

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

**The Francis Marion Hotel
Charleston, South Carolina
November 10, 2010**

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INDEX OF MOTIONS

1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of July and August, 2010** by consent (Page 1).
3. **Move to accept the Peer Review Reports** (Page 10). Motion by Pat White; second by Pat Augustine. Motion carried (Page 10).
4. **Move that a PDT develop a draft addendum for consideration at the next meeting that includes two options; a suite of measures to achieve a 50 percent reduction in mortality and a suite of measures to achieve a 75 percent reduction in mortality** (Page 18). Motion by George Lapointe; second by Pat Augustine. Motion carried (Page 19).

Motion reworded (Page 19): **Move that a PDT develop a draft addendum for consideration at the next meeting to include two options; a suite of measures to achieve a 50 percent reduction in exploitation and a suite of measures to achieve a 75 percent reduction in exploitation.** Motion carried on Page 27.
5. **Adjourn by consent** (Page 21).

ATTENDANCE

Board Members

George Lapointe, ME (AA)	Rep. Peter Martin, RI (LA)
Pat White, ME (GA)	David Simpson, CT (AA)
Sen. Dennis Damon, ME (LA)	Lance Stewart, CT (GA)
G. Ritchie White, NH (GA)	Rep. Craig Miner, CT (LA)
Douglas Grout, NH (AA)	James Gilmore, NY (AA)
Rep. Dennis Abbott, NH (LA)	Pat Augustine, NY (GA)
William Adler, MA (GA)	Peter Himchak, NJ DFW, proxy for D. Chanda (AA)
Dan McKiernan, MA, proxy for P. Diodati (AA)	Tom Fote, NJ (GA)
Rep. Sarah Peake, MA (LA)	Gilbert Ewing, NJ, proxy for Asm. Albano (LA)
Ben Martens, MA, Legislative Proxy	Tom O'Connell, MD (AA)
Mark Gibson, RI, proxy for B. Ballou (AA), Chair	Bill Goldsborough, MD (GA)
William McElroy, RI (GA)	Bob Ross, NMFS

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

Ex-Officio Members

Carl Wilson, Technical Committee Chair

Joe Fessenden, Law Enforcement Committee Chair

Staff

Vince O'Shea
Genny Nesslage

Toni Kerns
Nichola Meserve

Guests

Sen. Thad Altman, FL
Terry Stockwell, ME DMR
Mike Murphy, FWRI FWC
Janice Plante, Commercial Fisheriew News
Kyle Overturf, CT DEP
Charles Lynch, NOAA
Adam Nowalsky, RFA NJ
Raymond Kane, CHOIR

David Spencer, AOLA RI
Arnold Leo, E. Hampton, NY
Bonnie Spinazzola, AOLA
Rick Robin, MAFMC
John Pappalardo, NEFMC
Carol She, NOAA MA
Peter Burns, NMFS

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Carolina Ballroom of The Francis Marion Hotel, Charleston, South Carolina, November 10, 2010, and was called to order at 4:25 o'clock p.m. by Chairman Mark Gibson.

CALL TO ORDER

CHAIRMAN MARK GIBSON: I'm going to call the Lobster Board to order. We're way behind schedule, so I have a suggestion on how to handle this meeting. I don't want to go past six o'clock, the scheduled termination time for this meeting. I don't work very well – I have trouble with my thoughts during the day, much less after six o'clock.

My suggestion is that we essentially truncate the agenda at Item 5; that we hear any public comment we have; Toni's characterization of the fishery; the two reports, the Center for Independent Experts Peer Review Report, the Technical Committee Report on the Exploitation Reductions.

Then I would consider that we would adjourn for today with a charge to a fortified PDT to come back at the next meeting with a redraft of the Addendum XVII that takes account of the new information we have received today that better articulates a statement of need and purpose for that addendum in consideration of the new information we have on the table, and then we go through the board process of examining that addendum, refining it and deciding what should be in and what should be out and consider moving it on to public comment at that next meeting. I think the next scheduled meeting is in March.

I am fearful that if attempt to do all that debating and board work today we're going to run well past the scheduled deadline, make poor and rushed decisions, so that would be my suggestion, and I would like see what the board thinks of that. Dave Simpson.

MR. DAVID SIMPSON: Yes, I think that is exactly what we should do for a host of reasons. Time certainly is a good one, and this is absolutely not, for skeptics in the room, a move to postpone a difficult decision. We just received this information – just – have had zero time to absorb the multiple combinations of approaches that could be considered.

