

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
AMERICAN LOBSTER MANAGEMENT BOARD**

**The Harborside Hotel  
Bar Harbor, Maine  
October 27, 2016**

**Approved January 31, 2017**

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of August, 2016 by Consent** (Page 1).
3. Postponed motion from August, 2016 meeting: **Move to include in Option C a range of small volumetric claw harvest from 5 gallons to the bycatch limit of 2,000 claws.** Motion by Mike Luisi; second by John Clark. Motion postponed until October meeting.
4. **Move to postpone indefinitely** (Page 28). Motion by Mark Gibson; second by Jim Gilmore. Motion passes by unanimous consent (Page 28).
5. **Move to add option D (Claw Harvest Permitted Coastwide) under Section 3.0 Management Measures. Under this option, there shall be no minimum size for claws. Claws may be detached and harvested, but may not exceed a volumetric limit of 5 gallons. If a fisherman chooses to participate in the claw fishery, possession of whole crabs is prohibited** (Page 28). Motion by Patrick Keliher; second by Jim Gilmore.
6. **Move to postpone indefinitely** (Page 30). Motion by Doug Grout; second by Mark Gibson. Motion passes (Page 30).
7. **Move to add under option C, if a volumetric measure greater than 5 gallons is retained, the claws must meet a minimum size of 2.75 inches** (Page 31). Motion by Patrick Keliher; second by Doug Grout. Motion passes by unanimous consent (Page 31).
8. **Move to modify original motion to approve; move to approve Draft Addendum II to the Jonah Crab FMP for public comment as modified by the comments today** (Page 32). Motion by Steve Heins; second by Patrick Keliher. Motion passes by unanimous consent (Page 32).
9. **Move to approve the 2016 Lobster FMP Review, state compliance reports, and *de minimis* status for Maryland, Delaware, and Virginia** (Page 33). Motion by Dan McKiernan; second by Brandon Muffley. Motion passes by unanimous consent (Page 34).
10. **Move to adjourn by Consent** (Page 37).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Jim Gilmore, NY (AA)
Terry Stockwell, ME Administrative proxy	Lance Stewart, CT (GA)
Stephen Train, ME (GA)	Emerson Hasbrouck, NY (GA)
Douglas Grout, NH (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Brandon Muffley, NJ, proxy for D. Chanda (AA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
William Adler, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Rachel Dean, MD (GA)
Mark Gibson, RI, proxy for J. Coit (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Borden, RI (GA)	Joe Cimino, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Cathy Davenport, VA (GA)
Rep. Melissa Ziobron, CT, proxy for Rep. Miner (LA)	Allison Murphy, NMFS
David Simpson, CT (AA)	Peter Burns, NMFS

**AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

Kathleen Reardon, Technical Committee Chair	Rene Cloutier, Law Enforcement Committee Representative
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**Staff**

Megan Ware	Robert Beal
Toni Kerns	

**Guests**

Brian Benedict, USFWS	Jason McNamee, RI DEM
Glenn Chamberlain, NOAA	Stew Michels, DE DFW
Patrice McCann, Maine Lobstermen's Assn.	Dick Allen, Little Bay Lobster Co.
Carl Wilson, ME DMR	Jocelyn Runnebaum, U Maine
Meredith Mendelson, ME DMR	Arnold Leo, E. Hampton, NY
Scott Olszewski, RI DEM	Togue Brown, Downeast Dayboat

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Statesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 27, 2016, and was called to order at 12:43 o'clock p.m. by Chairman David V. Borden.

#### **CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: My name is David Borden and I am the Chairman of the Lobster Board. We've got a number of items here that we're going to have to work through on the agenda.

#### **APPROVAL OF AGENDA**

CHAIRMAN BORDEN: In terms of the agenda, we have distributed that and I guess I have a question. Does anyone have a preference for moving an item so that they can catch a plane?

If no then we'll take the items in which they appear. No hands up, so any objection to taking the items in the order that they were published. No objections. The agenda is approved.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: Proceedings from the August meeting have been distributed. Are there any comments, additions, deletions to those? No hands up. Any objections to approving them, no objections; the proceedings are approved with unanimous consent.

#### **PUBLIC COMMENT**

CHAIRMAN BORDEN: We afford the public an opportunity to address the board for issues that are not on the agenda. Are there any members of the public? No one signed up on the sign-up sheet; but are there any members of the public that would like that opportunity? If so, raise your hand. There are no hands up, thank you.

#### **CONSIDER AMERICAN LOBSTER DRAFT ADDENDUM XXV FOR PUBLIC COMMENT**

CHAIRMAN BORDEN: I would like to just remind everyone that we've gone through a whole series of meetings here. We have adopted goals and objectives for this. At the last meeting we tasked the PDT with putting together a series of alternatives. That information became available on the website on Thursday night, October 20th, and I would imagine that most of you didn't read it until either Friday or over the weekend or in the last few days.

I am sorry that we couldn't get it out earlier, but that is just the way things were. What I would like to do is I would like to have Megan work through; give a presentation on the addendum. Then what I would like to do is to talk about the timing of any action, in terms of regulatory action, and get some feedback from the states on what they think is a realistic timeline in order to implement the measures; that range of measures, not specific measures.

Because I think that if we have that timing issue it will make some of the discussion on the addendum go smoother. In other words, if states can't implement this for this season, then in fact we have a little bit more time to refine the addendum. With that as a little bit of background, Megan, would you like to work through the draft addendum, please?

MS. MEGAN WARE: I'll be going through Draft Addendum XXV, which we are considering for public comment today. I will note that there are two issues in the document; the first is the targeted increase in egg production for southern New England, and then the second issue is where those management measures should apply. I'll go through each of those issues to hopefully set us up for a good discussion.

This is the timeline of the addendum. As David indicated, the board initiated this addendum in May to increase egg production and reduce fishing mortality in the southern New England stock. In August the board defined the goals and

the management options for this addendum. Since that time the PDT has been working on Addendum XXV.

If it is approved for public comment today, our public comment period would be from November, 2016 through January, 2017. Then in February we would review those public comments and consider final action. The reason the board is taking management action is because the 2015 stock assessment found the southern New England stock is depleted; with a reference abundance of 10 million lobsters, which is well below the threshold of 24 million lobsters.

Abundance, spawning stock biomass, and recruitment were all at historic lows, and modestly indicators corroborated these findings for spawning stock biomass. Six out of the eight surveys were below the 25th percentile. Furthermore, the survey encounter rate shows that the inshore population has contracted between 2008 and 2013.

One of the largest indicators of the poor stock condition in southern New England has been the marked decline in recruitment. I know we've shown this figure a couple of times, but I think it is really important to the document today. On the X axis we have spawning stock biomass, and on the Y axis we have recruitment.

What this shows is that overall there is a positive trend between spawning stock biomass and recruitment. However, in the most recent years we can see that it is more of a vertical trend with recruitment dropping steadily and spawning stock biomass remaining steady. This suggests that spawning stock biomass and recruitment are decoupled.

There are several contributors to the poor condition in southern New England; the first is an increase in natural mortality. Climate change has had a significant impact on the stock as lobster physiology is intricately tied to water temperature; this includes when eggs hatch and larval survivorship.

What you see here on the bottom of the screen, it is a figure of bottom water temperatures from eastern Long Island Sound Connecticut, and it is the number of days above 20 degrees Celsius. This was included in the stock assessment, but I'm showing it here just to show that real change that we've seen in the bottom temperatures and the stress that is being put on these lobsters.

Another contributor to natural mortality is predation. Juvenile lobsters are an important source of food for many finfish species, and when those populations increase, pressure on the lobster stock also increases. In conjunction with an increase in natural mortality, continued fishing pressure has furthered the decline in southern New England. The graph you've seen here, it was also included in a TC memo; but what it shows is that we have natural mortality in the dark black line there, and then we have catch in the green line. This suggests that fishing mortality is still removing roughly twice as much spawning stock biomass from the population annually than natural mortality. If there is kind of a silver lining here, it is that this suggests management action can still have a real effect on the status of the stock. Given the poor condition of the stock, the board has initiated this addendum, and the goal for this addendum is recognizing the impact of climate change on the stock.

The goal of Addendum XXV is to respond to the decline of the southern New England stock, and its decline in recruitment; while preserving a functional portion of the lobster fishery in this area. Just as a reminder, the board is pursuing an increase in egg production; so that if environmental conditions become favorable we'll have enough eggs in the water to produce a successful and impactful recruitment event.

Also in setting the goal for this addendum, the board agreed that this is an initial management response to the stock assessment, and that the board will continue to monitor the stock and the fishery to determine the next appropriate course of action. This year is a list of management tools

that the board provided to the PDT at the August meeting.

What I'm going to do is go through each one of these. I'll give a bit of background on the discussion had by both the PDT and the TC, and then the final recommendation of whether to consider this in the document or not. I'm going to start with gauge size changes. Overall the PDT had the greatest confidence in gauge size changes to create impactful changes to the southern New England stock.

The PDT felt that changes to the minimum and maximum size are enforceable, and provide a direct benefit of keeping lobsters in the water longer. Gauge size changes are also intricately tied to the biology of lobsters, with clear benefits in terms of egg production and fitness; and as a result it is recommended for use in this management document.

Analysis by the TC suggests that gauge size changes can achieve up to a 60 percent increase in egg production, with increases in the minimum size resulting in larger increases in egg production. The PDT did note that decreases in the maximum size do provide permanent protection for those larger lobsters.

One of the things that the PDT discussed was the potential impact of gauge size changes or really any of the action taken in this addendum on interstate commerce. As a result of this addendum we might expect increased demand of lobsters from other LCMAs; especially those in the Gulf of Maine and Georges Bank.

Currently the minimum and the maximum size are possession limits, and while this is very helpful for enforcement, it can also complicate interstate commerce; as lobsters legally caught in LCMA 1 have a smaller gauge size than those in southern New England. Some states such as Connecticut and Rhode Island have language that allows dealers to possess these lobsters caught in LCMA 1, as long as they are not sold to consumers in their state.

The PDT does recommend that other states think about adopting similar language to try and get at this interstate commerce issue. Next I'll move on to trap reductions. The PDT definitely had a lot of discussion on trap reductions, and I think the biggest challenge here is that the relationship between traps fished and fishing mortality is unclear and a bit tenuous. Currently we are going through a series of allocation reductions in LCMAs 2 and 3. The intent of that is to scale the size of the fishery to the size of the resource. I think an important part of that reduction is that it is trap allocation reductions. That can reduce a fisherman's total trap allocation, including fish traps and latent effort.

The TC did attempt to try and model the relationship between actively fished traps and exploitation rate to kind of try and get at what trap reductions might result in. What they found is that a 25 percent reduction in the number of actively fished traps may result in at most a 13.1 percent increase in egg production.

There are a lot of important caveats to this analysis that I want to highlight; that suggest the actual increase in egg production might be a lot lower. The first is that the analysis assumes fishermen maintain a constant soak time. We don't believe that this is true. As fishermen reduce the number of traps they have, they tend to increase the number of hauls they take to maintain that constant harvest level.

Another important caveat here is that the analysis is based on active traps fished. Just as a reminder, those historic and current trap reductions we're taking include both actively fished traps and latent effort. Again, this is another way why this might not achieve that 13.1 percent increase.

Finally, we have trap transferability in LCMAs 2 and 3, and this provides a mechanism for those fishermen to try and maintain their number of currently active fished traps. As a result of these many caveats, the PDT is recommending that trap reductions be used for management use in conjunction with gauge size changes. Trap

reductions cannot be the sole management tool used in this addendum.

We also looked at accelerated trap reductions, and so that would be looking at the effect of speeding up the current trap reductions in LCMA 2 and 3. Given the TC's concerns that fishermen can reduce soak time, that current trap reductions can remove latent effort, and that fishermen have the ability to maintain the number of actively fished traps through transferability.

The PDT is not recommending this tool for management use, as they don't believe it will create a meaningful increase in egg production. They also felt that this places a greater burden on LCMA 2 and 3 fishermen; and again we're trying to address the entire southern New England stock here, not just a portion of it. Next we'll discuss season closures.

The intent of this management tool is to reduce pressure on the stock at vulnerable times. The biological benefit here is that it removes stress on lobsters as they are caught, handled, and hauled to the surface. Analysis by the TC, which is new and it was done for this addendum, suggests that quarterly season closures can achieve up to a 21.6 percent increase in egg production, with the largest increases in egg production from summer closures; which is not surprising given that is when fishing mortality is highest.

An important assumption here is that fishermen don't increase their effort during the open seasons to recoup their losses. Given this important caveat, the PDT is again recommending that season closures be used in this document in conjunction with gauge size changes. Season closures cannot be the sole management measure used to achieve the targeted increase in egg production. One of the important things to consider here is the impact on the Jonah crab fishery. Especially in southern New England we're seeing the lobster fishery is more of a mixed crustacean fishery, where our fishermen can catch Jonah crab and lobsters

using the same gear at different times of the year.

I think an important thing to consider here is the potential impact of a closure on the Jonah crab fishery. Next is trip limits. A trip limit is a management tool that is used in many other fisheries to maintain catch over a harvestable period of time, and to potentially reduce exploitation. Some of the positives here are that trip limits are enforceable, and they allow for the execution of both the lobster and the Jonah crab fishery.

The PDT asked the TC for their comments and potential analysis on trip limits, and the TC came back with several concerns. The first was that given the difference in the size of vessels and capacity between the inshore and offshore fleet, the TC was concerned that trip limits may disproportionately impact the offshore fleet.

