMAN LAPOINTE: Board members, that certainly addresses the issue. There is just a small measure of timing. Do we find Massachusetts in compliance and then revisit the issue in June? I'm seeing heads shaking yes. Pat White.

MR. WHITE: I think that seems like a logical approach, but I think also for the record it would do well if Paul read that definition again.

CHAIRMAN LAPOINTE: Do you have that definition before you?

MR. DIODATI: It says here that all commercial and limited commercial lobster licenses shall immediately V-notch and return to the water all egg-bearing female lobster captured in the process of taking lobster.

For the purpose of this paragraph, a V-notch is a v-shaped notch cut by a means of a sharp-bladed instrument of at least one-quarter inch and not greater than one-half inch in depth and tapering to a sharp point in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down. I'll provide this to Joe.

CHAIRMAN LAPOINTE: Other board discussion? We'll just put this as a two-minute agenda item at the June meeting following Paul's action on the 15th.

Can you, following that action being taken, relay the passage of that management measure to the staff?

MR. DIODATI: Of course.

CHAIRMAN LAPOINTE: Thank you. Pat White.

MR. WHITE: I'm confused. I thought that was the federal definition and that New Hampshire had adopted a version of the zero tolerance, and that one is talking a quarter to a half inch.

MR. WHITE: I think there is additional. I think you go beyond that, Paul, I believe. Do you have additional --

CHAIRMAN LAPOINTE: Ritch White.

MR. WHITE: Is there additional language in that?

CHAIRMAN LAPOINTE: Vince O'Shea.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. I had a discussion with Mr. Nelson about this. That's really a two-part definition.

The first part says that—and I don't have it right in front of me, but says that all V-notched lobsters shall be returned, or words to that effect.

The second part is a definition of what V-notching is. So, to say how the V-notch is supposed to be applied to the animal, that's where the quarter inch comes from. Thank you, Mr. Chairman.

CHAIRMAN LAPOINTE: Pat and then Ritch White.

MR. WHITE: But the definition that he just read -- and maybe we need to read it again -- is a quarter inch V with it coming to a point da-da-da-da, and that is the federal definition. That is not what I understand the current New Hampshire definition is.

CHAIRMAN LAPOINTE: Ritch White.

MR. WHITE: Yes, I don't have it with me but, yes, we are zero tolerance, and the board did adopt that. I don't know if that's in the minutes from the last meeting, if we can find that.

CHAIRMAN LAPOINTE: Is it your intention to do paragraph A and paragraph B?

MR. DIODATI: Yes. Staff has it and I think Carrie is going to read it into the record.

CHAIRMAN LAPOINTE: Thank you, Paul.

MS. SELBERG: This comes from the New Hampshire Code of Administrative Rules. It appears that it is Section Number 602.11 for lobsters. There is part A, part B, and part C.

Part A says, "No person shall possess any V-notched female American lobsters. "For the purposes of this paragraph, "V-notched" lobster means any female lobster marked with a V-notch in the right flipper next to the middle flipper or any female lobster which is mutilated in a manner which could hide or obliterate the mark.

"The right flipper shall be determined when the underside of the lobster is down and its tail toward the person making the determination."

B is "No person shall be considered in violation of Paragraph A if any such lobster is immediately returned to the natural habitat."

And then, C, "All commercial and limited commercial lobster licenses shall immediately V-notch and return to the water all egg-bearing female lobsters captured in the process of taking lobsters.

"For the purpose of this paragraph, a V-notch is a v-shaped notch cut by means of a sharp-bladed instrument of at least a quarter inch and not greater than a half inch in depth, tapering to a sharp point in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down.

CHAIRMAN LAPOINTE: So that says there's zero tolerance; and when you V-notch, it has got to be a quarter-inch V or a half an inch. It makes me queasy just thinking about a half an inch V but both those components. Pat White.

MR. WHITE: Could Paul tell me again what he's going to enact on what date what the implementation date.

CHAIRMAN LAPOINTE: Paul, please.

MR. DIODATI: I hope to make it effective March 15, 2003.

CHAIRMAN LAPOINTE: Good. Other board discussion? When we hear back from Massachusetts,

we will report back to the board in June and then move forward. Thank you, Paul, for that.

Our next agenda item is an update from Lisa Kline on Long Island Sound Lobster Research.

Update on SeaGrant Long Island Sound Lobster Research

DR. LISA KLINE: Thank you, Mr. Chairman. There was a meeting January 16th through the 18th which was an internal working meeting between the steering committee and the principal investigators involved in the ongoing research into the 1999 lobster die-offs in Long Island Sound.

There is a March 7th public symposium that is coming up soon, and I think everyone should have received a memo from me giving you the information. The symposium will be in Bridgeport, Connecticut, from 9:00 to 4:30, and Connecticut Sea Grant can provide some further information. If you are attending, you should register for that symposium.