I think it makes good sense to, as you said, fortify a PDT to work on some of these alternatives, develop some viable options. Our time would be best spent today doing exactly what you said, working through Agenda Items 1-5. Since I have the mike, I do think we've had discussions this week about extra

meetings; and in order to keep the wheels rolling on lobster management, I do think we need to contemplate at least a meeting or two between now and March.

MR. G. RITCHIE WHITE: I agree that we do not work well after six or seven o'clock on an empty stomach; but without an additional meeting, I'm not ready to wait until March on this. I listened carefully to our chairman a few minutes ago, and I take what he says to heart. If we can agree on an additional meeting or meetings prior to March now, then that is acceptable.

MR. WILLIAM A. ADLER: One thing, it actually is the second bullet on Number 6. I know you're going to cut it off at 5, and I just wanted to see if you're going to have the PDT be studying something for the next meeting, whenever that is, could they include this Area 3 document as well? They were just asked if that could be included.

CHAIRMAN GIBSON: Yes, I spoke to Area 3 representatives during the brief break and that was their request. I don't have any problem with that coming forward at the next iteration of the addendum.

MR. PETER HIMCHAK: Mr. Chairman, I support the concept of the additional board meeting. I know a large number of New Jersey lobstermen are more than willing to go back up to Warwick, Rhode Island. They went there in July, and I think we need to give them a presentation of the three reviews by the Center for Independent Experts so they get a fair presentation on the situation.

CHAIRMAN GIBSON: I can't guarantee an additional meeting.

MR. PATTEN D. WHITE: I would like to address that issue, Mr. Chairman, and I can do it either now or at a later time if you wish.

CHAIRMAN GIBSON: Well, there seemed to be at least one board member whose support for the way we wanted to proceed was conditioned on that, so why don't you speak to it now.

MR. P. WHITE: We have, as a board, an opportunity to get funding through the Gulf of Maine Lobster Foundation to put on a meeting in January to do as I think many people have asked to do and develop a program through a PDT type of meeting. I would like to have the opportunity to send around a questionnaire to all the commissioners on the board to double-check and see what their preference is for a

format and how we'd like to work that. I'm just making that offer if the board so desires.

CHAIRMAN GIBSON: Thank you. Anyone else want to comment on the process or the intended agenda that I've laid out? Bill McElroy.

MR. WILLIAM McELROY: My comments will be brief. I think it is a great idea and I think we need to do that. I don't think we're running in contradiction to what we just heard from the previous boards. It clearly is not an attempt to put anything off. It is just an attempt to make sure in this particularly difficult topic that we give it the due consideration that it needs and make sure that we're not rushing to judgment. I don't think a couple of months' delay is going to have any particular significant impact on the health of the resource. I think it gives us the time to make the proper decision. Thank you.

MS. TONI KERNS: I just wanted to state to the board, for the fiscal budget for next year we did not include money for an extra meeting, so we would not have the funds to put together a meeting.

REPRESENTATIVE SARAH K. PEAKE: On the subject of an extra meeting and how it would be financed, I know yesterday at our luncheon with the legislative commissioners and the governors' appointee commissioners we spent quite a bit of time going around the table discussing a proposal that Ritchie White brought forward regarding using some piece, an undetermined dollar amount, of this year's surplus funds to fund a special meeting.

I think at that time we specifically talked about the immediate need for perhaps the Lobster Board to meet. I'm not sure what the procedure is to make that a formal request or a formal motion maybe tomorrow at the board meeting. I don't know how we do it, but I think that this leads us to how needed and appropriate that request is, and we need to figure out how to make that happen.

REPRESENTATIVE DENNIS ABBOTT: Regarding Representative Peake's comments, yes, the LGA did meet yesterday. In a report that will be provided tomorrow, one of the items, if you'll allow me, I'll just read what we came up with yesterday at the LGA meeting. The LGAs request that a sum of money be budgeted as a set-aside for funding special meetings if such need for a meeting arises.

It was commented that there was no money available for a Southern New England Lobster Meeting, but we finished the budget year with a \$200,000 surplus.

There was also an understanding that special meetings should really be special. A sum of \$25,000 was suggested as a ballpark figure. Also understood is this would not be constantly replenished if begun.

