

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

**The Westin Crystal City
Arlington, Virginia
May 2, 2018**

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	John McMurray, NY, proxy for Sen. Boyle (LA)
Steve Train, ME (GA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Douglas Grout, NH (AA)	Jeff Brust, NJ, proxy for L. Herrighty (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Tom Fote, NJ (GA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Rep. Sarah Peake, MA (LA)	Russell Dize, MD (GA)
Jay McNamee, RI (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Borden, RI (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Colleen Giannini, CT, proxy for P. Arrestad (AA)	Peter Burns, NMFS
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Allison Murphy, NOAA
Emerson Hasbrouck, NY (GA)	

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

Ex-Officio Members

Rene Cloutier, Law Enforcement Representative

Staff

Robert Beal	Jessica Kuesel
Toni Kerns	Megan Ware
Jeff Kipp	

Guests

Joe Cimino, NJ DFW	Arnold Leo, E. Hampton, NY
Heather Corbett, NJ DFW	Andrew Petersen, Baton Rouge, LA
Matt Gates, CT DEEP	Melissa Smith, ME DMR

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, May 2, 2018, and was called to order at 1:25 o'clock a.m. by Chairman Stephen Train.

CALL TO ORDER

CHAIRMAN STEPHEN TRAIN: I want to thank everybody for showing up for the American Lobster Management Board meeting. My name is Steve Train from the state of Maine, and I'll be Chair of the meeting. I assume everyone has the packets. Do we have consent on approval of the agenda? Is there any opposition to the agenda; if not I'll assume it's approved? I guess we have consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN TRAIN: Does everyone have the meeting proceedings from our last meeting? Are there any additions, changes or deletions? If there is no objection I'll consider them approved with consent. We have nobody signed up for public comment. If somebody forgot to sign up and would like to speak to something that is not on the agenda, please step up to the microphone. Okay then.

LOBSTER CONSERVATION MANAGEMENT TEAM PROPOSALS TO REDUCE LATENT EFFORT

CHAIRMAN TRAIN: The fourth item Lobster Conservation Management Team, the LCMTs Proposals to Reduce Latent Effort, there is four bullets. Review Board Task Regarding Latent Effort, Review the LCMT Proposals, Discuss the Board Goals/Objectives Regarding Task, and Consider Board Action in Response to the Proposals. Megan will bring us through this. There is a potential action here; and if there is action it's going to require an addendum. Megan.

MS. MEGAN WARE: At the 2017 Annual Meeting, the Lobster Board tasked all of the LCMTs with developing proposals to reduce latent effort. To provide some context for this

tasking, in August the Board decided not to move forward with Addendum XXV for management use in southern New England.

REVIEW BOARD TASK REGARDING LATENT EFFORT

MS. MEGAN WARE: As a result they established a workgroup to discuss future management of that stock. In October the Workgroup identified potential paths forward; including a recommendation to reduce latent effort in LCMTs 4, 5, and 6. The Board decided to task all LCMTs with assessing levels of latent effort; and developing proposals to reduce latent effort in the fishery.

REVIEW OF THE LCMT PROPOSALS

MS. MEGAN WARE: Proposals were received by Areas 4, 5, and 6. For Areas 4 and 6, separate proposals were submitted by each state; given the state's managed trap allocation separately. Some of the other LCMTs have indicated initial discussions amongst state staff; but no proposals have been developed. As a reminder, Areas 2 and 3 are going through a series of trap allocation reductions; aimed at scaling the size of the fishery to the size of the resource, and Year 3 will be impacting the 2018 allocations. I'm now going to go through each of the proposals. For Area 4, the New York proposal is to reduce permit holders trap tag allocation by 50 percent if they haven't reported actively fishing 50 days during 2013 to 2017. For this proposal, actively fishing means the permit holder must have reported fishing for any species; not just lobster. The minimum allocation would be capped at 50 traps; and this proposal is expected to decrease trap allocations by 19 percent.

The proposal does note considerations for federal waters; particularly that reducing trap allocations for some permit holders rather than a percent reduction across all of the Area 4 permits would be akin to a new trap allocation program, and state and federal decisions on revised allocations would have to match, in

order to avoid a disconnect on the number of traps a permit holder can fish.

Next is the Area 4 New Jersey proposal. Consensus was not reached at this meeting. There was concern about the validity of New Jersey permit information; since federal permits are not required to report through VTRs, and were only recently required to report to the state. Two concepts were put forward in the proposal; the first was status quo, and rationale for this was that New Jersey has had a moratorium on permits since 2002, and the number of permits has decreased from 42 in 2008 to 32 in 2017.