There was also concern that fishermen might respond by increasing the number of trips they take to try and maintain their current harvest level. Kind of an unintended consequence of trip limits is that it may encourage those who currently harvest below that limit to increase their harvest. It is basically a goal that we've now set for them; and that they might try and attain.

Finally, trip limits may increase discards and stress. If you're limited to a certain number of lobsters, you may try and pick out the ones that you really want to bring in to sell. With that the TC recommended that trip limits be considered in conjunction with quotas. Quotas are a pretty large discussion here.

The PDT discussed quotas a bit, and overall it can be an effective management tool if properly enforced. However, it is a pretty complicated discussion. It includes questions of how do you set the total allowable catch. How is that allocated, either to individuals, jurisdictions, or LCMA's? There are also particular problems in the lobster fishery, where we have some states that are landing lobsters from both southern



New England and the Gulf of Maine stock, and so we would have to deal with that.

Given these complications the TC is not recommending trip limits and quotas for inclusion in this addendum; due to their complexity. The board has stated that this is an initial management response that is intended to be quick and decisive. I think if the Board is interested in pursuing quotas that should be a separate tasking for a separate document.

Next we'll move on to v-notching. V-notches are used to protect the reproductive females in the population, and currently some portions of the southern New England stock are doing mandatory v-notching. The value of the tool is predicated on high encounter and harvest rates. Given the significant reductions in landings in southern New England, v-notching is not expected to produce a large benefit to the stock.

V-notching in southern New England has also been hindered by some of the compliance issues. As a result it is not recommended for use in this document. Next we have culls. A cull lobster is one that only has one claw. Currently culls can be legally landed in the fishery. The PDT considered a prohibition on culls as a way to potentially reduce fishing mortality. One of the issues though is if we prohibit culls it may encourage better handling practices, which really reduces the effectiveness of this management tool. Furthermore, if prohibited there would have to be tolerances put in place in case a claw was lost during the steam back to port. We would also have to come up with a definition, since lobsters can regenerate their claws and we would need to deal with that issue.

As a result culls are not recommended for management use in this document. Our final management tool we considered was standardizing regulations. I think the TC has done a pretty good job of outlining the costs and benefits of this in a previous memo to the board. But just to sum that up, the benefits include improved enforcement and ease in the stock

assessment process; where costs across the fishery could create real winners and losers.

During the PDTs discussion they discussed that LCMAs were established to reflect the fact that there are different conditions in different portions of the fishery; and that the industry has really supported the use of different management tools through LCMTs. As a result the PDT will support standard regulations in the inshore fishery; meaning LCMAs 2, 4, 5 and 6, but not between the inshore and offshore fishery; so not between those inshore LCMAs and LCMA 3.

I just want to clarify that standardized regulations are not required in this addendum; it is just that the PDT would support it if LCMAs and states were interested in that. Now we move on to our second issue in this addendum, and that is where should these management tools apply? One of the great challenges in the lobster fishery is that our biological stock units do not match up with our management areas.

This is particularly a problem for LCMA 3. As you can see there in the light blue, it spans both the southern New England and the Gulf of Maine/Georges Bank stock. That dividing line there is the 70 west longitude line. Historically actions we've taken in LCMA 3 or to address southern New England, have occurred throughout Area 3.

But given the potential severity of this addendum, the PDT thought it might be best to consider ways to just have that apply to the southern New England portion of Area 3; given that the Gulf of Maine and Georges Bank stock is at record high abundance, and is not considered overfished, and overfishing is not occurring.

I just want to kind of orient people to this figure here, because it is what I'll be discussing in a second issue. But again we have that 70 west longitude line. The western portion there would be the southern New England portion, and the eastern portion will be the Gulf of Maine/Georges Bank portion.

I am going to go into the management options now. First we'll start with the targeted increases in the egg production. Option 1 is status quo, so there would be no management changes in southern New England. Option 2 is a 20 percent increase in egg production, and this can be achieved through gauge size changes, trap reductions, and season closures.

Given the TC and the PDTs confidence in gauge size changes, those can be used on their own as a sole management tool in this addendum. However, given some of the caveats with trap reductions and season closures, those must be used in conjunction with gauge size changes. Furthermore, season closures and trap reductions cannot account for more than a 10 percent increase in egg production. The idea here is that we want to use the management tools we are most confident in, but we can be a little risky in that other percent of egg production we try and achieve. You'll see for these management options, they all follow the same pattern; so that 10 percent increase in egg production is 50 percent of the target.

That is going to increase with each of the management targets. I'll try and point that out as we move along here. Option 3 is a 40 percent increase in egg production; same story here. You can use gauge size changes, trap reductions and season closures. Gauge size changes can be used on their own.

However, trap reductions and season closures must be used in conjunction with gauge size changes; and together season closures and trap reductions cannot account for more than 20 percent increase in egg production. Again that would be 50 percent of the 40 target. Then Option 4 is a 60 percent increase in egg production.

I am not going to go through the specifics there. It is the same pattern, but hopefully everyone gets the general idea. This is Table 9. I don't expect people to be able to read this, but if you want to look at the specific increases in egg

production from gauge size changes, this is where to look.

The intent here is that an LCMT or a state could look at these tables and say, all right how do we want to achieve that 40 percent increase in egg production, for example? You could go to these tables and pick out the various tools you might want to use. This is Table 10 for the closed seasons. This is some of the new analysis for this addendum. Again, if you want to look at the specific increases in egg production for each season closure, please look there.

All right this is our second issue here, and again we're trying to answer the question, where should these management tools apply? Option 1 is to maintain LCMA 3 as a single area. The current boundaries of LCMA 3 would stay the same, and management measures in this addendum would apply to all LCMA 3 permit holders.

Option 2 is to split LCMA 3 along the 70 west longitude line. This is the line that I pointed out before that divides the southern New England portion of LCMA 3 from the Gulf of Maine/Georges Bank portion. Annually LCMA 3 fishermen can elect to fish exclusively in that eastern or Georges Bank portion of the stock.

Other LCMA 3 fishermen can fish throughout that area, but they are held to the stricter management measures of the two sections per the most restrictive rule. Trap tags would be amended to include 3E for 3 eastern, and they can only be fished in the eastern section or the Georges Bank Section. LCMA 3 permits can still be transferred, but the recipient at the beginning of the fishing year would be able to either specify whether they want to fish throughout LCMA 3, or just exclusively in that eastern Gulf of Maine/Georges Bank portion.

Most importantly, the management measures in this addendum would only apply to the western portion of LCMA 3, which again is that southern New England portion. I'm going to pop this picture back up here just to clarify. We have that

70 west line. In this option the management measures would only apply in the area that says southern New England. The Gulf of Maine/Georges Bank area would have the same regulations. Fishermen could choose to exclusively fish in that Gulf of Maine/Georges Bank Section, and their regulations wouldn't change. However, if a fisherman wants to fish in southern New England or southern New England and Georges Bank, then they're going to be held to the stricter of the two management measures.

Finally here, we have some monitoring recommendations. Monitoring will be necessary to determine if the addendum meets its goals, as well as the need and extent of future management action. Our two recommendations are to monitor the exploitation rate and associated egg production of the southern New England stock, and a recommendation that model free abundance indicators are updated each year as a part of the FMP review. With that I will take questions.

CHAIRMAN BORDEN: Okay, as I indicated before we're going to take questions on what the PDT has fashioned. I would prefer members of the board to not be advocating additional alternatives. This is just questions on what has been presented. Then what I want to do is talk briefly about the timing issue and what the Board feels comfortable with.

Depending upon, I think there were a couple of alternatives there, depending upon the alternatives we pick, we'll either get into a very detailed discussion of the alternatives and any other potential alternatives, or there will be another process; so we'll follow, questions, Mark Gibson, Dan, Emerson.

MR. MARK GIBSON: Thanks for the presentation. Could you go back to the slide, I think on accelerated trap. If I remember, it was not recommended for a number of caveats, and I am not understanding the logic of that. If there is a recommendation that trap reductions can be combined with gauge increases.

Why wouldn't accelerated trap reductions be able to be combined with that? Seemingly you would get to your percent reduction, exploitation and increase in egg production faster. I am not understanding why this one is being ruled out and couldn't be used in combination.

MS. WARE: Just to clarify, the trap reductions in this addendum are separate and in addition to the trap reductions that are currently taking place. For example, if LCMA 2 wanted to use trap reductions here, they would be in addition to the trap reductions that are currently happening.

MR. DANIEL MCKIERNAN: I just had a question, Megan; on a comment you made about the states have possession laws governing lobster. I don't believe the possession laws are actually a requirement of the Plan. In other words, in Massachusetts we have laws pertaining to possession by the harvesters, but our minimum size in commerce is the smallest of the three minimum sizes I have in the state.

We have very punitive laws governing the possession of short lobsters. It is \$150.00 per lobster criminally, and so I'm not sure that we want to repeat what you said. In other words, I just want, I think want it on the record that states have the discretion to make it a possession law in their state or not.

MS. WARE: There is a sentence in the addendum that addresses Massachusetts regulations, so I can add that when I give the presentation.

MR. EMERSON C. HASBROUCK: Thank you, Megan, for your excellent presentation. I've got a question, Megan. It was your last slide or your next-to-last slide, it mentioned monitoring egg production. I'm just wondering, who was going to be monitoring egg production and how are they going to be doing that?

MS. WARE: That's a great question; it is really tricky to monitor egg production. The current model that we use to get the analysis that are in

this addendum, it relies on reductions in fishing mortality and then translates that to egg production. That is why the recommendation is to monitor both the exploitation rate and then through that model or simulation, we can try and get at egg production.

CHAIRMAN BORDEN: Emerson, follow up.

MR. HASBROUCK: Okay so that is just a number generated out of the model then. It is a calculated number based on some assumptions that are in the model, but based on reduction in fishing mortality; is that right?

MS. WARE: Yes. I don't run the model, but that is my understanding as well.

MR. DAVID G. SIMPSON: Megan, very helpful. My question relates to Table 10 and the season closures. It seems to be where in Addendum, was it XVII, each LMA had a season closure table. This one is for use throughout southern New England, so I'm wondering how this might incorporate the three-month-closed season that we have in LMA 6 now.

We're closed from September 6th to the end of November. Do we get 13.6 percent credit for closing December? How do we handle that? The other curiosity is if we closed all four seasons we wouldn't get 100 percent reduction in exploitation; so maybe you could help me with that?

MS. WARE: Yes so I'll try and tackle both of those. The way that they got to this egg production number is through fishing mortality by quarter, and that comes out of I believe the stock assessment model. That is why it is to all of southern New England, because that is as specific as that value gets in the stock assessment. It is from the 2015 stock assessment, so I would have to check and see how your season closures influence that.

But if that data or that change was incorporated into the 2015 assessment, I would think it might be reflected in this. But I would want to check

with the TC. As to the other question, I also had that similar question. I think it has more to do with compounding effects, and the longer you get the greater the increase will be. But I can try and provide a more robust answer for you if I talk with the TC.

CHAIRMAN BORDEN: David, follow up.

MR. SIMPSON: Yes I think that would be really helpful, because I look at it now and think, we're already closed for basically the entire fall; and if we were to close July and August, my sense is for Long Island Sound that would represent a lot more than a 26 percent reduction in exploitation. I want to make sure when we go out to public hearing on this we've got numbers that are realistic for our LMA.

MR. DOUGLAS E. GROUT: My question is actually for our federal partners. I just wanted to confirm with them that this 70 degree line that would impact federal permit holders fishing in Area 3, they don't see any conflict with any of the National Standards in Magnuson in implementing this; you don't see any problem with that?

CHAIRMAN BORDEN: Peter, do you want to respond or Chip?

MR. PETER BURNS: With respect to the National Standards, I'm not really quite sure but we've certainly been able to administratively determine who is fishing where by them declaring that on their permit. I see this as something similar to that where somebody who is already qualified to fish their trap allocation in Area 3, to be able to voluntarily decide whether or not they want to be in either the eastern or the western part of it. But that is certainly something we'll have to look at in the context of this draft addendum.

CHAIRMAN BORDEN: Peter, can I follow up on that? Assuming that the board wants to consider that how long will it take NOAA to put that into a rule? What's a timeframe for that?

MR. BURNS: I'm assuming you mean all the measures that would be proposed in this addendum? Right, well our preference really would be to have something come out sooner rather than later; and if we could have a draft addendum that came forward today, I think that would help us.

The more time we have to do our analysis and do our rulemaking process, the better. I would say that if we could get something out today that would be good, get the process started earlier. We would be able to engage with the industry during this winter when they're more available to be able to focus their attention to it.

It might be difficult to get something in place, certainly for the 2017 fishing year, but potentially for the 2018 fishing year; if we could look at these measures and depending on the timing try to get that through. We also have a new administration that is coming in this fall as well, so have to take that into consideration.

CHAIRMAN BORDEN: If I could just respond, so 2018 then you think is realistic.

MR. BURNS: We could try.

CHAIRMAN BORDEN: Michael.

MR. MICHAEL LUISI: I think I've answered my own question by reading more thoroughly a couple paragraphs in the document, but maybe Megan, you can just confirm for me. Under standardized regulations the PDT is supporting standardizing the inshore regulations. But I'm assuming that we would still be able to maintain differences between the LCMAs, and it is not just one complete standardized rule for all the inshore LCMAs.