Just to give you a little bit of an update on where the research, again, this is ongoing research. There are no final results on any of the research that is going on right now. The symposium is going to cover five different areas.

The symposium is being run a little differently than it has over the last couple of years. In the past years, the individual principal investigators individually presented their research. What is going to happen in the March 7th symposium is that one researcher will provide the summary of the research within these five categories.

What they will focus on is the objectives of the research, what has been going on over the last six months or so and a compilation of the results. I think the presentations will be much more public-oriented and not so high-level scientific.

The purpose of the January meeting was for the PIs to actually present their research and then get together and develop their presentations for the March 7th symposium. There are five areas.

First of all, the states of New York and Connecticut will provide updates on their monitoring programs and resource status. The second category is going to be the physical and chemical environment, the environmental stressors. This is going to focus on temperature, dissolved oxygen, ammonia and sulfides.

The third one will be -- the titles have changed a little bit, but the immunology and the chronology. These are the measurements of lobster health and how they relate to some of the environmental stressors.

The next one is the pesticides, and there are three pesticides that are being looked at: methoprene, melathione and rathsmethryn. The research that's ongoing right now is evaluating the levels of these pesticides that are causing the death of lobsters or some of the physiological responses in lobsters.

One of the things they're still working on is developing the methods to measure levels in the natural environment. The levels are much lower in the natural environment than the current methods can measure, so that's still an ongoing research.

And the last one is a combination of the paramoeba issues and the shell disease. I can give you a little bit of info on the shell disease.

There was one presentation. That wasn't originally in the original research that was funded, but I think it's being funded through some Connecticut and New York Sea Grant funds.

In terms of the shell disease, I think you've heard some updates. They think what is causing this is an invasion of the pores by certain bacteria, and they've identified three to eight dominant bacteria. They think probably four or five of these are probably causing the shell disease.

There is an indication, as was mentioned previously, that the lobsters can molt through these lesions. The lesions are coming in through the cuticles. When they get real intense, they're ulcerating pretty deep down into the tissues.

The lobsters are actually forming a cuticle underneath that ulcer and then are molting the lesions away. So, one of the things that they have not found is transfer of the shell disease from lobster to lobster. It seems to be localized in one lobster and not being transferred to others.

That's just a quick update on the shell disease. I'm not going into any of the results of any of this research. You will hear that March 7th. One of the things that we intend to do is bring in somebody, most likely from the steering committee or Connecticut and New York Sea Grant, probably at your June meeting, and we'll provide a much more detailed synopsis of the research results that come out

at the March Symposium. If there are any questions, I'll be happy to answer them.

CHAIRMAN LAPOINTE: Questions for Lisa? Bill Adler, Bruce Freeman, Gerry.

MR. ADLER: Thank you, Mr. Chairman. Lisa, so you just said there will be a report at our June meeting on what took place at this conference?

DR. KLINE: Yes.

MR. ADLER: Particularly, I'm interested in the shell disease and some of the causes of all that stuff, so we'll get some here, right?

DR. KLINE: We'll have somebody come in. We'll work with Carrie and George to schedule enough time, and we'll have somebody do a formal presentation of all the results from this research.

MR. ADLER: Super, thank you.

CHAIRMAN LAPOINTE: Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. Lisa, your report just brought to mind an issue that occurred a number of years ago off New Jersey in a sewage dumpsite where lobsters and cancer crabs were found to have very similar problems with shell disease.

That area was studied intensively through money through EPA. I'm just curious, were any of the investigators looking at some of that information from that sewage dumpsite? And if so, were there similarities? I know the water quality was one issue and the amount of bacteria and other pathogens was another.

DR. KLINE: Yes, I'm not sure they're specifically looking at that site, but there was a lot of discussion about similar shell diseases in other invertebrates, some of the crabs, blue crabs, in other areas.

There is some indication that the bacteria that is causing the lobster shell disease is the same that's causing the disease in other invertebrates. I think that's going to be pursued.

CHAIRMAN LAPOINTE: Gerry.

MR. CARVALHO: Thank you, Mr. Chairman. Lisa, I mentioned it earlier before and raised the question, is this a stronger strain of bacteria that's doing this? We've never experienced this kind of devastation in

the past, and we're wondering if has it been introduced by something? Did we bring it upon ourselves? Did we create this? Is it the same as it has always been in the water?

DR. KLINE: I think that's still a question that needs to be answered. There was some discussion about that. It seems like from the presentation that I saw the bacteria that is currently there is there all the time.

The question is whether or not there is certain bacteria, in particular, these three to four that are being identified, that are new bacteria or whether they are just stronger, whether the environmental effects might be influencing the immune response and making the shell disease worse.

I don't think right now we have an answer to that. The research is ongoing. There was some indication that come March, for this March Symposium, they may have more answers to those questions. I can't provide the answer right now.

CHAIRMAN LAPOINTE: Gordon Colvin.