Another concept put forward was latency by owner, not vessel. Several active harvesters possess multiple lobster permits; but due to the poor stock status, have not utilized all permits in recent years. As a result if a fisherman actively fished on one permit, the recommendation was that all lobster permits under their possession would be exempt from latency.

Next is the Area 5 proposal; and their proposal was for status quo or natural attrition. Rationale for this was that permit numbers have decreased from 28 permits in 2009 to 26 permits in 2017. Traps allocated to each fisherman are based off of historical allocations and cannot increase. The Delmarva states contribute less than 3 percent of landings in southern New England, and less than 0.1 percent of landings coastwide.

Harvesters in the region really participate in the multiple fisheries; and their choice on which species to harvest depends on market, quotas, availability, et cetera. Next is the Area 6 Connecticut proposal. There were two options here. The preferred option was status quo. Rationale was that there is a substantial decrease in effort in Long Island Sound since 1999.

Connecticut, their commercial fishery statutes were amended in 2015; and mandate yearly

renewal of limited entry lobster licenses. In the initial year of this program, trap allocations fell by 46.7 percent. The non-preferred option was a trigger approach. Through this approach trap reductions would be required if there is an 80 percent increase in the number of lobster traps actively fished.

The baseline here would be 2016; so that would require an 80 percent increase from 2016 levels. If that were to be triggered, then we would go to the table on the right; and the trap allocation reduction would be based on the number of years fished between 2013 and 2017. As an example, if a fisherman fished four out of those five years that individual would have a 20 percent allocation reduction. The proposal did note trap allocations at 50 traps or fewer would not be reduced; and it's expected that if this were to trigger, it would reduce the state's trap allocation by another 41.8 percent from 2017 levels. Finally we have the New York Area 6 proposal. Consensus was not reached at this meeting; but the proposal included three of the options that were discussed.

The first option was status quo; and rationale for this was that New York has a moratorium on lobster licenses, and there is no trap transferability. Then trap allocations have decreased on average by 4 percent each year since 2008. Another option that some members supported was an 800 trap cap; and that would result in about a 30 percent reduction in allocations.

There was also some consideration of increasing the cost of trap tags to a dollar; as this would limit the purchase to the amount permittees intend to fish, and funds could support research. The third idea was to decrease allocations on non-active permits. Some of the other members proposed that permit holders who haven't submitted at least 50 harvester reports, and that would be for any type of fishing, in the last five years would A, have their trap allocations reduced by 50 percent, or B, have their trap allocations reduced to 800.

Those are the proposals we received. Going through these I just had some staff observations. The first is that these LCMTs are all using different definitions of active permits. Some people are thinking of permits associated with lobster landings. Some are thinking about permits associated with landings of any species. Some are thinking about permits that are renewed; that may not have landings.

Then some are thinking about permits that are owned by a fisherman that has at least one permit with landings. There are also a variety of response levels. Some are proposing action after a trigger is met. Others are proposing a reduction from current levels, and then others are recommending natural attrition.

DISCUSS BOARD GOALS AND OBJECTIVES REGARDING TASK

As a result, it may be helpful in the future to be more specific in the tasking of LCMTs. For example, what does the Board consider to be latent or active effort; and is there a desired percent reduction in trap allocations? The primary question for the Board today is the Board interested in reducing latent effort via these LCMT proposals?

I think very much akin to that question is thinking about the future management of lobster, what priority level would the Board give this potential action? Just as a reminder, there are several other discussions and actions ongoing. We have the 2020 stock assessment; which is being worked on by the TC and Stock Assessment Subcommittee. We have Addendum XXVII, which is being worked on by the TC and the PDT.

Then there are ongoing whale discussions; which is primarily staff and state personnel. If the Board is interested in pursuing one of these proposals that would require an addendum; and some of the questions for the Board to think about are is this action specific to LCMTs, or a biological stock? How does the Board want to define latent effort; and what is the goal or

target of the Addendum? With that I will take any questions.

CHAIRMAN TRAIN: That was a very good presentation; and the summary towards the end to bring it all back into the specific questions was helpful. Do we have any questions for Megan? I guess that was really good. Okay if there aren't any questions, is there anybody that thinks we have an action item here at this point, remembering that this will require an addendum? This might not take long. Okay, can we get the Law Enforcement Committee report? Oh, we've got somebody's hand up. Go ahead, Dan.