MS. WARE: Yes that is correct. Right now those LCMAs have the same gauge size, but they have different season closures. If that is something that as a region, I'll say, you wanted to maintain that is allowed under this document. It's just a recommendation not a requirement.

CHAIRMAN BORDEN: Other questions on the part of the board? If not, I'll take a few questions from the audience. Anyone in the audience have questions on any of the provisions? If not, I'm going to ask a couple questions. Megan, in terms of the closed season, did the PDT describe exactly what will take place during a closed season? I mean this issue has come up before. Is it gear out of the water? What exactly takes place during a closed season?

MS. WARE: I believe we discussed that a closed season is lobster traps out of the water.

CHAIRMAN BORDEN: I would just point out to you, and you know this but I'm just saying so it's on the record; 50 percent of the income, almost \$20 million worth of income is generated by the crab fishery which takes place at the same time the lobster fishery takes place. I think we have to be, it is almost equal if not a greater portion of the income for the fishery.

We have to be pretty clear in any public hearing exactly what is going to take place and what the impacts are. I think where we are at this stage; we've gone through the issue of questions. Let's focus just for a short period of time on the issue of timing. Peter already responded to the question of timing and basically told us what the federal agency could do.

Given this array of management measures, none of us know exactly what would be implemented, but given the array of management measures are all the states able to implement this under rulemaking, or do any of the states require legislative action? Any states require legislative action to implement any of these?

No, okay so my question to the board is what is a realistic timeframe for implementing this? Do you think it's realistic to try to implement this January 1st, 2017 or sometime before that or sometime after that? I would like to get some comments. What did I say?

MR. G. RITCHIE WHITE: Megan thought she might be able to do it a little quicker.

CHAIRMAN BORDEN: Well, the way Megan described it I think she was planning on adopting the final rule next week. Bill Adler.

MR. WILLIAM A. ADLER: I've got two things. First of all, I wanted to get this in earlier. On Page 32 where it says under the first scenario an 80/90 reduction in harvest is projected to stabilize the stock at current levels. Then it says assuming natural mortality also stabilizes at current levels.

That particular statement there I don't see as realistic, because I don't think natural mortality is going to stabilize. That was my point on that one on Page 32. As far as timelines go, you have a system here where you've got fishermen fishing in Area 2, which includes state and federal waters, I believe.

Now if the state were to close state waters for a closed season, how do you keep, unless the feds come right along and do the same thing instantly, how do you keep those fishermen from moving and using their federal waters part for the traps that were in state waters of that area? You closed the season there so they all run out with the traps into another area, where the feds would have to be control. I don't know how you would do that. This is part of the confusion and complications that this plan has.

MS. WARE: I'll try my best on this one. My understanding is that during the last addendum with the 10 percent, most restrictive rule wins. The states rule, the area closure was implemented in state waters ergo it was implemented in federal waters for those fishermen. I don't know if Pete wants to add to that or anyone else.

MR. BURNS: My understanding is that someone who has a dual permit, a state or federal permit would be subject to the more restrictive of the state or federal regulations in the meantime.

CHAIRMAN BORDEN: Any other comments, questions? Excuse me, Mark.

MR. GIBSON: On regards to the timeline. I think 2018 is fine from my standpoint. I don't know whether it's January 1st '18, or the start of the trap tag year. Perhaps that needs some discussion. The only concern I have about that timeline would be we have requests as you know from industry in different lobster management areas, for LCMT input into this document before it goes out for public hearing. I just wanted to make the Board aware of that that we will be looking to do that and that might change the schedule that has been presented.

CHAIRMAN BORDEN: Thanks for bringing that up, Mark. To me, I think that there is kind of a fundamental decision that the Board has to make today. There are kind of two paths I think for the Board to move forward. One of the paths would be to sit here, talk through all these different alternatives, and basically pass a motion to take alternatives out to public hearing as soon as possible.

That would mean that there would probably be some revisions to the document, and then Megan, we would basically follow the schedule that Megan outlined. The second path, I think, because I've had a number of requests from industry similar to what Mark just pointed out, is to have a variation of that that slows down the process very slightly.

Under that scenario what I would envision doing is taking comments, for let's say the month of November, and then forming a small subcommittee to review those comments with the staff, and then basically develop a memo which we would circulate to the entire Board on the suggestions that have been brought forth; and then do a conference call on it subsequent to that.

Then if the Board agrees with the suggestions that are outlined in the memo, then we would refer that to the PDT; and let them flesh out the rest of the management actions. If we did that the timeline we would be on is to approve a public hearing document in February. I think you've got a basic decision. Which one of those two paths does the Board prefer to be on?

I've spoken to a number of individuals around the table, not all, but quite a few of you have said to me that you have not had adequate time to not only review the document, but to talk to members of your industry on it. Can I get some comments on which one of those two procedures you would like to follow?

MR. BRANDON MUFFLEY: I mean I appreciate that we want to get industry's input on how we move forward, and I think we have the opportunity to do that. But the Board started discussing moving forward with an addendum in May. In August the Board talked about all the different options that the PDT should consider, and I think the PDT has considered all of the options that are available for us to evaluate.

I don't know what additional options industry is going to give us that are different. Gauge sizes, seasons, trap reductions, those are the options available to us; and we've considered all of those. I don't know what we're trying to get out of industry. I understand we want them to evaluate what we're proposing here and how that fits into what they want to do.

But these are the options that are there. I don't see what going back at this point gains us in terms of additional things that we can consider. The TC has considered everything that we have available. The PDT has considered everything that we have available, so I think we have what we need to be able to move forward. Not that there aren't nuances that we need to figure out, but I think we have the tools here to make some decisions.

CHAIRMAN BORDEN: Other comments on it? Mike.

MR. LUISI: It is not as much about, for me, for Maryland, it is not as much about the industry; because I could pick up my cell phone right now and call the industry in about five minutes. I could call him. That is where we stand. For me, for us, it is more about when we implement the measures.

Do we implement them in the middle of the summer, which is probably the timeline that we would be on? We have to wait for our legislative session to carry itself through to April. We wouldn't be able to put forth new rules until probably the middle of the summer, July or August; and if that were to be the case we can certainly do it.

I would prefer beginning new management measures at the beginning of a year, if at all possible. But I don't know how other states would feel about having an implementation date somewhere in the middle of the year. For me it would be better to start at the beginning of a year rather than the middle of a year.

CHAIRMAN BORDEN: Other comments on this, Mark Gibson.

MR. GIBSON: To Brandon's points, I appreciate those points. I guess what I would say in return is that I don't think industry, as you point out, is going to come up with some new unforeseen strategy. But they are challenging some of the assumptions that the Technical Committee and PDT have made relative to industry behavior in response to the different management measures.

I think we should afford them the opportunity to advance those arguments, as to why they can't adjust their soak time to the extent that perhaps others have surmised they can, or switched their gears to other locations or times of season. That is what we're hearing. I would advocate the later timeline that you laid out.

MR. GROUT: Mr. Chairman, with the second scenario you laid out, you were talking about getting input that would be provided to a work group. Are you talking about soliciting input from industry, or is it something that commissioners would solicit and then bring back and provide that input?

CHAIRMAN BORDEN: My response to that is I don't see a big difference between just allowing

anyone to comment and just allowing the commissioners to comment.

MR. GROUT: Would you send this unapproved document out to the industry for consideration, is that what you're proposing?

CHAIRMAN BORDEN: The document is already out. It is on the website, they have access to it. I think the point that Mark is making is the industry wants to comment on some aspects of the document before we authorize public hearings on it.

MR. GROUT: Okay.

CHAIRMAN BORDEN: I hit the wrong button, Doug.

MR. GROUT: I do that all the time. The final comment I'll make is to Mike's comment. No matter when we approve this document, whatever meeting, we still have to set an implementation date. You can approve it in May and have an implementation date of January 1. We could conceivably move forward expeditiously; but then decide to wait until January 1, 2018 to implement.

MR. ADAM NOWALSKY: The only question for me really in building on Doug's comment about the implementation date. The only question for me is whether this board believes the range of options in this document are within the realm of range of options that we're realistically going to consider; whenever we do.

If there are other options or something outside of this range, quite frankly that's the only reason I see to delay getting this out into the hands of the public; and officially getting their comment. If this is the range of all we're realistically going to consider, then I see no reason not to send this out. Again, when we actually implement it is at our discretion.

I would argue the sooner we come up with regulations gives individual states more time to actually get those into final rules within the

states themselves. But I think that is the question here today. Is this everything we're going to consider? If it is we do it today. If it is not then that would be reason for delaying the process.

CHAIRMEN BORDEN: I have David Simpson and Dan McKiernan.

MR. SIMPSON: I think what some of us are feeling is a need to get more comfortable with this, and the time that's required to do that. Whether we take a two-step process, which might be informational meetings as opposed to formal public hearings or whether we go to formal public comment on this. I still have questions to resolve myself, and not the smallest of which is using that one table for season reductions; that just doesn't make sense to me yet. I would need to be more comfortable with that before going to public hearing. I am also wondering if we end up going down the road of considering trap reductions as a means of reducing exploitation, I would like to know more about these tables and how much of an equal comparison, how comparable each state's individual trap numbers are to one another, especially traps reported fished. Everyone has different collection statistics, and I don't want to be held at a disadvantage by that.

Looking at Table 5, it appears to me our number is off by 100,000 in terms of the number of traps that we have, based on prior commission action. I'm a little bit concerned there. Then I guess what we have is a Technical Committee recommendation that would require certain management actions to be paired with other ones.

In other words, the Technical Committee is recommending that a closed season be paired with gauge changes that trap reductions be paired with gauge adjustments. While I feel like we've had some pretty good success in Long Island Sound with our achieving 10 percent reduction in exploitation with the fall closure.



I think that it is pretty clear that all the work the Technical Committee has done on trap reductions and its relationship to exploitation. They are taking pains to politely say it won't work. They are taking pains to say every analysis we've done says this won't work, and everything we know about fishing behavior says this won't work.

But reading between the lines you can see they're saying, but we know you want to do this anyway; so at least pair it with a gauge so we get something out of it. I continue to be concerned about that. I mean it's just crystal clear to me that if you consolidate traps into the hands of the most efficient operators, which is what would happen, who fish the most.

The remaining concentrations of lobsters, you're not going to achieve a reduction in exploitation. You're going to make a few people comparatively wealthy at the expense of everyone else, and you won't achieve a reduction in exploitation. But I think that needs to get vetted out and talked about. I'm hearing things from Mark saying just the opposite, and from you that oh no, they won't change their soak time, they won't change where the remaining traps are fished.

Well of course they will. I remain to have that concern, and as I said I'm concerned about the numbers of traps and I need more help with that table, given that Long Island Sound already has a three month closed season. It simply can't be that if we close the rest of the year we'd only get another 50 percent reduction.

MR. MCKIERNAN: Yes I would be in favor of spending some time with the industry over the next month or two, and then come back and approve this for hearing in February. One of the concerns that I have is we just got the document so recently. But it doesn't really describe the impact on the Jonah fishery. We created a Jonah crab management plan over the last two years, under the argument that the fishery has become a mixed crustacean fishery using traps; and yet

this document doesn't really describe the impacts of a seasonal closure on Jonah landings.

I think that has value, because we're going to have to figure that out. A closure versus a possession limit of zero is two different things. We might want to figure out a way to allow Jonah crab fishing. But it is really not captured in this document. I would be in favor of your latter proposal.

CHAIRMAN BORDEN: I've got Jim Gilmore and then Peter.

MR. JAMES J. GILMORE: Being on the other side of Area 6, I'll echo some of Dave's concerns, and in addition to that for lobster, it is one of the rare fisheries I manage where I do not have regulatory authority for everything. Things like gauge changes or some of the things of listings of our tools, I have to go through legislation to do this. If I don't submit it today then forget about next year. I just wanted to let everyone know that.

When we get to the end of this I have to hit the legislative process, which is typically September/October of each year, and have to go through that before I can even implement any of these. That's going to be another complication in getting this thing done. Bottom line is, so the timing, the whole thing isn't as important to me right now, because right now if we concluded this today it would be probably a year before I could even implement it.

CHAIRMAN BORDEN: Thank you very much for that point. That was exactly the reason I asked that question. I mean what I'm sensing here is that there are interests that want to proceed as soon as possible, and I think it's important to do that. But I also share Mark Gibson's perspective that providing an opportunity for the board members in particular to write their questions like David Simpson.

Write questions down, put those into some kind of format, have the PDT look at some of those types of questions and answer those questions;

and then vote on the actions, I think is a probably a more sensible way to proceed. Let me go down through the rest of my list. I've got Peter, Ritchie and then Bill.

Anyone else, Emerson, anyone else wants to speak, John. Then what I think I'll do is just ask to see a show of hands on the part of the delegations as to which path we want to proceed on. If we have a majority of individuals then we'll proceed with the discussions accordingly. Is that agreeable to everyone? Okay so next I've got Peter and then Ritchie.

MR. BURNS: I certainly appreciate the comments from the various board members. NOAA Fisheries would certainly like to see this document go out today for public comment. To Adam's point, what other management measures could there possibly be? We had really an exhaustive list back in our August meeting, trying to ask the board what types of measures we thought should be evaluated in this.

I think we gave a real comprehensive list of that. I think the PDT took the information that they got from the Technical Committee and was able to really show which measures really were going to get to the goals of this addendum, which are really to increase egg production by decreasing fishing mortality.