MR. COLVIN: I want to, for the board's edification, underscore two points that Lisa made just so that people's expectations about the presentation they're going to get in June are in sync with reality.

We are at about the midway point of a whole bunch of research projects that are basically two-year, plus or minus, grants. What we're talking about is a progress report.

Some of the researchers have made substantial progress, some have not made much yet, most are somewhere in the middle. We are not at the endpoint, and you are not going to get a lot of results. We didn't get them in January and you're not going to get them in June. I want to make sure everybody is on that page.

Secondly, the primary focus of this entire effort to date has been on the mortalities in Long Island Sound. Shell disease is not believed or was not believed to be a major contributor to the mortalities in Long Island Sound at the outset of the time period in which the funding was secured.

So, while some of the work, a couple of the research projects and grants address shell disease, the vast bulk of what we're doing and what you're going to hear about addresses other identified and prospective causes of mortality and morbidity in the lobsters in Long Island Sound.

I know there's a lot of interest on the part of folks here, particularly to the East of us, in shell disease, and you're going to hear about a lot of other stuff, primarily.

CHAIRMAN LAPOINTE: Thank you, Gordon. Other comments, questions? Seeing none, thank you, Lisa, we look forward to the progress report in June. Geoff White, database update; and then I've got one final note and then we'll adjourn.

Update on Lobster Database

MR. GEOFFREY G. WHITE: Thank you, Mr. Chairman. This is, again, just a quick update on where we are. I won't even go through the full two-page document that was just handed out.

But as you know, the commission contracted with ICF Consulting and we began work on the lobster database back in the fall of 2001; but because of a funding delay, we didn't really have the money to get started with the bulk of that contract until November of 2002.

We did make some progress, but from about February '02 to November '02, there was a pretty strong delay. The good news is we have picked up back on the project. There are some expected timelines that are written on the center of the page there for you.

The endpoint of supporting an assessment between September and December of this year still holds true. That's one of the major deadlines, and points that I did want to make clear to you guys that we are still on track to meet that.

The technical committee and database subcommittee have been very helpful in clarifying the process and finding out what is going on, so we're pretty pleased in the progress that we've made up to this point.

The second page is an identification of all of the data sources; and at the end of each line; it's got a staff person mentioned. The reason that we went to that level of detail for you today is because very soon, basically in the next week or so, we're going to be contacting all of your staff and asking for a copy of your lobster data sets, so that we can start working on the data transformation, software and protocols to load it into the database.

We wanted to let you know that we're going to be asking your staff for some of their time and identify who we will be looking at.

The important point on the data is really that having the data submitted in a timely manner is what the entire database creation hinges on and being able to support the assessment come this fall.

It will take us some time to analyze each data source, make sure that we've got it correct, verify it against historical landings, et cetera.

Those were the main points that I wanted to get across to you today. I do understand we're really short on time. We would like to have a little bit longer presentation for you at a future meeting and kind of show you the database.

When we have something that's functional, we can show you some screens and what it will do and how it will help you guys out. The main point is we are on track.

CHAIRMAN LAPOINTE: Thank you, Geoff. I mean, bluntly put, if our states don't get the data to you by the end of March, we won't get an assessment in 2003?

MR. WHITE: Pretty much, yes. We need at least two years of data by then.

CHAIRMAN LAPOINTE: Thank you. "Pretty much yes" is a good answer. One final clarification. There was also an issue on Outer Cape Cod with Massachusetts, and my understanding is we have had ongoing discussions at the board.

At the August meeting Massachusetts indicated it was going to come forward with a plan. They have done that. We have had technical committee and PRT.

They've asked for clarification and details, and by May 1 Massachusetts has agreed to come forward with those details and clarifications. We will discuss it at the June meeting. I see heads shaking yes, so we will end with that. I will ask for a motion for adjournment.

MR. P. WHITE: So moved.

MR. AUGUSTINE: Seconded.

CHAIRMAN LAPOINTE: Thank you, we are adjourned.

(Whereupon, meeting adjourned at 12:30 o'clock p.m., February 26, 2003.)

INDEX OF MOTION

Move that the Lobster Board take emergency action to address the stock decline in Area 2. The gauge size in Area 2 will increase to 3-5/16 inches immediately and to 3-3/8 inches on July 1, 2003.

The states of Massachusetts and Rhode Island will continue to develop measures to reduce fishing mortality rate in Area 2 in 2004 to a level which will allow for stock rebuilding.

The above motion was reworded as follows: The motion is move that the Lobster Board take emergency action to address the stock decline in Area 2. The gauge size in Area 2 will increase to 3-11/32 immediately and to 3-3/8 on July 1, 2003.

The Lobster Board will continue to develop measures to reduce the fishing mortality rate in Area 2 in 2004 to a level which will allow for stock rebuilding. Motion was carried on Page 79.