CONSIDER BOARD ACTION IN RESPONSE TO THE PROPOSALS

MR. DANIEL MCKIERNAN: I can't help myself here. I just want to have the Board recall what we did in Area 2 about ten years ago; for a couple of reasons. First, there was an effort control plan that was enacted through an addendum; that when we went to the National Marine Fisheries Service, they basically said it was a nonstarter.

In other words, the rules that the fishermen had developed in terms of the eligibility for traps, given a certain level, NMFS rejected it. It's critical that if we do anything, other than Area 6. NMFS has to be a partner and really embrace this; because if you get too far down the road and NMFS won't adopt it, then you've wasted everybody's time.

Then the other issue is because Rhode Island and Massachusetts have driven out most of the latent effort in Area 2, and continues to cut traps in a way that we think is going to get to bone within the end of that schedule. I think it's really an issue that the states of Connecticut, New York, New Jersey and others really need to address personally; in terms of administrative burden, because what you're seeing on the board is a lot of work that I don't think is going to pay dividends for lobster conservation.

As someone recently said at the last two meetings we decided not to regulate the active lobster fishery; and now we're thinking about regulating the non-active lobster fishery. It is just counterintuitive. I think if the other states want to proceed with the National Marine Fisheries Service, then we can hear from them. But I think it's not wise at this time; based on what I see in terms of some of the chaos, the lack of consistency, the lack of terms, and lack of definitions.

CHAIRMAN TRAIN: Is anyone else having second thoughts on speaking on this topic?

LAW ENFORCEMENT COMMITTEE REPORT

ENFORCEABILITY OF ROPELESS FISHING

CHAIRMAN TRAIN: Okay under the Law Enforcement Committee Report, Rene, do you have it?

MS. WARE: I'm going to jump in before Rene; an intro. We'll wait for the presentation to get up, thank you. Just some very brief background; so everyone is on the same page here. There have been several ongoing discussions regarding the role that human activities have on right whale populations.

This has been primarily prompted by the decline of the right whale population since 2010. Specifically there have concerns about the entanglement of right whales in fishing gear. A subgroup of the Take Reduction Team was formed to investigate the feasibility of ropeless fishing, and then also in February the Board tasked the Law Enforcement Committee with reviewing the enforceability of ropeless fishing in the lobster fishery.

While some members have been involved in the discussions on ropeless fishing; others have not. As a result these slides are intended to provide a baseline of what ropeless fishing could mean. The intent of this overview and the Board's discussion today is not to analyze these technologies; but to provide context for Rene's discussion. For full transparency these

schematics are borrowed from others. Ropeless fishing at the most basic level means the elimination of vertical lines from the water column.

This is proposed to be done through an acoustic modem; which sends an acoustic signal to a trap, and either triggers its release or the release of a rope, so that the trap can be retrieved. Here are some schematics for different retrieval methods. One idea is a lift bag; which would upon a trigger from acoustic modem inflate a bag, and then lift the trap to the surface of the water column.

This idea comes from the salvage industry. Another idea is to have a spool; which upon trigger would unwind through the water column, providing rope for the trap retrieval. This is not a complete list of the different ropeless prototypes; but hopefully this provides some visual images of what ropeless fishing could mean, and provide context for Rene, now Rene, on to you.

MR. RENE CLOUTIER: Hello everyone, my name is Rene Cloutier; I'm the LEC representative to the Lobster Board. The LEC met on May 1, to discuss the enforceability of ropeless fishing. We outlined five primary concerns with enforcement of current technology. Consensus statement is that significant enforcement concerns about the technology as presented.

I want to also say that I've been to several ropeless fishing seminars; and a lot of the equipment they're talking about is yet to be developed. We're being asked to say how this would work if we could make this work. The first one is the inability to enforce current lobster regulations, trap tag allocations and vent sizes are management measures which are verified on the trap and require gear retrieval. If measures cannot be enforced, there is greater incentive for cheating and reduced conservation in the fishery. The third one is the inability to enforce regulations is detrimental to a sustainable lobster fishery. Our second

concern was additional cost in time required to retrieve ropeless fishing gear.

Ropeless gear will require new retrieval technologies and the ability to reset the gear. These are higher cost technologies; which will require greater enforcement time. Multiple technologies mean enforcement vessels will need to have multiple retrieval methods. Then we get into the security of the location information.

Who is the gate keeper of the information that is going to be stored? How do we protect against fishermen stealing acoustic frequencies? There is limited ability to conduct covert operation if a fisherman is notified every time a trap comes to the surface that is a very big concern for us. Four is the limitation of enforcement vessels.