Keep in mind that I think the intent of the board was really to take a definitive quick strike here to really get something out there that is going to have some teeth. Everything here is going to be tied in with a gauge increase, which is something that we can be able to monitor over time; which I think is very important for this fishery, since we're almost two years out now from the stock assessment; which showed that things aren't getting any better. I would like to see it go out for public comment.

I know that later on in the meeting we're also going to be talking about developing another addendum for improved reporting requirements and things like that. That is another action potentially that is going to require the staff time

here for the commission, and also for the states and for NOAA Fisheries to analyze these options. I would like to be able to put this out for public comment. Let the industry look at it in that context and any of these other issues that come up can certainly be vetted during that period.

MR. WHITE: I have to agree with Peter and Adam. We've been fooling with this for ten years. It's time we've got to take some substantial action here. I don't believe we'll ever answer all the questions prior to starting the process. Always going to be that we go back to the industry, they'll raise more things, we'll come back. You've got to start it, and I think we'll get a lot of the input from industry and a lot of those questions answered during the process. That's why we have that process, so let's get on with it.

MR. ADLER: I know we will hear this basic statement that we've got a trap reduction going on now. I don't believe it's over, so there is still more reductions coming on traps. I didn't know when the technical group had looked at all these alternatives for trap reductions et cetera. Whether they already took into consideration what the current trap reduction program will achieve when it's over.

I don't know if they did that or whether they just said, right now this is where we are and you have to go down this much in traps alone in order to achieve X amount. I didn't know if they already anticipated that the trap reductions, which are still ongoing, are doing something. Because what you'll hear at public hearing is let what we've already done work. That is what you'll hear. There needs to be some response to that whenever we go out to public hearing. I'll stop there for now.

CHAIRMAN BORDEN: Bill, to answer your question. When the Center analyzed the impacts of the trap reduction they only analyzed the first 25 percent cut, which we implemented last May 1st. They have not analyzed the second 25 percent cut.

MR. ADLER: Okay so in other words there is another trap reduction coming already, and they haven't analyzed whether that cut into perhaps what they wanted to do with the trap reduction. They haven't analyzed that apparently; that part. In other words they may already have achieved something I guess. When they're finished with the existing trap reductions they may have already achieved some of what we're looking for. I know it's not all.

CHAIRMAN BORDEN: Yes I would just note I've got an e-mail someplace from Burton that basically says that. Let's see, I've got Emerson, John, and then David Simpson.

MR. HASBROUCK: Two things. One is I'm unclear what the role is of the LCMTs in this process, or what their role is anymore. It seems to me like they haven't interacted in the development at all. They haven't provided any input to the development of this addendum. Are the LCMTs still in existence? Have they been dissolved? Do they need to be reconstituted? I'm wondering what the role is again of the LCMTs, and how they are going to interact with this process.

I think that if they are still in existence there should be a more formal process with them, rather than just saying to them come to the public hearing when it comes to your state. For that reason I think that we might want to delay this so that we could codify their input; and the other is, and it may be a little bit late for this.

I guess I could put this together in a response to whatever committee might be formed if this delayed. What is the benefit, in terms of egg production, at removing ghost gear? We've already removed 16,000, a band of lobster pots out of Long Island Sound. There are three or four times that amount still, just in Long Island Sound; and there is gear elsewhere.

Dan, I think you mentioned the other day about a ghost lobster pot program or an analysis or something. I don't know if we can get at some level of increased egg production by removing

ghost gear, and how that might factor into this. Those are my two issues.

CHAIRMAN BORDEN: I've got John and then David Simpson then Pat Keliher and Rene.

MR. JOHN CLARK: First Roy pointed out to me that we are another state that would have to go through legislation to change to meet most of the possible options in the plan here. In terms of whether to delay or go right out to public comment, I think there is not much of a problem for Delaware either way.

If the TC projections are correct, this addendum will likely just delay the date of commercial extinction of the stock; so I don't see that spending a few more months to get a little more input is really going to harm things here. I think if we would like to get some input from, like Mike we have very few lobstermen, so very simple to get their input on some of these before we bring this back up in the winter. We wouldn't have a problem with that.

MR. SIMPSON: I guess this should have been a question for Megan earlier. The gauge size tables that memo refers to just inshore and offshore. Historically we've done it by LMA, but I also recognize that unless New York's been doing a lot of sea sampling, we don't have LMA 6 size composition any more. The fishery reached a point and lack of funding. It basically caused us to end our sea sampling program. What is inshore and what is offshore for these tables, because we know there would be differential impact; but I'm not clear what inshore means here.

MS. WARE: The heading for Table 9, it says that inshore is LCMA 2, 4, 5 and 6 and offshore is LCMA 3. If it is clear I can add that to the actual boxer; but that's what the heading says. I just thought I might address some of the points that have come up, because I think there is a bit of confusion on LCMTs and trap reduction analysis, so I just kind of wanted to address that.

For the LCMTs, Emerson, so how traditionally they've been engaged is from my understanding the 10 percent reduction, they were involved in creating proposals on how they wanted to achieve that; and also kind of during that public comment period, I will say. The LCMTs are separate from the Commission.

We don't run those, those are industry run and they are run by the states. The Commission is not involved in their running, but we do receive their comments and their proposals. For the trap reduction analysis, Bill, just to answer your question on like what percentage of current trap reductions are being included in this. I think the really tricky part of that question, and it's a great question, is that to understand the tipping point between reductions and latent effort, and that tipping into reductions in actively fished traps is different for each fisherman; and it's really hard to predict. The big difference between the historical trap reductions and the analysis by the TC is that those historical trap reductions are based on total trap allocations; which includes latent effort. The analysis by the TC just looks at active trap reductions; and so I think that is the big difference there.

MR. SIMPSON: Related, we're talking about reasons for delaying, and I'm not trying to delay. But one of the things we don't have was actually Peter's suggestion, which I think was the last one added to the list, which were trip limits and quotas. I'm looking down the road fully believing that we're going to have to end up there if we're going to make substantial progress in reducing F.

I don't want to in this addendum create irreversible harm to the industry without accomplishing much on the way to trap limits. That is the one piece that I would like to know more about, and certainly if there is not agreement that we should wait for that information then I just want to make sure we're flexible enough in this addendum; in terms of must pair this with that that we do no harm in this addendum.

In other words, I think having already started on a season closure track, and seeing fishermen adjust to finding other things to do during those times. I'm thinking that's what we would pursue, but a gauge increase will be counterproductive. It will make them more inefficient, it will be disproportionately burdensome on Long Island Sound; which has smaller lobsters than Area 2, 4, and 5. Just keeping those things in mind, and there was something you said at the end that prompted me. I'll think of it and I'll have to come back to it.

CHIARMAN BOARDEN: Okay, Pat Keliher and then Rene.

MR. PATRICK C. KELIHER: Whether there is a delay or not, I mean I personally think input from industry on a lot of this is always beneficial. The one thing that continues to nag at me, in looking at the report, is the fact that we still have this potential commerce issue if gauge size is going to be utilized. I'm wondering while we're gathering additional input from industry that we shouldn't also get some input from legal to ensure that we're not going to go down the road of a problem with commerce and interstate commerce.

MR. RENE CLOUTIER: I can only speak to Maine's ability to enforce a trap limit in Area 3. Right now with the equipment that we have, we wouldn't be effective in enforcing a trap limit in Area 3. We just don't have the equipment to do that. If it is not enforceable, if you have any trap reduction at this point would just be a suggestion, because it is not an enforceable thing, realistically.

MR. SIMPSON: I'm trying very hard not to be a pest. It was actively fished traps. You mentioned actively fished traps. Could you explain how that was defined for each state? Again, I think that's a key, an extremely important point, and I think it varies by state. I would like to understand it.

MS. WARE: The number of actively fished traps was from the 2015 stock assessment. I don't have that table number in front of me, but I

could look it up and e-mail it to you really quick. But what the heading reads is that it is the number of traps reported fished by state in the southern New England stock unit.

MR. SIMPSON: Could I follow up? What does that mean? Who reported them and how? Is it the number of tags that were purchased? What is that?

MS. WARE: I would have to ask the TC.

MR. SIMPSON: I think it is an important detail, because I suspect it varies widely by state; based on the type of information they collect. I know that we have a mechanism for calculating how many traps a fisherman must have been fishing to explain his number of traps hauled and has set over days.

It is a complicated thing that requires us to follow a fisherman day after day after day. I suspect not everyone did that and if we're comparing that against how many tags were sold, there are fishermen who for years have bought their tags and not used them for this day; for this very purpose right here.

CHAIRMAN BORDEN: Just a couple of comments. One of the things that is a big tricky about talking about active and latent traps is we've had qualifying timelines and qualifying criteria that have differed in the different LMAs. In Area 2 they use the qualifying timeline of 2001 to 2003. Then basically the traps that the individuals were allocated were based on their landings during that period of time.

In terms of Area 4 and 5 and 3, NOAA, and Peter, you can correct this if I misstate it, but NOAA used very different criteria. In Area 3 they used the criteria was you had to prove that you had 25,000 pounds of landings in one year and fished 200 traps. Then I think in Area 4 and 5 it was the same criteria minus the 25,000 pound landing limit. There has been a variety of criteria used to actually qualify the trap allocations, but it was all based on performance in those areas. Okay so

any other comments, statements, questions? Mike, and then Peter, and then Dan.

MR. LUISI: I'll just make a quick comment. It sounds to me like you're still looking for some input on whether or not we put this forth to the public today or perhaps delay it until the winter meeting to finalize it. Like John, I really could go either way. I don't have much of a stake in it, given the nature of the fishery in Maryland.

It sounds to me like implementation, given some of the legislative and other issues that we're going to be facing as states, will likely not have implementation until 2018 for these actions. It's just the way, from what I've heard. If I had a bigger stake and I had concerns in the draft as it stands right now; as some of my colleagues from the north do, and I were asking for a delay so that I could fold in more comment from my stakeholders.

I would hope the board would go forward with that request. I'm willing to support a delay of a few months. I'm also thinking about Megan too, because we just finished up the PID from hell yesterday with menhaden, and so she's going to have quite a winter. This may give her a little time so Christmas isn't ruined. Just my thoughts, so I can go either way, but likely leaning towards whatever colleagues from the northern states are asking for.

CHAIRMAN BORDEN: All right I'm going to recognize Peter, and then I just want to make a brief comment. Then I'm going to take like a one minute break so you can talk among your delegation. Then I would like to see a show of hands so we get a sense of what the preference of the committee is. What I'm trying to do is avoid a motion, and then the whole range of motions to amend and so forth; Peter and then Brandon.

MR. BURNS: Just to put a final point on what you said, David. I think that in the document the Technical Committee did provide an analysis on active traps the best way that they could characterize that; given the disparity in how that

information is collected. We talked about that at the PDT meeting and we said we've already gone through this.

The Commission has already qualified and allocated in the various areas and we don't want to get into a situation where we have to do that again; based on what we think now is active, as opposed to what the historical allocations are. We really worked hard, along with the states, to try to pair up dual permit holders who had state and federal allocations.

We already crossed that point, and I don't think we want to go back there again. I think the Board can look at this draft addendum and realize that some level of active and latent effort is going to be taken out with any kind of trap reductions. What that amount is it is going to be difficult to say. In the meantime we also have the trap transfer program that can allow people to buy more traps and activate those traps.

As we move forward it is kind of a dynamic process and difficult to pinpoint that. But I think what we came away with from that at the PDT meetings was that the TCs analysis was really just kind of a guideline of what's in there, and not necessarily the real time number, but just something to give the Board some kind of a baseline as a reference.

The other thing I want to point out is that this document does a good job of giving – it does constrain the choices to specific management measures – but it also gives the flexibility to each LCMT to decide how they want to break that up and use that; depending on how their fishery works. I think that's to David Simpson's point that there will be some flexibility there. It's not going to be a one-size-fits-all once the board decides what percentage reduction would come from this.

CHAIRMAN BORDEN: Brandon, you get the last comment.

MR. MUFFLEY: Yes, just I certainly appreciate that board members want to get additional input

from their industry. I wholly get that. But I think the purpose is to try to gain some clarity in terms of how active trap numbers are calculated how these seasonal changes are going to impact things. But I don't think we're going to get any additional clarity on any of those things.

The TC has spent years doing a lot of analysis, and they've provided the best information. The data isn't clear, and we're not going to get it any clearer by trying to evaluate it anymore, because there is no consistency among states in terms of how they determine what an active trap is, or determining what latent effort is. The seasonal changes here, there isn't enough data to break it down spatially to evaluate what the true reductions are going to be at a smaller scale than across the entire southern New England stock. I understand the need and the one to get additional information from industry on it, but again I think it is to see clarity; but I think it is going to be clarity that we're not going to get.

MR. TERRY STOCKWELL: Just a point of order for the record. I'm sitting at the table on behalf of the New England Fishery Management Councils, so I will be abstaining on issues that are not council business.

CHAIRMAN BORDEN: Okay, what I would like to do is get some clarity on the timing of this. You get two options. One option is we basically proceed today to agree today to make a motion, and basically put forth a motion to take this document or a variation of the document out to public hearing.

Under the second option, we would take some comments, and then at the February meeting the Board would authorize public hearings. We'd have public hearings in early spring and then adopt a final document, plan addendum excuse me, at the May meeting for implementation as soon as possible.

A personal comment is I don't see a tremendous amount of difference between these two timelines. From the discussion and comments that different board members have made, the

document is not going to get implemented in 2017 or at least 2016. It might get implemented early in 2017, it may even be delayed on the part of some states if they require legislative action to a date past that.