APPROVAL OF AGENDA

CHAIRMAN GIBSON: Thanks. I'm going to proceed under the process that I outlined earlier with the understanding if we come up with a funding source for an extra meeting in the winter prior to the March one, we will do so, but I just don't see any way of hacking through all of this and giving the due diligence and the guidance to the existing PDT to come forward with a product that I think we need.

APPROVAL OF PROCEEDINGS JULY AND AUGUST, 2010

I'm going to move on to public comment. Is there anybody who wishes to – wait a minute, I have to approve the proceedings. Approval of proceedings from the July and August 2010 Lobster Board; is there any request to make adjustment to those? If not, is there a motion to approve? Motion made by Bill Adler; seconded by Bill McElroy. Is there any objection to approving those proceedings? Dave Simpson.

MR. SIMPSON: There was one confusing point and that was Doug Grout's motion at the July meeting. The wording of that I'm not sure is exactly as he moved. It refers to in the addendum consider a range of alternatives from no action to 75 percent and 50 percent reduction. My recollection and the perfection later on was that it was more of the charge to the technical committee to evaluate those alternatives. It confused me for a while and I had to go back to the office virtually to look at the May motion, which clarified for me that the addendum was established there and what Doug was doing was just talking about a TC charge. I think with that correction, all the rest look fine to me.

CHAIRMAN GIBSON: Thank you, so noted. Any other comments? We have a motion to approve; it has been seconded. Any objections to approving the proceedings as modified by Dave Simpson? Seeing none, those proceedings stand approved.

PUBLIC COMMENT

Public comment; is there anyone in the audience wishing to address this board on lobster issues not on the agenda? Seeing none, then we'll move right to the Center for Independent Experts Peer Review;

Toni Kerns. We have a fishery characterization report.

FISHERY CHARACTERIZATION REPORT

MS. KERNS: I'm just going to quickly go over a characterization of the fishery. This characterization is outlined in the draft addendum that I think I've passed out to most of you; and if you don't have a copy, then there would be one on the back table. The Southern New England landings over the time series from 1981-2009 increased from the early eighties up to 1999 and then hit a sharp decline in the early 2000s and has almost leveled off and had some continual declines in the last three years.

The landings for 2008 and 2009 are still preliminary. The New York landings are probably overestimated somewhere between 100 and 200,000 pounds for both 2008 and 2009, and we're working on resolving that issue. If we look at the average landings from 2007-2009 by state, you can see that the majority of the landings are comprised by the state of Rhode Island, which they have 47 percent of the landings. Connecticut, New York and Massachusetts have about 15 percent and the states of New Jersey south hold about 9 percent of the landings.

Over 50 percent of the landings are taken in the offshore area. There are 683 permit holders who have reported landings in 2009 out of over 2,000 permit holders. If we look at the landings by permit holders in landings' groupings, the first tier is landings of 1 to 100. There is a total of 114 permit holders who landed up to a hundred pounds in 2009.

There was a total of 168 permit holders who landed somewhere from 101 to 1,000 pounds in 2009. There were 184 individuals who landed anywhere from a thousand to 10,000 pounds. There were 99 individuals who landed 10,000 to 100,000 pounds. There were 10 individuals who have landings greater than 100,000 pounds in 2009.

You can see that those fishing more on a full-time level are a very small number compared to those that are what we would probably call part-time fishermen in the Southern New England Fishery. In some states this number is even truncated even smaller for those that are full-time fishermen.

For the number of traps that were authorized versus those trap tags that were ordered, currently we do not have data from Massachusetts. We're working on gathering that information. The blue line shows the

number of traps that were authorized, and the red line shows the number of trap tags that were ordered. In the states of Connecticut and New York you can see that over more than half of the tags that could have been used were not.

Looking at traps fished, we can see that there is a continuing trend and decline of the number of traps fished in Southern New England. There has been a 39 percent decline over the period from 2000 and 2009. The TC notes that some of this is due to changes in management regulations, but a lot of it is also from the individual fisherman's choice to not be fishing as many traps anymore.

Looking at the X-vessel value, we can see that this fishery is the highest value in Rhode Island at over 10 million pounds, and Massachusetts looking at almost 4 million pounds, and the states of Connecticut, New York and New Jersey are valued all around 2 million. Next is looking at the non-trap fishery slide. There were a total of 71,961 pounds landed in the non-trap fishery in 2009. The non-trap fishery comprises about 1.4 percent of the Southern New England landings.