Technologies require additional deck space to store spools, rope, bags, et cetera. This results in limits on the amount of gear that enforcement can haul and inspect. One of the technologies that we looked at that is available, and they're using in Australia right now. A Maine fisherman went over and fished with the guy for a day, an entire day he fished 14 traps. The scale of it is just completely different when you come back to the northeast. Ropeless technology involves all vessels; with no buoys, no surface system to indicate where traps are located. This means that all vessels, including mobile gear, all the draggers, everything else that's towing anything around in the ocean, will have to have the technology onboard, not only to determine that his traps are there, but what direction they're going in. The gear conflicts that we see just among fixed gear fishermen are a giant, and then when you involve mobile gear it just gets a lot bigger. Does anyone have any questions about ropeless fishing?

CHAIRMAN TRAIN: Go ahead, Ritchie.

MR. G. RITCHIE WHITE: I've heard that this technology is ten years away. Do they talk about what they're going to do in ten years?

This clearly is not workable today; so what are they talking about that they can figure out that would make it workable?

MR. CLOUTIER: Like I said earlier at the beginning, this technology some of it is there, some of it is yet to be developed; so we really can't comment on what's going to happen in ten years from now. We all have smart phones now and 20 years ago nobody said that would ever happen. But this is a lot bigger than that probably.

CHAIRMAN TRAIN: I saw a hand over here, Colleen.

MS. COLLEEN GIANNINI: Rene, aside from the operational inefficiencies, I always think about budgetary limitations. Did they give you all any kind of an idea, like what it would cost say an enforcement vessel to outfit?

MR. CLOUTIER: They were very vague about the cost. They said that the cost should be passed on to some government agency or something; it shouldn't be passed on to the fisherman. But just something that maybe a lot of you can equate is the lift bag. What that is; anybody that dives they have a little buddy pack, in case they have problems with air.

Those are fairly expensive; so that's what's hooked to that thing. That whole thing, that whole system would be cost prohibitive. When that bag comes to the surface you need to be right there; because it's an opening in the bag, and that bag isn't going to hold that air forever, it's going to lay down in the wind and that's going to sink. There are a lot of questions with this whole technology; all of it.

CHAIRMAN TRAIN: Emerson.

MR. EMERSON C. HASBROUCK: I know that there are acoustic releases that are currently being used in oceanographic studies. They are fairly expensive. I mean you're talking about at least a couple thousand dollars for the unit that's in the water that's going to release whatever you want it to release; as well as at

least a couple thousand dollars for the deck unit to communicate with what's underwater, to trigger it. In terms of what's available now, it's fairly expensive. Whether it's for a lobsterman to put it on his boat and put it on his traps, or for a law enforcement entity to put it on their boat.

MR. CLOUTIER: Agreed. One of the technologies was probably 18 inches long, maybe 4 or 5 inches through it. In order to make that work you took a little piece of filament wire, threaded it through there, had to tighten off both ends of it just right and it is filament wire. You're trying to do that with gloves on. It just didn't seem very practical.

CHAIRMAN TRAIN: Sarah Peake.

REPRESENTATIVE SARAH PEAKE: Wearing my Legislators hat here, since I sit here as a Legislative member. What strikes me is for myself and my colleagues who are either proxies for or actual legislators who are here. If this technology is ten years out, now is the time for us to start to lay the groundwork about the importance of this industry in our respective states.

I'm thinking about Massachusetts, where we spend something north of a hundred million dollars a year in film tax credits, in order to support that industry. We're about to take up a tech industry bond bill, to invest another hundred, hundred and fifty million dollars in the tech industry; the same thing for the biotech industry.

What this is to me is a wakeup call that what we're talking about is not nearly that much funding. The research seems to be being done through other funded agencies. But the lobster industry and the fishing industry are important industries certainly in the state of Massachusetts; and as I look across the aisle here to my colleagues to the north in New Hampshire and Maine, it's still a critical part of the economy in our coastal communities.

I think that we need to really start making the case that although it's an old and traditional industry, it is still a viable industry that sends a lot of kids to college, and puts a lot of meals on people's dining room tables, and puts a lot of roofs over people's heads, and offers a good way for a lot of families to earn a very sustainable living.

Let's start having those conversations when we go back home, with the folks that have an eye on economic development, environmental issues. I mean this is where economic development and environmentalists can and should come together. The Center for Coastal Studies should be as concerned about this and looking for funding support as the Mass Lobsterman's Association is.