I'm not trying to sway votes one way or another, but I think the second option still gets the job done with sufficient time to implement it. I am going to let you have a one minute caucus, and then I'm going to ask for hands on which jurisdictions favor Option 1, and which favor Option 2; one minute.

MR. WHITE: I just have a question as to the process. There is nothing in our procedure that would not allow us to have two public hearings on an addendum. We could start the process now, and have a public hearing and then have input come back from that. If we felt that that was substantial enough to change the document up and go back out to public hearing a second time.

CHAIRMAN BORDEN: Yes that's true.

MR. WHITE: We could basically do what you're asking to do, but do it in the formal process of the Commission, and having the public participate fully, and it would also send a message that we're starting something; we're starting something today. That would just be a suggestion of something we could do.

MR. MUFFLEY: I don't want to hold up the vote or however we're proceeding here, but in talking with Adam I think we may be missing a step that we need to consider in the timeline, because say we agree for this to go out. We take input on the document, and at February the Board will agree to a 0 to 60 percent increase in egg production.

But then you're going to have to go back to the LCMTs to craft measures that are going to achieve that reduction. That is going to have to come back to the Board at another meeting to evaluate whether or not those different – that is my assumption – you're going to create seasons and gauge changes and all those things

combined for the different LCMTs. That will have to come back to the Board for their evaluation, to see if it meets the required whatever increase in egg production the Board decides to do. Then the states will then have to go back and implement those measures to ensure that once they're approved that they meet those required reductions.

I think there is another meeting where those final actions are going to have to take place for states to get those things in place; unless I'm wrong about that. But I think that's something else we need to consider.

CHAIRMAN BORDEN: All right I think we've had enough discussion on this. Let me see a show of hands. All those that favor proceeding under the timeline in Option 1 raise your hand. I had three votes. All those that favor operating under Timeline 2, raise your hand; eight, we're going to proceed under Option 2.

Let me just ask, we've had a good long discussion. I think we originally set aside about an hour for this agenda item. Is there any other point that individuals want to make at this time? If so I will allow a few comments. If not, I will outline again the process so everyone is clear on what the process is; any other comments? Anyone in the audience want to make a comment? Peter.

MR. BURNS: I certainly respect the vote, but I think Brandon brought up a very important point that this is not just choosing the measures and then moving forward, and everyone goes back to their office and implements these regulations. It's going to have to require some engagement with the industry and maybe some complicated meetings about how we're going to implement this. I hope that we can stay on our timeline.

CHAIRMAN BORDEN: Bill Adler, and please let's not reargue the points. I don't mean that in a prejudicial manner, Bill.

MR. ADLER: I think that since we basically thought Option 2 was good. I think it is

imperative that the states take this time to say to their industry and any of the come up with the questions or clearing some of the question marks they have; not to just sit there. But you could almost have a meeting with industry and say, this isn't an approved for public hearing yet, but this is what we're looking at. Any suggestions, because we're going to approve it probably for official public hearing; let's say in February.

This way, don't wait until February to start something. Start it now, I know that the Massachusetts Lobstermen's Association will be having their winter meeting in January in Falmouth, and it would be a perfect opportunity for instance to have an open session there and get some ideas; at least from the Massachusetts and probably Rhode Island area on this stuff, so it's not that you sit quietly until February.

CHAIRMAN BORDEN: We can issue flak vests to the individuals that go to the meeting. Adam.

MR. NOWALSKY: Well building on that comment, I'll go one step further and ask that staff provide a date today when they need feedback on. If the intent here is that this document is not sufficient, staff needs feedback to take to the PDT to craft a revised document, let's get a date when they need that feedback by.

CHAIRMAN BORDEN: What I suggested when I outlined what I thought the steps would be under that venue. What I would say is any comments would have to be in prior to the end of the month of November. That would give the individuals around the table basically 30 days to consult with anyone you want to consult with, talk to your staff, talk to members of the industry or whatever.

But the letters have to be into Megan prior to the end of November. Is there anybody disagree with that? Okay so Adam's point is spot on. You have a deadline. Then once we get those, what I intend to do is to have a very small subcommittee, like one representative from the Mid-Atlantic and one from New England; work

with myself and Megan. We'll craft a memo that kind of summarizes any of the suggestions and try to group them.

Then we'll send all of the suggestions and a memo from the small subcommittee out to everyone as soon as we can do that. Then following that we'll probably have a conference call; to see whether or not there is a consensus to move some of those items to the PDT, is that agreeable that timeline? Okay if it is then I think that concludes the discussion on this.

We've got a plan of attack, we've got deadlines. We've got tasks. Let's move on to the next agenda item. I've got to find my agenda. We're on discussion of trap cap, and just as a reminder NOAA previously notified us that they had suspended their rulemaking on Addendum XXI and XXII until there was greater clarity on the issue. Megan is going to provide a report on the meeting that took place on this, and then I'm going to make a couple of suggestions.

#### **DISCUSSION ON TRAP CAPS INCLUDED IN ADDENDA XXI AND XXII**

MS. WARE: I'm going to be reviewing a conference call that we had to discuss the trap caps included in Addenda XXI and XXII. Just for a little bit of reminder and background on what was proposed and established in Addenda XXI and XXII. It proposed and established a series of trap caps. We have active trap caps, which is the number of traps you can fish, and individual ownership caps; which is the number of traps you can own.

What you'll see from the table up here is that the number of traps you can own is always greater than the number of traps you can fish. This results in something that we typically call trap banking. Something else that was established in Addenda XXI and XXII is the series of reductions for both the active trap cap and the individual ownership cap in LCMA 3.

As David mentioned, NOAA sent a letter to the Board saying that it has suspended their rule making process for federal trap caps and



banking. This is due to the poor condition of the southern New England stock, and our current work on Addendum XXV. It appears that significant management action in the area may take place.

With so much uncertainty NOAA felt it was imprudent to continue the rule making process for these addenda, given that they may encourage fishermen to invest significant funds in a fishery that could be severely restricted in the future. On September 7th we had a call to discuss trap caps and banking in the lobster fishery. Participants on this call included commissioners, NOAA representatives, PDT members and fishermen. I'll go over some of the highlights of that call. Industry members supported federal implementation of trap caps and banking. Some members stated that the conservation benefit of having traps which can't be fished tied to a permit. Others noted that the implementation delay has affected industries ability to make future business decisions. NOAA reiterated its concern that trap banking encourages fishermen to invest in a fishery in poor condition, and they did express greater concern with implementing the individual ownership caps rather than the annual reductions in the LCMA 3 active trap cap.

Overall I think one of the themes of this call was the growing disconnect between state and federal regulations. In the Commissions addenda we're proposing a series of reductions for the active and individual ownership cap in Area 3, and that is currently not in the federal regulations. As time goes on that difference gets larger and larger. I think moving forward there are a couple of options for the board. One option is that the Board could recommend NOAA implement the active trap cap for LCMA 3.

This would help to align state and federal regulations for the active trap cap in LCMA 3, and this action reduces fishing effort commensurate with the annual trap reductions currently in place. On the other hand the Board could revisit the issue in spring of 2017, after we have a better idea of what might happen with Addends XXV;

and take a more holistic view to this issue. With that I'll turn it back over to you.

CHAIRMAN BORDEN: I'll try to cut through this. From an industry perspective there is a lot of concern about this disconnect between the federal plan and the ASMFC plan, basically because of the suspension of the rules in Area 3, we end up leaving somewhere between 5 and 7,000 traps more per year get fished out there because of this disconnect.

I think it is important to straighten it out. Having said that I also think it's important, the point that the NOAA staff has made is important. They want some certainty that these programs match up and complement each other. My suggestion is that we not take any action on this today. Basically put it on the agenda for the spring meeting, when we will be finalizing the southern New England plan.

At that point NOAA will know exactly what the restrictions are going to be in southern New England, and after we adopt the southern New England plan, then we would revisit this issue at that same meeting and decide whether or not we want to continue to ask them to implement these measures. I mean to me that's a logical way to proceed; comments on that suggestion, if I don't see hands up I'm going to ask whether there are any objections, comments; Peter.

MR. BURNS: Just so I'm understanding it correctly. Would that be that in the spring you would look at whether you would be requesting NOAA Fisheries to implement the active trap cap, or all of the banking and other aggregate trap cap elements of those two addenda?

CHAIRMAN BORDEN: There are a number of different provisions as you know that the Commission has already adopted and implemented, and I think all of those would be on the table for that discussion. Then if we want all of them to be implemented, we would recommend that. If we only want a few of them implemented, to my way of thinking.

That way NOAA will know exactly what the restrictions are, and what we're recommending at that time. Those two link up. Any objections to doing that; if not that item will be schedule for the spring meeting, okay so we're going to move on. Next item on the agenda is the work group report, Megan.

#### **REPORT FROM THE LOBSTER REPORTING WORK GROUP**

MS. WARE: I will be going over a report from the Lobster Reporting Work Group. Just a reminder as to how we started this discussion on reporting. In February of 2016, as a part of a TC memo, the TC highlighted data deficiencies in the lobster fishery; and particularly they were referencing some data deficiencies in federal waters.

As a result the board requested NOAA implement 100 percent trip level reporting for all federally licensed fishermen, and in response NOAA recommended that the Board follow the addendum process to address these data concerns, and allow for public participation in that process.

Since then there have been several issues which have really highlighted the data deficiencies in the lobster fishery; not just only in federal waters, but really throughout the entire coast. These include the designation of the Marine Monument, ongoing coral protection, offshore winds; all of these management issues are asking for information on where the fishery is occurring and its value.

It is highlighting that we need improved harvester data with greater spatial resolution to respond to these management issues. At the August meeting the Board convenes a Lobster Reporting Work Group, and we had our meeting September 26 in Gloucester, Massachusetts. It was attended by commissioners, TC members, GARFO representatives, state data specialists, industry members and ACCSP.

We discussed a couple of things. We discussed temporal and spatial deficiencies in the lobster fishery, the prevalence or lack thereof of electronic reporting, the percentage of harvester reporting, and the collection of biological data as it pertains to the stock assessment. From that discussion the group came up with a series of five goals.

The first is to improve spatial resolution of harvester reporting, the second is utilize the latest technology to improve and increase reporting, the third is collect greater effort data in harvester reports. The fourth is, define an inshore versus offshore area, and the fifth was proactively address the data concerns of the Atlantic large whale take reduction team.

To achieve these goals the workgroup came up with a series of recommendations, and they are split up into short term, intermediate, and long term recommendations. We have two short term recommendations. The first is that Maine's 10 percent harvester reporting only includes commercial license holders who have actively fished in the past two years.

Currently recreational license holders are included in that 10 percent of fishermen who are selected to report. Removing noncommercial fishermen from the sampling pool will insure the greatest amount of harvester data is collected through that current program. Another short term recommendation is to define inshore as 0 to 3 miles offshore, nearshore as 3 to 12 miles and offshore is greater than 12 miles.

Currently there is no definition of inshore versus offshore in this fishery, and it poses some problems; especially when the board tasks the TC to analyze differences in the inshore versus offshore areas. Currently what the TC does is they assign a statistical area to either inshore or offshore. It is an imperfect system, as some statistical areas are quite large and they include both inshore and offshore areas.

For intermediate recommendations, we're recommending that there be 100 percent active

harvester reporting for all state and federally permitted fishermen. Resource limited states should at a minimum require reporting from a statistically valid sample of fishermen. In 2007 the TC did some analysis on this, and they concluded that is 30 percent of active harvesters.

We have asked the TC to revisit this to make sure that percentage still holds. But that was the recommendation in 2007. There is also a recommendation to add data components to harvester reporting, including number of trap hauls, soak time, catch disposition, gear configuration, number of vertical lines, LCMA and depth. States are collecting a variety of this information, but it is not uniform across all states.

A lot of this information would be really useful to collect. A number of trap hauls and soak time is important effort data, gear configuration and number of vertical lines is important for large whale take reduction teams and LCMA and depth is important to tell us where the fishery is occurring.

Our final intermediate recommendation is to further delineate NMFS stat areas over harvester reports. Statistical areas are a really important basis of the stock assessment, but they are too broad to provide the spatial resolution needed to answer a lot of the management questions we have. A recommendation from this work group is to; at a minimum delineate inshore, nearshore and offshore areas in a statistical area.

However, it could be taken a step further by breaking down a statistical area into smaller boxes, and having a harvester check off which boxes he is fishing in. Finally we have our long term recommendations. The first one is to establish electronic swipe card system for harvester and dealer reports.

Currently swipe cards are used in the Maine elver and urchin fisheries, and the Massachusetts shellfish fishery. Dealer's swipe harvester cards during a transaction, and they are unable to complete that transaction if

reporting or permits are not current. Some of the benefits of this swipe card system are ease of dealer reporting, quick linking of harvester and dealer reports, preprogrammed fishermen information to reduce data entry mistakes, and insuring compliance during reporting.

Another recommendation is to incorporate VMS or other locator beacon to all lobster vessels. Again, this is trying to allow for greater spatial resolution in the fishery. This includes not only where traps are being set, but also important transit routes to the fishery. Finally, there is a recommendation to establish an electronic fixed-gear VTR for all federal permit holders.

One of the challenges right now with the VTR is that is for all gear types, so it is really hard to ask specific questions in regards to fixed gear or trap fisheries. There is a recommendation to create a VTR form that would just be for fixed gears. This would be electronic in nature, so it could only be filled out online. But the idea here is that this would allow for more data collection that is pertinent to the lobster fishery. The LEC also discussed some of this, so I'll pass it over to Rene to discuss this.

MR. CLOUTIER: As far as the VMS requirement, the LE is recommending that this happens sooner rather than later for all Area 3 vessels. Like I talked earlier, we really don't have the equipment or the technology right now to enforce a trap limit offshore, which is where everything is going, is to trap limits to increase egg production or wherever else you want to go with it. That is where the LE Committee was with VMS.

CHAIRMAN BORDEN: Thanks, Rene. Megan, questions?

MS. WARE: That's it, we can take questions.

CHAIRMAN BORDEN: All right so questions for Megan, any questions on this? Anyone in the audience, questions? Pat.

MR. KELIHER: This is actually for Rene, just for clarification. You mentioned Area 3, but wasn't the VMS for offshore areas within Area 1 as well?

MR. CLOUTIER: Yes. I guess I misspoke. Most of our issues right now, the enforcement issues that we've had in Maine anyway, have been in Area 1. A VMS component for Area 1 federal lobster permits would be a good thing for us.

CHAIRMAN BORDEN: Pat, as a follow up, as I indicated early on it would be my intent, and I think we should do this as a routine matter, to have the Enforcement Committee look at the proposals that are going to be incorporated into the public hearing document; and give us advice specifically on that issue.

Again, I mean this has come up at two LEC meetings, at least three LEC meetings that I've attended. But it has changed a little bit since the first time they discussed it. But I think the point is, they're going to get another bite at it and they can flush out exactly what they think should be incorporated into the public hearing document.

MR. KELIHER: That sounds really good, Mr. Chairman. I think what is critical here is that we're meshing both the LE Committee and the Reporting Committee's advice, because I think we've got an opportunity to have technology that will help us both on the reporting side for regulatory compliance; as well as the enforcement side. I think these two things potentially can have the ability to talk to each other.

CHAIRMAN BORDEN: Yes, and just a follow up. On these suggestions, I don't think that the board needs to take any action on them today. But just factor these recommendations in as you look at the plan. If you think, for instance, I think the first suggestion there was a Maine suggestion. If the state of Maine wants that option included in the public hearing document, it is a very simple thing to add that in and take it out to public hearing. Then at least we'll start the process of solving some of these problems. Doug, did you have your hand up?

MR. GROUT: Yes I did, Mr. Chairman. One thing that I want the Board to consider, or at least to take into consideration with this with the VMS, is one when we were talking about Area 3 boats I would fully support that. I think that is a great idea. As we bring it into the inshore fishery in Area 1, there are a number of people that fish in very, very small boats that a VMS may not be something that is feasible right now; given the power requirements for it. I think we're going to have to think about this from a functionality to feasibility of being able to apply this to every boat in the inshore area; before we start moving down this road.

MR. KELIHER: Yes I agree with Doug's concerns. I think from my perspective I think we would be looking at any boat or any vessel that is fishing in Area 3, not any small vessels fishing in near coastal, nearshore environments.

CHAIRMAN BORDEN: Anyone else on this point? Okay everyone be clear that this is something we want you to consider, and if New Hampshire and Maine want to trade e-mails on how it would be placed in effect in nearshore Maine, I think that would be helpful. Yes.

REPRESENTATIVE MELISSA ZIOBRON: I'm just trying catch up and do a little homework on VMS, and according to the NOAA website it is saying that typically a vessel gets reported once an hour for their location. For me, I'm always wary of "Big Brother" and my constituents being tracked. I'm just curious, is it going to be in real time, this proposal or is it using the NOAA standard, which is once an hour?

CHAIRMAN BORDEN: Rene, do you want to comment? Has the Enforcement Committee discussed that?

MR. CLOUTIER: We did discuss that. VMS is not the answer for the enforcement problems. It's a step in the right direction. It is once an hour that they report. A scallop boat, any boat that has a federal scallop permit, they are once every half hour. In an hour you can haul a lot of trawls.

What the fishery is becoming, just to give you a little example.

What we're running into now is trawls that are set offshore with no buoys. That eliminates any need for lobster trap tags or anything like that. These are impossible for enforcement to find without some sort of tracking capabilities. Once an hour isn't going to do it for us, but it is a step in the right direction.

How they retrieve this, I'm sure a lot of people in the room are saying why would anybody set them without the buoys; that must be a nightmare? But you can haul gear quicker with no buoys on it than you can with the buoys on it, because you don't have end lines. How they set these is they set a head trap, and then 100 fathom of float line with a toggle in the middle of the float line.

They can cross that hump in the water going 10 knots, throw the grapple over with 20 fathom on it and get that every time. They can haul that up really quick. We have one in the process right now we're prosecuting a person right now that is doing that. The information that we get from a lot of people is that this is becoming more and more prevalent out there; just to circumvent trap limits.

CHAIRMAN BORDEN: I would offer the thought that the next time the LEC discusses this issue, it would be very useful to have the appropriate personnel from NOAA there; not only their enforcement people, but the VMS staff to attend and provide guidance. Any other business on this issue, okay so factor this into your recommendations that you're going to bring forth. We're going to move along to Jonah crab. I'm going to let Megan do the introduction. We have a couple of motions that were postponed from the prior meeting. We'll put those up. I'm going to give you a suggestion on how to handle them in a fairly expedient manner, and then we'll proceed.

## **CONSIDER JONAH CRAB DRAFT ADDENDUM II FOR PUBLIC COMMENT**

MS. WARE: We're going over Jonah Crab Draft Addendum II for consideration for public comment today. Just a reminder, the Board did see this document in August, but we delayed public comment for a couple of reasons. There was a request for additional management options in the document, particularly in regards to claw harvest.

There was also an issue raised over the lack of definition of bycatch in the fishery. As a result the Board established a Jonah Crab Working Group to try and get at some of these issues. This is our timeline for this addendum. Today we're reviewing the addendum for public comment, and if it is approved our public comment period will be from November, 2016 through January, 2017. Then we would consider final action in February.

Just a reminder as to the current claw provision, the Jonah crab FMP establishes a whole crab fishery, with the exception of individuals from New Jersey through Virginia; who can prove a history of claw landings before June 2, 2015. This was to account for the historic DelMarVa claw fishery, which is typically executed by small boat fishermen who either have small capacity boats or don't have refrigeration onboard.

After final action on the Jonah crab FMP there were two problems that came up. The first was that claw fishermen from New York and Maine were identified, and currently these fishermen are limited to whole crabs; so there are concerns about equity in this fishery. Another potential problem is that NOAA has stated there are potential challenges implementing the regulation in federal waters.

Specifically National Standard 4 requires management measures not discriminate between residents of different states. I am going to jump right into the data that the workgroup discussed, because I think that this is really the key for the changes that were made. This was a

graph that was included in the original version of the addendum.

It looks at male morphometric data with carapace width on the X axis and claw length on the Y axis. This is from claws that were measured by Mass DMF both in southern New England and Georges Bank. What we can see here is that a male crab whose carapace width meets the minimum size of 4.75 inches, we would expect to have a claw length of 2.47 inches.

We can look at the same data for female crabs. Again, we have carapace width on the X axis, and claw length on the Y axis. What we can see here is with that same relationship, if we look at the minimum size of 4.75 inches, we would expect a female crab to have a claw length of 2.06 inches. Clearly a little bit smaller than the male crabs.

But I think more importantly what this shows is that of the hundreds of female crabs that has been sampled, 100 percent have had a claw length less than 2.75 inches. There hasn't been a single female crab sampled that have claw length greater than 2.75 inches, and that is going to be an important fact for the changes made. Going back to the Jonah Crab Workgroup discussion, on that call there were several concerns with a claw fishery in general. These included that it might undermine the current minimum size, and also it allows for the potential harvest from egg bearing females. Currently we have a prohibition on the harvest of egg bearing females, but there could be a way in the claw fishery to try and undermine that.

But kind of the solution we came to here is that by increasing the minimum claw size to 2.75 inches, this protects the female population, so the berried crabs; and provides a bit more cushion to that minimum size. Really this is a higher standard for claws that are harvested or detached at sea. I'm going to jump right into the management options.

Option A is status quo, this has not changed. Again, this would be a whole crab fishery with the exception of individuals who can prove a

history before the control date in the states of New Jersey through Virginia. Option B also has not changed, this is for a coastwide whole crab fishery. Only whole crabs may be retained and sold coastwide, and once landed claws may be detached from the whole crab and sold.

This is Option C, and this has been the modified option in this document. This allows for claw harvest coastwide. Claws may be detached and harvested at sea if they meet the minimum claw length of 2.75 inches. Again, this is a larger claw length size than originally proposed, and this is to protect those egg bearing females; and also to provide a bit more cushion to the minimum size.

Two claws may be harvested from the same crab, and the bycatch limits would still remain in Addendum 1. If an individual is limited to their thousand crab bycatch limit, they would be limited to a 2,000 claw limit. Fishermen can also harvest whole crabs; which meet the minimum size of 4.75 inches, and once landed claws can be detached from these whole crabs and sold.

I am going to roll right into the second issue here and then we can just discuss this all at the end. There was also an issue brought up about bycatch in the fishery. Originally the FMP established a 200 crab per day, 500 crabs per trip bycatch limit for non-trap gear, but this was increased in Addendum I to 1,000 crabs, and it was also expanded to include non-lobster trap gear.

These limits were intended to account for incidental catch, but no definition of bycatch was provided. What this means is it allows for a small scale fishery to develop, where a fisherman could go out, harvest 1,000 crabs, and nothing else for the day. This really does not reflect the intention of the bycatch limit, which is to account for Jonah crab caught while targeting other species.

The Jonah Crab Workgroup is proposing that a second issue be added to this addendum. It would be to consider a definition of bycatch in the fishery. Option A would be status quo, so

there would be no definition of bycatch in the Jonah crab fishery. Fishermen, who use non trap gear or non-lobster trap gear, could land Jonah crab up to the bycatch limit without having any other species onboard.

Option B is to have bycatch defined as a percent composition. Under this option Jonah crab caught under the incidental bycatch limit must comprise at all times during a fishing trip, an amount lower in pounds than the species the deployed gear is targeting. The LEC also discussed this Jonah Crab Addendum in their meeting, so I'll pass it over to Rene to sum up their report.

MR. CLOUTIER: When the LEC met they realized we agreed that there was a fishery that was occurring that it was just a claw fishery. We thought that a five gallon pail of crab claws would be allowed, and I guess everybody on the Committee agreed to that.

MS. WARE: That is the end of my report, I'll take questions.

CHAIRMAN BORDEN: Okay questions for Megan or Rene on either one of those issues, anyone, any questions? In terms of the motions, could you put up the postponed motion, please? This was Motion 5, is that what it was, Megan?

MS. WARE: I don't remember the specific number, to be honest. But it was postponed to this meeting so it is on the table for today's meeting.

CHAIRMAN BORDEN: Okay so comments on the table, anyone would care to comment on this? Mike.

MR. LUISI: I think there was something in the water in Alexandria in August. This is like the second or third motion I've had to consider just pulling off this week. I think we've addressed this motion through the working group, which I think was a great thing for this Board to suggest. We've dealt with the claw fishery; we've dealt with some of this volumetric concern that we

had. I'll look to you for some advice on what to do here, whether we can withdraw the motion and just move forward with the addendum as it's currently written. I would be happy to do that.

CHAIRMAN BORDEN: My preference, Mike, would be for someone to make a motion to postpone indefinitely; that will kill it. Mark Gibson, Dan.

MR. GIBSON: **So moved, move to postpone indefinitely.**

CHAIRMAN BORDEN: Jim, do you want to second that? Seconded by Jim Gilmore, any discussion on it? No hands up, anyone in the audience care to comment. No hands up. Are there any objections to approving this by unanimous consent? **It stands approved.**

MR. GROUT: Before we get to potentially approving this for public comment, there was one issue that I saw in this that I thought maybe we should try and consider adding a sentence in. This is just to make sure we're on the same page is to have a definition of how states would measure a claw length in the document, so that we're all on that same page.

CHAIRMAN BORDEN: Pat Keliher to that point. Okay Doug has made a suggestion. Does anyone disagree with that? Remember this is just a public hearing document, so the staff would craft a definition and basically include it in the document. No objections? There are no objections so we'll do it with unanimous consent. Pat Keliher.

MR. KELIHER: The motion to postpone. I couldn't even quickly figure out what that meant, but I had drafted a motion under 3.0 to get to a volumetric measure for retaining claws. We don't want to be in the business of measuring crab claws. I have a motion if Amy could put it up on the board. **I move to add Option D under 3.0 management measures. Claw harvest permitted coastwide under this option, claws may be detached and harvested, but may not exceed a volumetric limit of five**

**gallons.** If I get a second I'll give some additional information.

CHAIRMAN BORDEN: We have a motion, is there a second; anyone? Jim Gilmore, second. Discussion, Pat.

MR. KELIHER: Rene Cloutier, the Major and I took a very scientific approach to this. Rene went down, picked up a tote of crabs, it's 120 in a level packed tote. That tote equated to a five gallon bucket of crabs. We're talking about a five gallon bucket of claws. Harvesters are not retaining small crabs, because that equates to a small claw.

We're looking for what I believe is a very simple fix to allowing a very small amount of claws to be retained. If somebody wants to, the way I would envision this rolling out, at least in Maine, would be that we would have a rule that says if you're going to retain claws, you would not be able to retain a whole crab. You would have to detach and just keep the claws. Again, we're talking 120 crabs a day when you could harvest unlimited.