When I spoke with the Executive Director of the Mass Lobsterman's Association at Ag Day at the State House in Boston, I said wow, these things are expensive. Her response to me was, yes but Sarah, who is the lobsterman that wants to be responsible for entangling the last right whale. That is sort of the point that we're coming to on this.

CHAIRMAN TRAIN: Dennis Abbott.

MR. DENNIS ABBOTT: I sat in on the LEC meeting yesterday when they had the presentation made to them. I appreciate Representative Peake's remarks. But I think we're really at this point so far away from the practicality of this; and I think the Law Enforcement Committee acknowledged that. Several of them raised their cell phones up and said you know 20 years ago or X number of years ago they didn't believe the technology would be available. However, it just seems that at this point in time that we're way ahead of looking at this very serious, not very seriously, but we're just in the beginning stages, and looking at the economics of it and the issues with Law Enforcement that it's really at the moment I think sort of pie in the sky to think that we could have this. It's technologically possible, but practically possible from every

angle, from the Law Enforcement angle, from the lobstermen's point of view, from others that use the ocean and the resource.

It's just a difficult situation; but one I think we should keep our eyes on and do what we can, and it's just to monitor things as they move forward. We all recognize the problem with the right whales. We can't not acknowledge that and make efforts to do something about entanglements. Well, I'll leave it at that.

CHAIRMAN TRAIN: I think we just heard two divergent opinions on this; they're not totally separate. Unless we have something different than those two, would the Board consider sending a letter, kind of incorporating both of those; that this technology has a lot of promise, but we're not ready for it yet? The enforcement has something like that. Should we be sending such a letter, or are we just going to sit here and wait for the next thing to come around? Pat Keliher.

MR. PATRICK C. KELIHER: I think we should send a letter; but I see nothing in the technology that holds any promise. I don't want to diminish the fact that technology in the future couldn't play a role here. But as it exists, and I think this gets to Representative Peake's point. There needs to be investment in that technology for the future.

I don't disagree with that. But I think in the statements that I've made to the subgroups, the TRT Subgroups is, and the NGOs, you should be focused on that technology. But right now this is a non-starter when it comes to enforcing the conservation rules and laws that we have set up to protect this fishery. We've done a good job at doing that.

I don't want to tie the hands of, in my case the Maine Marine Patrol, in doing their jobs. We haul somewhere between 20 and 30,000 traps a year; and if we don't have the ability to do that trap limits don't matter, there will be no escape vents, they will be able to block those escape

vents without our knowing. We will see rampant problems with the enforcement.

I would support a letter being sent, and I don't know what the motion should look like. But a letter being sent that after review of the Law Enforcement Committee at ASMFC; that the Commission does not support ropeless fishing at this time, and would certainly be willing to reengage in the topic once technology is advanced.

CHAIRMAN TRAIN: Ritchie White, you had your hand up before. You're good. Doug Grout.

MR. DOUGLAS E. GROUT: Yes, and based on the conversations I've had with my staff who is on the Large Whale Take Reduction Team, there is a subgroup that is working on this that was looking into this. They were the ones that came back to me with the conclusion that they were unanimously going to have to recommend that this technology is ten years away.

That's another issue about making this viable; because what they're looking at is trying to put something in place sooner, rather than ten years from now, because if we're having problems with mortalities with whales, they are looking at something that can be done in the short term. Now whether that's something that would be done here in the U.S. or in Canada, I don't know. But I think that's another point that it's reason not to move forward with this right now, because we need to do something sooner rather than later.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Maybe I missed it, but who would this letter be addressed to; is it GARFO, Take Reduction Team, to ourselves?

MS. WARE: I think it would be to GARFO, is my understanding.

CHAIRMAN TRAIN: David Borden, then Pat Keliher.

MR. DAVID V. BORDEN: I support what Doug and Pat are advocating here; I think it's

appropriate. I also attended the Enforcement Committee meeting, and I thought that was a good discussion pointing out a lot of the nuances of the implications of this. I would also point out that I've attended as a member of the Take Reduction Team.

I have attended a number of meetings where the same technology had been discussed, and the lead advocates for the technology acknowledged that it's at least five years away. This won't come as any shock to anyone that more time is needed. I think it's also important for us to support the positions that the Enforcement Committee advocated, because they are legitimate concerns, and have to be addressed as part of the process.

We don't want to necessarily go forward with one strategy that works on whales, but causes significant problems in terms of lobster conservation. It's a net loss for us. As far as addressing the letter, Mr. Chairman, I think it should go to Mike Pentony and David Warren, who is the head of the program that is considering this technology.

CHAIRMAN TRAIN: Pat.

MR. KELIHER: The Ropeless Fishing TRT Subgroup did meet. There was conversations that resulted from input from the Commonwealth of Massachusetts in regard to the closed areas that you guys deal with; and I think that is frankly the perfect spot for some of this technology to be looked at, because if it gives the ability of your fishermen to be able to access these closed areas while at the same time protecting right whales. By all means I think that is a very appropriate place to try to determine if that technology is even feasible.

CHAIRMAN TRAIN: Dan.

MR. MCKIERNAN: Pat is right. If I could identify one really important thing I would like to see in that letter is to urge GARFO to work diligently to approve experimental fisheries to test out some of this gear in the ocean. We have a

closure in Cape Cod Bay, and elsewhere around Cape Cod, February through April.

We just extended that closure because we have over 100 right whales in Cape Cod Bay right now. We're probably going to extend it another week; hoping that the whales leave soon. But we are interested in trying out this technology. I did speak to the proponents of some of the folks from WHOI, Woods Hole Oceanographic Institute. But I guess I was a little disappointed when we had that seminar down at Woods Hole. I don't think the National Marine Fisheries Service really understood the urgency to try to get this stuff tested in the water; or if they do, I think maybe the first task is to facilitate an easier path forward to get the gear in the water and test it out.

CHAIRMAN TRAIN: Peter Burns, are you volunteering to receive the letter?

MR. PETER BURNS: Well, not specifically no. But I can get it where it needs to go, I guess. But no, I was just going to add that this is an important problem and there aren't a lot of solutions out there right now that are being vetted. I certainly understand the implications with the costs and with the limitations in the technology right now; and also with the limitations on enforcement.

But as I heard people say at the Law Enforcement Committee meeting that they didn't want to dismiss it out of hand, because they know that the technology could potentially improve over time, and that could change things. Certainly we had some interest on the part of the lobster industry, like Mr. Keliher said.

They might be interested in looking at some pilot programs to test the feasibility of these technologies under certain circumstances. That is certainly a good thing forward. I guess that is just my thought going forward is just to certainly understand the limitations on these types of technologies, but also in the absence of

other types of alternatives here, I think it's something still worth considering.

CHAIRMAN TRAIN: Ritchie White.

MR. WHITE: I would suggest the letter also include that we're clearly on top of this issue as new technology comes available we'll be reconsidering this on a regular basis; something to soften it a little bit.

CHAIRMAN TRAIN: I see a hand going up in the back; and I can't tell who it is. My eyes aren't that good. Go ahead.

MR. ARNOLD LEO: It's Arnold Leo. I represent the fishing industry of the town of East Hampton, Long Island. Actually I have a question. I realized I'm really puzzled how entanglement occurs on these lines which are single lines from a buoy down to the bottom. Can someone explain that to me?

MS. WARE: I'll try my best, Arnold, but my sense is that there will be some acting in this. When a whale approaches a line it hits it, and it gets a little nervous and it might spin. It's that spinning of the whale in the water column which causes the wrapping.

MR. LEO: You're telling me that the whale actually spins around and wraps the rope around itself?

MS. WARE: Unintentionally so, but yes that is what happens.

MR. LEO: Okay thanks. It does sound farfetched, but I gather there is evidence that that has been happening.

CHAIRMAN TRAIN: David Borden and I think that has been enough on this topic.

MR. BORDEN: Well, I was going to suggest Mr. Chairman that it seems to be a consensus around the table to send a letter, and unless somebody objects, my suggestion to you is we just allow the staff to prepare a letter on behalf

of the Management Board, reflective of the discussion today, and then present the results to the Policy Board tomorrow.

CHAIRMAN TRAIN: Toni, you have input?

MS. TONI KERNS: I was just going to say we just make a recommendation to the Policy Board that the Commission send the letter.

CHAIRMAN TRAIN: Okay so a letter will be sent either from us or from the Commission; recommendation to the Policy Board, if they don't send it we will.

MS. KERNS: No. The Policy Board would have to approve that letter; so the letter will only be sent if the Policy Board approves it. Individually as states you can send your own letters, if the Policy Board does not approve it.

CHAIRMAN TRAIN: Do we have any Policy Board members present, we can get this up? No, I'm kidding. Okay we'll finish that up and we'll pass that to the Policy Board for recommendation. I'm going to jump back to Item Number 4 quickly, just to see if anyone here wants to reconsider. We moved through it. We presented it. There wasn't much; and if anyone wants to reconsider anything on that re-tasking or anything else, before we jump down to the next item. Pat.