CHAIRMAN BORDEN: All right so we have a motion second for the discussion on this.

MS. WARE: Just a clarifying question, Pat. Is there a minimum size with this claw limit or it is claws of all lengths?

CHAIRMAN KELIHER: There would be no minimum size. We don't want to be measuring claws. But again, people aren't taking off small claws, because there is no meat, no sense.

MR. McKIERNAN: With all due respect, I'm not sure that this language captures just what I heard Pat say. I think it needs to say, may be detached, and if there are detached claws on the vessel whole crabs may not be retained. You just said something that is not captured in that motion. I think you need to rework the motion.

CHAIRMAN BORDEN: Pat, do you want to perfect your motion?

CHAIRMAN KELIHER: Yes.

CHAIRMAN BORDEN: How about this. We'll take a five minute break, how's that? Anyone that needs to use a restroom please do so now, because we're going to go right through the rest of the agenda as soon as we come back; five minute break.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: Can everyone have a seat, please. Pat, have you perfected the motion the way you want?

MR. KELIHER: Yes, Mr. Chairman, but Toni has now pointed out to me we may have an issue. My thinking was that a jurisdiction would be able to choose one or the other for their state. Toni has indicated that that now may be an issue of having two different sets of rules; and maybe she should comment on that before we go any further.

CHAIRMAN BORDEN: Let me ask Jim Gilmore. Jim, do you agree with the perfection of the language?

MR. GILMORE: Yes, but.

CHAIRMAN BORDEN: But you want to hear the discussion, okay.

MS. TONI KERNS: As Pat has explained to me on the break that he was thinking that each state could choose of different options that were within this claw only section of the document. My one concern and I guess it would be a question to Ali or Peter, is that if Maine federal water fishermen were fishing on one rule and Maryland federal water fishermen were fishing on another rule, both Area 3 fishermen. NOAA would have to choose one of those two rules. Having inconsistent set of regulations could be problematic for those federal water fishermen.

CHAIRMAN BORDEN: Ali, do you want to comment or Peter?

MS. ALISON MURPHY: I think Toni is right. Having states all pick their own measures for this



certainly creates a lot of complications for us. My understanding of the addendum was to pick one option to be used coastwide or at least that's what all of the options in the document were for previously.

MR. WHITE: Well, if the 2,000 was adopted, a five gallon bucket is a lot less than 2,000; so that boat would just be more conservative. If the 2,000 was enforced offshore the vessel would have to make sure that he had good sized crabs if he wasn't measuring them.

MR. GROUT: The way I looked at this is this would be similar to a conservation equivalency within a plan. You have one state that wants to have 2,000 crab claws and the minimum size that is implemented in the plan. What the state of Maine was looking for was relief from having to have a minimum size, but they were going to drastically reduce by I think about an eighth, the amount of claws.

I could see a scenario, because I believe there are some plans that the Feds recognize conservation equivalency between the states. But I could see this working out where the federal agencies would implement the 2,000 pound and minimum size; but within the state of Maine or say in the state of New Hampshire.

We would implement something, a much smaller trip limit on it, but would not be enforcing the minimum size. The only problem we would run into is if there was a coast guard vessel out there that would start measuring claws on federally permitted vessels at sea.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I wonder if we could be very creative in how we worded this, which is that if you have more than five gallons of claws, you can't retain any claws less than 2.5 inches. There is a threshold of five gallons, and once you exceed that threshold then the size limit kicks in. If you want to retain more than five gallons you can't have any below 2.5 inches, or whatever the size limit is. Then you cap it at a maximum, but you set a threshold for when the size limit kicks in.

CHAIRMAN BORDEN: I'm just thinking of creative ways to handle this. Rather than try to do this with motions let me suggest that we pass this motion. If everyone agrees with Bob's suggestion; let me ask that first. Does anybody disagree with what Bob just suggested? It seemed like it was kind of a creative way of handling this. I see everyone kind of nodding, but let's not do this just based on verbal commitments. My suggestion would be to pass this motion, and then the staff will write that up and circulate it to everyone within a few days, and see whether or not everybody still is in agreement after they look at it in writing; any problem with that? It's basically an option that's going to be folded in; but we give the discretion to the staff to draft it.

MR. LUISI: I don't have a problem with the suggestion. What I do have a problem with just approving the motion. We discussed it in the call. Maybe somebody else that was on the call can help me remember the last sentence there about fishing. If you're participating in the claw fishery you can have no possession, whole crabs are prohibited.

That was something we discussed, I just can't remember who brought that up and what situation there was that we, I believe we decided that as long as the claws were still attached to the crab, they didn't need to meet the minimum size that we would be requiring for a claw only fishery; but a fisherman could bring both home. I think that is what we concluded on our call.

MS. WARE: Yes, I'm trying to remember as well, Mike. I think what we said was that if you harvest at sea you are basically held to a higher standard, so that you would have to meet that 2.75 inch minimum size. However, if you bring in whole crabs and then broke the claws off, you would be held to the whole crab minimum size. It is really a higher standard for that at-sea harvest.

MR. KELIHER: I think Bob's suggestion is good, and I'm just wondering if under Option C we just

get rid of this motion altogether. Then under Option C I think we could add one sentence that says, any amount of claws retained over a volumetric measure of five gallons would have to meet the minimum requirement. You would make that change within the existing Option C.

CHAIRMAN BORDEN: All right so we've got another suggestion here.

MR. KELIHER: Then we can just put it to bed.

CHAIRMAN BORDEN: Does anyone object to what Pat said? Are there any objections to that? If not, my suggestion is someone makes a motion to postpone this motion indefinitely and we'll go back and revise the language the way you just said.

**MR. GROUT: I'll make a motion to postpone this indefinitely.**

CHAIRMAN BORDEN: All right, is there a second? Seconded by Mark Gibson, any discussion, no discussion, any disagreement with this? **Any comments from anyone in the audience; no hands up any place, the motion to postpone indefinitely is passed by unanimous consent.** Let's go back to the language, Pat and make sure it's modified accordingly.

MR. KELIHER: I think if we can get that language up. **Option C currently reads, under this option claws may be detached and harvested at sea if they meet a minimum claw length of 2.75. I think it would say, under this option if a volumetric measure of greater than five gallons is to be retained, the claws may be detached and harvested at sea, as long as they meet a minimum claw length of 2.75.**

CHAIRMAN BORDEN: Okay so this is a motion to add this language to Option C, correct? Is there a second, seconded by Doug Grout; discussion on it, any discussion? Any hands up? No hands up; anyone in the audience, no hands up. Are you ready for the question? All those; well I'm not going to vote, any objection to adopting this by consent? **Motion stands adopted by**

**unanimous consent.** What other issues, Megan, do we need to discuss on this?

MS. WARE: The bycatch definition. There is a proposal to add a second issue to this addendum to consider adding a definition for bycatch in the fishery.

CHAIRMAN BORDEN: All right can we put that language up? It's going to take one minute. We'll put the language up and then my suggestion is I'll ask for whether or not we have any comments or questions on it. I'm not sure we need to go into a detailed debate on it, but we do need to pass a motion to include it in the document if that is what our intent is.

This is what happens when you move at light speed. Okay so there is the language. Bob indicated that we do not need a motion. Do we have consent on this? Does anyone object? Mike, no objection, do you want to comment on it? Turn your microphone on, please.

MR. LUISI: Just a question under Option D. Is there going to be anything written under this for the document to talk about claws versus weight of the whole crab versus? If you have 20 pounds of claws, does that mean you need just 20 pounds of your targeted species or more or are we going to have some debate down the road where we have a comparison of the whole crab weight that you harvested the claws from? I just want to make sure that sometime in the future we've got that clarified; because I'm sure someone is going to ask.

CHAIRMAN BORDEN: Does anyone want to comment on this? Dan.

MR. MCKIERNAN: If we don't clarify it then it is a very liberal treatment, and that is something you can ratchet down later.

MR. GROUT: Just one thing that I agree that something like this needs to be put in, but I also think it might be important to include in the document a definition of how we determine what the target species is. As long as that's clear

in the document, I think it is something that the states can implement.

MR. McKIERNAN: Yes, I would request that the states who supported the thousand Jonah crab bycatch option in non-lobster trap fisheries, maybe they could give Megan a list of those trap types and those target species that is being caught; because I think it's whelk. I think that was the one example that seemed plausible, however unlikely. In Massachusetts we don't have that issue, so I think we're looking to the states in the Mid.

CHAIRMAN BORDEN: Dan made a suggestion. Are the states that have been advocating this willing to work together and try to come up with that definition and provide it to Megan next week. Is that okay? We don't need a motion on this. **Are there any other changes, and if not then we need a motion to approve this addendum as modified by the discussion today for public hearing.**

MR. ADLER: I'll so move what you just said.

CHAIRMAN BORDEN: Seconded by Mike; any discussion on this? Ali.

MS. MURPHY: I've gone on the record a number of times at these meetings that NMFS is supportive of the Law Enforcement Committee's recommendation for a whole crab fishery, but at the same time we've also been supportive of this document having a wide range of alternatives for public consideration. Just one point of clarification to make sure my understanding is correct. The option is it under Option C, for the targeted fleet having a lobster permit. Those vessels would be able to harvest an unlimited amount of claws, is that correct?

MS. WARE: That's a good question, Ali. In the original way that Option C was written the answer would be yes, because it was only individuals under the bycatch limit that would be limited to the 2,000 claws. I think that would still remain true, because you can still land greater than a five gallon bucket. Yes, those lobster

permit holders are able to land an unlimited amount of claws.

MS. MURPHY: If I could just follow up. I think one of the goals of the original FMP was to preserve the Jonah crab fishery kind of as it stands today, and allow for this small, historic harvest of claws to continue. I guess that's just a little concerning to me that this option could potentially allow a vast expansion of the claw fishery.

CHAIRMAN BORDEN: Any further follow up on this? Megan just reminded me, we actually had a motion to approve this addendum; so we have to go back and clear the record on this. Thank you, Megan. Let me just, in the interest of time, does anyone have an objection to modifying this, perfecting this motion?

I'm not sure we have an original motion maker and seconder in the room. **It would basically say, move to approve Draft Addendum II to the Jonah Crab FMP for public comment as modified by the comments and conclusions today; any objection to doing that. No hands up so it is adopted by consensus.** Do we need to vote on this? I think not since we have pretty much unanimous agreement. Anyone object to approving this motion? **No objections, it is approved by unanimous consent.** The next issue on the agenda is the FMP Review, Megan.

**CONSIDER APPROVAL OF  
2016 AMERICAN LOBSTER FMP REVIEW AND  
STATE COMPLIANCE**

MS. WARE: While we pull up that presentation here, I'm doing the FMP review for the 2015 fishery. The lobster fishery has seen incredible expansion in effort and landings over the last four years. Coastwide landings in 2015 were 147 million pounds, which is equivalent to the landings in 2014 and just below the landings in 2013.

The largest contributors to the fishery are Maine, seen here in blue, and Massachusetts seen here in red, with 83 percent and 11 percent of landings respectively. Landings in descending

order also occur in New Hampshire, Rhode Island, New Jersey, Connecticut, New York, Maryland, Delaware and Virginia

The ex-vessel value for all lobster landings in 2015 was \$617.7 million, which I believe is the largest on record; at least for the records that I have. In terms of status of the stock, the 2015 stock assessment indicated a mixed picture of the American lobster resource, with record high abundance through the Gulf of Maine and Georges Bank, and record low abundance throughout southern New England. The assessment found that the Gulf of Maine/Georges Bank stock is not overfished and overfishing is not occurring. However, some of the population indicators for the young-of-year estimates were low, and this could be a sign of some low recruitment in the future. We've talked extensively today about southern New England, so I won't go too much into that. But the stock is depleted.

For a status of management we are currently under Amendment 3, which created the seven lobster conservation management areas you see here; as well as Addenda I through XXIV. The most recent addenda sought to align federal and state regulations regarding trap conservation taxes, trap transfer increments, and trap allocation for dual permit holders.

We're currently working on Addendum XXV to respond to the poor condition of the southern New England stock. Addendum XVIII established a series of trap reductions for LCMA 2 and 3, and the intent of this addendum was to scale the size of the southern New England fishery to the size of the resource.

Per this addendum, states with fishermen in Areas 2 and 3 are required to report on the degree of consolidation that has taken place. In total 33,880 traps were retired in Area 2, and 8,663 traps were retired in Area 3. Addendum X requires 100 percent dealer reporting and 10 percent active harvester reporting, as well as sea sampling.

Non de minimis states are required to conduct fishery independent sampling through one of the following methods, which could be annual trawl survey, a ventless trap survey, or a young of year survey. I've put Maine's information up, since I thought it might be appropriate for our meeting location.

Just to orient everyone here. We have on the left their young-of-year survey with 513 being in southern Maine, and 511 being in northern Maine. What you can see here is that all of these indices are below the average for that statistical area. On the right hand side here is the Maine ventless trap survey.

The different colored bars are different years with the right most bar being 2015. Again, as we move from 513 to 511 we get further north in Maine. What we're seeing here is we haven't really seen the drastic reductions yet in the ventless trap survey; and I think this is something to keep an eye on, because if we do start to see reductions in this ventless trap survey, then that would corroborate what we're seeing in the young-of-year survey.