MR. KELIHER: I don't want to reconsider. But in light of the lack of conversation around Board action as it deals with latent effort. I'm wondering if we should be doing any additional work regarding latency. The LCMT-1 within the Gulf of Maine with Maine, New Hampshire and Mass, we talked about doing this.

The state of Maine has done a lot to engage the industry to try to address latency. Latency does become a hot button topic within our state and how to address it. We've advanced legislation to try to address it; it has failed. But frankly, and I've said this to several of you. We caught 130 million pounds two years ago, we caught

110 million pounds last year, and we still have a thousand licenses that are not active.

If that latency wasn't going to be active during the height of this fishery; when is it ever going to be active? It becomes in my mind kind of a state issue on how we deal with it. I'm going to have to be dealing with 100 percent lobster reporting and there is still going to be a price tag to that. If I got rid of latency, and the tags associated with latency, you think I've got a budget problem now. Wait until that happens; when those licenses aren't purchased and when those tags aren't purchased. I would just as soon not do anymore work in regards to conversations around latency; if there is no interest in the Board to take any action.

CHAIRMAN TRAIN: Dan McKiernan.

MR. MCKIERNAN: Yes thanks Pat for reminding me. We did have a couple conference calls since the last Board meeting; and the three states of New Hampshire, Maine and Massachusetts, we talked about the potential to convene the LCMT in the future to talk about this. It's not just for the resiliency issues of a potential declining Gulf of Maine/Georges Bank stock.

But it's inevitably part of the conversation when you talk about right whale conservation; in terms of the number of vertical lines. We've decided as a group of three states that we would work collectively on kind of a white paper that compares and contrasts each of the jurisdictions permitting rules, statistics about active permits, without necessarily a proposal or any kind of changes in policy intended.

But just to inventory it, because as someone who deals with permitting in Massachusetts, I don't always understand the range of permitting issues in the other states. Of course NMFS would be valuable to include as well; and so this is something that we've created outlines. We intend to bring this to the Board in the future. I was remiss in not bringing that up.

I imagine our goal is probably if not by the next Board meeting, probably by the end of the summer we would like to complete that. I'm speaking for myself; but I think that was the consensus of the group. Then in the Area 2 Zone, we've been talking with the state of Rhode Island about trying to assess the actual performance of the effort control plan that is well on its way to driving out effort, including latent effort. We want to continue to track that progress, and to demonstrate whether that plan is working and to what extent.

Those two issues are ongoing. Jay and I have been talking about, comparing notes, because sometimes the vessels can move from one state to another. If you're not doing it jointly you can see an increase in one state, when in fact there was an overall decrease in the zone. Those two issues are ongoing. I just want to let the Board know that.

CHAIRMAN TRAIN: David Borden and then Doug Grout.

MR. BORDEN: A quick point, Mr. Chairman. I totally agree with what Dan said; and I won't repeat it, but I think we're going to have an evolving need to go back and revisit this issue as this issue kind of comes together with whales and some other issues that seem to be developing.

I would hope that over the next six months at some point, we could get the type of report that Dan has been characterizing. Then we'll know a little bit more about where we stand; in terms of some of the whale issues, and there may be a need to kind of bring some of these issues together and try to find solutions that cut across all of those types of alternatives.

CHAIRMAN TRAIN: Doug.

MR. GROUT: As we've had this discussion between the three states dealing with LCMA-1. I originally when this was brought forward, I thought of this as a way that at least we could potentially consider some mechanism to build resiliency into this particular lobster

management area. I think it's a good idea to continue to move forward with a white paper; to at least see if there is some mechanism that we can utilize out of that for building resiliency.

The State of New Hampshire is already, at the request of our lobster industry, been trying to address some of our latent effort, and in fact have effectively removed several hundred latent licenses out of our licensing, just ones that weren't being used. We're going to move down this road anyways, whether this is done through the ASMFC or just at the state level.

CHAIRMAN TRAIN: Colleen Giannini.

MS. GIANNINI: Kind of just a follow up question to the indexing that Dan was talking about. Will that include any kind of accounting for individuals with multiple federal permits? I mean I do agree with that 800 cap and the systematic reductions for a single federal permit holder. It is addressing latency. But it was my understanding that there are still individuals out there with multiple permits for the same management area, above 800 or above the reduction would then be latent.

CHAIRMAN TRAIN: Go ahead, Dan.