In terms of compliance all states are found to be in compliance with Amendment 3 and Addenda I through XXIV. For de minimis status commercial landings in the two most recent years of data cannot exceed an average of 40,000 pounds. We received requests from Delaware, Maryland, and Virginia. Virginia and Delaware qualify. Maryland's two-year average is slightly above the 40,000 pounds; so that can be open for discussion today.

In terms of PRT recommendations, the PRT recommends full implementation of data collection programs, including increased harvester reporting and creation of a fixed-gear VTR form. They recommend continued investigation in stock connectivity, and larval transport between the inshore and offshore areas. The PRT noted several inconsistent regulations, notably that in outer Cape Cod with the v-notch definition; and also noted that now that Gulf of Maine/Georges Bank is a single

biological unit, the Board might want to consider the repercussions or potential options for consistent regulations in this area. Also, they're recommending improved enforcement of management measures, especially at-sea enforcement of trap limits. With that I will take questions.

CHAIRMAN BORDEN: Questions for Megan, any questions? No hands up. I think what we need here is **a motion to approve the FMP review including de minimis status. My suggestion is to include, I guess it is Maryland in the de minimis category, because it is only very slightly over the limit and normally below the limit.** I think it is a reasonable action. Does somebody want to make that as a motion? Dan.

MR. McKIERNAN: **Want me to read that or just make the motion? All right, I make the motion, so moved.**

CHAIRMAN BORDEN: Okay seconded by Brandon. Brandon, do you want to second this motion?

MR. MUFFLEY: Yes since this is my last meeting I will get my name up on the board, thank you Mr. Chairman.

CHAIRMAN BORDEN: I actually thought you wanted to propose a 12 inch minimum size for New Jersey. We have a motion, any discussion on it? Jim.

MR. GILMORE: Mike, how much did the one guy actually harvest over the 40,000 pounds?

MR. LUISI: It's a bit of an embellishment. We have a couple guys that bring a few lobsters in. I will say since I have the microphone and I'll be quick. You know while we have been harvesting, well we have been in de minimis status and have been hovering around that 40,000. I have dedicated some staff time for collection purposes to help better our understanding of the fishery down there. We're doing what we can to collect information, we just can't do as much as what is required under the FMP.

MR. BURNS: Mike, not to put you on the spot. I just was wondering is this something that is going to continue. Is it one particular vessel? I thought there was a vessel that came into Maryland and then it was no longer in Maryland anymore. Is that what happened? You think that after this, because it's a three-year average that's why it's been over?

MR. LUISI: That's exactly it. We had a vessel that was fishing in Area 3, and he was bringing a lot of lobsters in. He's no longer part of the fishery, so that three-year average is continuing to drop in my understanding, and we expect it to be below 40,000 in the future.

CHAIRMAN BORDEN: Any further discussion on this? **Any objection, no objections; motion stands approved by unanimous consensus.**

#### **UPDATE ON THE ATLANTIC MARINE MONUMENT DESIGNATION**

CHAIRMAN BORDEN: All right so we're going to move on to the next issue, which is the Marine Monument. I think everyone knows the background here. But what we have not discussed is the letter from NOAA, so Megan.

MS. WARE: I'm just going to go over the facts that we know of so far. It was designated on September 15th, it is over 100 miles southeast of Cape Cod, and it encompasses just under 5,000 square miles; some of which is shallower than 100 meters. It includes Oceanographer, Gilbert and Lydonia Canyons, as well as some of the offshore seamounts. The red crab and lobster fisheries are allowed to continue fishing in the monument for seven more years. However, other commercial fishing operations have 60 days to move their practices from within the monument, and recreational fishing is allowed within the boundaries.

CHAIRMAN BORDEN: Questions, are there any questions? I think it would be useful also to discuss the letter from NOAA. Peter, do you or somebody on the staff want to comment on this? Mike, then my suggestion is that if we can

formalize a recommendation on this I think it would be useful.

MR. MICHAEL PENTONY: Just for the Boards understanding. Last Friday we sent out three letters, one each to the two councils; Mid-Atlantic and New England Council, and then one to the Commission, basically informing all three bodies of the current status of rulemaking.

CHAIRMAN BORDEN: Mike, can I stop you just for one second. Brandon, if you're going to sneak out of the room I would just point out to everybody, this is his last meeting. I think we owe him a debt of gratitude for all the work and dedication that he's put into serving the fisheries and fisheries in New Jersey.

He's done a terrific job; he's been a fabulous guy to work with. I'm sorry to see him go, but I look forward to working with him on the Mid-Atlantic Council. I suggest we give him a round of applause. (Applause) Are you sure you don't want to propose a 12 inch minimum size for New Jersey, just as a going away present?

MR. MUFFLEY: I have been talking to Steve Heins quite a bit. He had asked me to transfer all of the New Jersey's quota to New York.

CHAIRMAN BORDEN: We'll see you at the Mid-Atlantic meetings. Okay, Mike I apologize; please continue.

MR. PENTONY: No problem, Mr. Chairman. The letters basically were to inform the three bodies as to where we are in terms of implementing regulations to enforce or implement the proclamation; the president's proclamation for the monument. On the council side, under the Magnuson Act we're obligated to work through the councils.

The letters to the two councils are essentially asking the two councils to take up amendments to their existing FMPs through which we would modify the regulations to implement the restrictions in the monument; but also to let the councils know that if they decline to do so then we would be obligated under the Magnuson Act

to develop Secretarial amendments to the plans to implement those regulations.

Then the letter to the Commission was along the same lines, but informing the Commission that because we don't have, for lobster regulations we implement those under 697 through Atlantic Coastal Act Provisions. Then when we work either with the councils or through a secretarial plan, we will at the same time be planning to develop regulations for the lobster fishery.

That would obviously go into effect seven years from the date of the proclamation for the trap fishery. During that process we plan to consult with the Commission on several occasions as we go through the development of that process. That is a quick summary of the letter.

CHAIRMAN BORDEN: Any questions for Mike? Does anyone have a preference here? Doug.

MR. GROUT: I have a preference if I can get an answer from Mike about one issue, and that is if the councils and the commissions preferred to have the NOAA Fisheries develop the plan, I know you would consult with the councils, but would you consult with the Commission?

MR. PENTONY: Yes, we would consult with the Commission in all circumstances, because the process under the Atlantic Coastal Act for us to develop regulations for the lobster fishery if not required is certainly good practice to consult with the Commission on those actions.

MR. GROUT: Then my recommendation, Mr. Chair would be for the Council to defer to NOAA Fisheries to develop the measures that are needed to implement the Antiquities Act as they apply to fisheries.

CHAIRMAN BORDEN: Any objections to that suggestion? No objections. That will be the course of action that is reflected in the minutes. I don't think we need a motion on it. Any further action on this issue, if not we'll move on to the Deep Sea Corals. Terry, are you going to give the report or is Megan?

**UPDATE ON  
NEW ENGLAND FISHERY MANAGEMENT  
COUNCIL DEEP-SEA CORAL AMENDMENT**

MS. WARE: The New England Council is continuing to work on the Omnibus Deep Sea Coral Amendment, which could limit lobster traps. The document currently includes discreet zones, such as offshore canyons and in Gulf of Maine we have Jordan Basin, Mount Desert Rock, Lindenkohl Knoll and Outer Schoodic Ridge.

At the September council meeting a 600 meter depth-based broad coral zone was added for consideration. There was also a motion to consider an exemption for the lobster and crab fisheries, and this passed. But what this means is that the option for limiting the trap fishery still exists; and so analysis on the lobster fishery will continue.

ASMFC has been working with the council to provide data on potential impacts to the lobster fishery, and the TC has been consulting among themselves and also with staff from Maine DMR, to apply catch and effort in the potentially affected areas. In talking with Michelle, it sounds like the tentative timeline for that is to have a document ready for public comment in their spring or summer of 2017. I'm not sure how concrete that timeline is, but we'll keep you guys posted and let you know of any developments.

CHAIRMAN BORDEN: Any comments, questions, Toni you've got your hand up, go ahead.

MS. KERNS: The discussion of the corals and the need for information reminds me that when we were talking about reporting, you made the suggestion that states give recommendations back in the one month time period. It made it sound like to me you're only talking about reporting that pertained to the southern New England addendum. But I believe what the working group was making a recommendation for was changes to reporting for coastwide reporting. With things like corals and ocean use,

there is a lot of information that is being needed for us to give to the councils and to NOAA to be able to describe our lobster fishery, and the impacts to that fishery. I wanted to know if we were going to look at reporting just for the southern New England area or for all.

CHAIRMAN BORDEN: That's a good point and actually I talked to Pat during the brief break. He needs a little bit of time to talk to his staff about various aspects of the data collection suggestions. What I would suggest we do is not include data suggestions as part of this addendum that we're proceeding with.

At the February meeting we'll have a discussion of whether or not we want to initiate Addendum XXVI and do a comprehensive one. Is that agreeable? That will give you a little bit of time, Pat, and then we'll compile all of the data collection changes in one document.

MS. KERNS: Just one question. In the working group report I think they had made the suggestion of letting the TC take a look at what's a good percentage. I think there possibly could have been some tears for down the line. Is that something that we would want the TC to look at between now and February or would you want them to wait until after February; and I would look to Pat.

MR. KELIHER: I think having that input from the TC, if it is 30 percent that's fine, possibly fine. But I think getting that TC input as soon as we can. Then I can try to put some numbers around it to see if it's doable. One of the recommendations in the short term was the 10 percent focused on active harvesters within a two-year period. We could implement that for the next fishing year, and could do that voluntarily outside of this if that would be beneficial.

CHAIRMAN BORDEN: Let's do this. If you want to make that suggestion during the next one-month period, we'll consider it for this addendum. But all the rest of the suggestions we'll take up at the February meeting and see whether or not we want to initiate a draft addendum; any objections to doing that? Okay

so no objections. Toni, are you getting heartburn?

MS. KERNS: No, no objections, just one more task for the TC to look at. Does the Board want to have the TC also evaluate what we're actually collecting, and what additional information might be informative, as we move into this new expansion of ocean use and folks asking for information from us? At least to give us a list to consider and what it would mean to actually have to try to collect that information.

MS. WARE: I think the Reporting Workgroup kind of had that list and there were TC members on that group, but we could run it by the TC and see if there are any others.

CHAIRMAN BORDEN: Any objection to doing that; no objections. Okay so it seems like we have a course of action. Pat, you can make your suggestion in terms of doing the quick fix to the Maine suggestion if that is what you want to do, and we'll consider that and then we'll deal comprehensively with the data deficiencies at the February meeting. That will take the form of initiating an addendum at that point.

MR. KELIHER: Mr. Chairman, I think I could simply for the 2017 fishing year just tweak our 10 percent reporting without any action, as long as it – why can't we? Yes, we can.

MS. KATHLEEN REARDON: I'm Kathleen Reardon; I'm the new TC Chair, but I also work for Pat in Maine. We do have some issues with our 10 percent, because we lose the randomness, we also lose being able to track latency within the fishery. We need to discuss it a little bit more before we commit to dropping anything other than the active harvesters.

CHAIRMAN BORDEN: I think that is consistent with what I offered. Maine has the ability to recommend that if they would like, after they do their internal consultations. If they don't recommend it, it will all get folded into the Comprehensive Data Deficiency Addendum. Okay, everyone clear?

MR. KELIHER: It's clear as mud, because if that's the case then the TC needs to comment on that. I would like that from the TC; no offense to my staff. The TC is going to have to look at the 10 percent change that was listed for the short term as well as the 30 percent.

CHAIRMAN BORDEN: Megan, you've got a charge for the TC. Bill Adler.

MR. ADLER: This is back on the closed area things, and I've already talked to you about a petition that's been put in to make Hudson Canyon a sanctuary. I'm not sure where that is in the middle of all the little dots and stuff. If that is an additional area to the monument area and the coral area and now an environmental group had put in for a sanctuary on Hudson Canyon. I just wanted that noted.

CHAIRMAN BORDEN: Thanks Bill, for noting that. Actually it is three canyons. There are three canyons all in the Mid-Atlantic area that I think have been proposed. My suggestion is let the staff get the information on that and then present whatever information they can get on that at the next meeting.

Are there any objections to handling that? Okay so anything further on corals? If not, any other business before the Board? If not, I would just like to personally thank, oh Doug; I was going to thank our host. But I would also like while I've got the microphone, before Doug flicks it off. I would like to thank the members of the PDT for all the work they put into the document.

Although it didn't go out the door today, I think that the first part of the document I thought was one of the better documents that have been written by the PDT. It is clear, it's concise, and it lays out all the facts. I think it's very well written. We can just tweak those sections that go behind it and I'm sure at the February meeting we'll get it out the door. But thank you very much for all your labors.



MR. GROUT: Thank you, Mr. Chair. I also wanted to thank all the commissioners for hard work this week. It was a long and very, I think productive week in what we did. If any of you happen to be staying over tonight, and that includes any staff. I'm going to open up my room at about 4:30 today for a little hospitality suite, its Room 2077, and it's going to be BYOB and BYO snacks.

CHAIRMAN BORDEN: Any other business?  
Peter.

MR. BURNS: Real quickly, I just wanted to commend Megan for her hard work. Since the last meeting she did an excellent job sharing and facilitating the Technical Committee, the PDT and all the working groups that had to meet, and she did that really effectively and that helped us get through our business today; so thank you for that.

#### **ADJOURNMENT**

CHAIRMAN BORDEN: Any other business? No hands up, meeting is adjourned.

(Whereupon the meeting adjourned at 3:48 p.m. on October 27, 2016.)