MR. MCKIERNAN: Yes, Colleen. That was brought to our attention in the conference call; and we would want to describe and then maybe partition those permits that we know are held by active fishermen but remain unfished. We see this in Area 2, because with the trap cuts that are still coming, we have fishermen who have obtained and have pocketed second permits as sort of their own personal trap allocation bank. We'll do our best to describe the status of those permits that is a little bit separate than simply an unfished permit, an unfished business really.

CHAIRMAN TRAIN: Okay, I'm the one who brought that back around; and it appears that the states can do what they want, and we're not going to act as a Commission on it. Is that understood? Pat, go ahead.

MR. KELIHER: I would just say, Mr. Chairman, I think my point was to bring it up in relationship to possible Board action; the issues that Dan brought up, and David as well in regard to cataloguing some of this information, in particular to the whale conversation I certainly understand and support. We'll do our part.

PLAN DEVELOPMENT TEAM UPDATE ON THE LOBSTER DRAFT ADDENDUM XXVII

CHAIRMAN TRAIN: Okay, we have a PDT Update on the Lobster Draft Addendum XXVII. Megan.

MS. WARE: This is just a very brief update on the progress of that Addendum. As a reminder, the Board did initiate Addendum XXVII in August to increase the resiliency of the Gulf of Main/Georges Bank stock; by considering the standardization of management measures across LCMAs. The Addendum is intended to be a proactive-management action in response to signs of reduced settlement; as well as the joining of the Gulf of Maine/Georges Bank stocks following the 2015 stock assessment. With Addendum XXVI complete, the PDT has focused its attention onto Addendum XXVII, and we've started to develop that document. Then the TC is also in the process of starting analysis for the Addendum. This will be one of the discussion topics at their upcoming meeting; which is in about a week and a half. Just to update that the work is going on for Addendum XXVII, and a reminder that the Board did initiate that Addendum; so that will be something we continue to work on.

CHAIRMAN TRAIN: Questions for Megan. Pat Keliher.

MR. KELIHER: Megan, can you remind me. The way we move forward with this Addendum, does it include the – I know it's about resiliency – but does it include the discrepancies between the minimum sizes throughout the range, to get at this issue of commerce that keeps popping up?

MS. WARE: Yes, so it would include considering standardization of measures; such as the gauge sizes. That would be included, yes.

CHAIRMAN TRAIN: Is there anybody else? Megan, you're on a roll this week. You've got shortened meetings. Is there any other business? Peter Burns.

OTHER BUSINESS

MR. BURNS: Just an announcement, really. All the talk about resilience here is making me realize that I wanted to let everyone know that we're having a Fishing Community Resilience Workshop down in Cape May, New Jersey on Monday, June 4. This is co-hosted by the Greater Atlantic Regional Fisheries Office, and also our Northeast Fisheries Science Center.

This is something that stems from our recent strategic plan that tries to figure out ways how we can help communities be more resilient in the wake of changes in fishing regulations, fish stocks, and climate change and other things like that. We had our first workshop last June in our Gloucester Office, and we were graced and privileged to have our own Pat Keliher and Mike Luisi there as VIP speakers.

They are off the hook for this one I guess, although you guys are certainly welcome to come. But we have ASMFC Chair Jim Gilmore is going to be giving a presentation at this workshop too. If anyone is interested in coming, please let me know, I can make sure you get the registration information. But we're looking forward to it. We have two mayors from southern New Jersey who are going to be speaking at the event; as well as members of the commercial fishing industry and aquaculture industry. I hope you can come. Thank you.

CHAIRMAN TRAIN: Thank you, Peter; Pat.

MR. KELIHER: I don't know if this was brought up at the Law Enforcement Committee meeting; so I'm going to bring it up here. We recently had a Coast Guard recently wrote a ticket for a high fly violation off the coast of

Maine several weeks ago. Was that addressed at Law Enforcement Committee? It's a non-enforceable issue.

MR. CLOUTIER: Mr. Burns and I have talked about that.

MR. KELIHER: Mr. Burns and Major Cloutier have good resolution?

MR. CLOUTIER: Absolutely.

CHAIRMAN TRAIN: Go ahead, Peter, if you've got input too.

MR. BURNS: No, I'll just try to be the conduit between our enforcement folks and whatever the issue is here; just to make sure that it gets fully reviewed, so thank you.

ADJOURNMENT

CHAIRMAN TRAIN: If there is nothing else, would the next hand be a motion to adjourn. We have a motion to adjourn, consensus, thank you.

(Whereupon the meeting adjourned at 2:20 o'clock p.m. on May 1, 2018)