Then looking at the recreational fishery, there were a total of 35,023 pounds landed by the pot fishermen and the total of just over 5,000 pounds landed by the divers. We don't have recreational landings' information from the state of New Jersey, so that is not included. The recreational fishery lands less than 1 percent of the total Southern New England landings. That is just a general characterization of what this fishery looks like currently. I'll take any questions; and if not, then we'll move on to Mike.

CHAIRMAN GIBSON: Thanks, Toni; any questions for Toni on that information?

MR. HIMCHAK: Toni, I just wanted to mention that – I mean, I went through the addendum that you handed out on Monday, and there are a number of tables where New Jersey has to be determined, and I just wanted to let you know – I mean, we had the unfortunate passing of – Don Burn passed away, our technical committee, just a couple of months ago. We're filling the gaps. We do have all the data to be determined and we will get it to you as soon as we can.

CHAIRMAN GIBSON: Thank you. Anything else on that information? Seeing none, we'll move on to the next agenda item, Independent Experts Peer Review, and Mike Murphy is up from Florida.

INDEPENDENT EXPERTS PEER REVIEW

MR. MIKE MURPHY: It is good to be here. What I'm going to try to do today is present a summary of the findings and recommendations of the CIE experts that reviewed two documents from the technical committee. One is the recruitment failure in the Southern New England Lobster Stock; and the other was a supplement to that, the Southern New England Lobster Stock Projection Estimates Report.

These reports were developed by the technical committee in response to three tasks you assigned them; the first being identify issues impeding stock rebuilding in Southern New England; the second, develop a suite of measure to begin stock rebuilding; and the third, to determine stock projections of future abundance under a variety of scenarios.

The reviewers included three lobster biologists and assessment scientists; one from the United Kingdom, Michael Bell, who is familiar with the European lobster; and two from Australia familiar with rock lobsters, Norm Hall and Stewart Frusher. Before I get into the detailed findings of each term of reference, I'd like to begin by really summarizing the consensus opinions that stood out when reviewing the three reports.

They generally agreed with the findings from the technical committee that there was an increase in the sea temperatures and an increase in the prevalence of shell disease, and this likely indicated that natural mortality had increased. Though there were various comments on the data and analyses for these observations of increase in sea temperatures and prevalence of shell disease, that along with a lot of literature on lobster's physiological response to these stressors really convinced the reviewers that natural mortality is likely to have increased since the late nineties.

The reviewers also generally agreed that the Southern New England stock was in a poor state, at historically low abundance levels with declining fishery landings, low levels of recruitment and excessive fishing effort. Finally, though there were calls for a cost benefit and risk analyses associated with any management action, all reviewers perceived a strong need to greatly reduce fishing pressure if the stock was to have an adequate chance to rebuild.

Now, while two reviewers thought that the overall evidence for suppressed recruitment due to adverse environmental conditions was good, another reviewer believed that overfishing was more likely the cause

of the suppressed recruitment since 1999. The reviewers generally agreed that without a long historical perspective, it was impossible to rule out a scenario that the stock was actually abnormally productive in the 1990s with a period of high recruitment production resulting in increased landings and that at the recent levels of recruitment the lower levels we see since the early 2000s or late 1990s might be the return to more normal recruitment levels since these were equivalent to those seen in the early 1980s.

These analyses still concluded that fishing effort was much greater than that occurred during the 1980s, the recent fishing effort, so that there was a need to reduce the fishing mortality rate with a recommended immediate reductions of 50 to 75 percent. Now I'm going to go through fairly quickly the seven terms of reference and highlight the reviewers' responses and recommendations.

The first term of reference was in reference to the quality and completeness of the new data incorporated into those reports that I've mentioned. While all CIE reviewers indicated that there was adequate evidence for increasing water temperature in Southern New England since 1999, they had some questions about whether there might be other data available to more thoroughly describe the thermal boundaries of lobster habitat in Southern New England, so they made some recommendations for additional work on that, but in general found that the evidence was clear and adequate about increasing water temperatures in the Southern New England area.

The data for investigating changes in the depth distribution of spawning female lobsters was generally considered inadequate. There was evidence in the report from various sources, including a Connecticut Trawl Survey, the regional percentage females in the marketable catch of the commercial fishery, the Massachusetts sea-sampling data and a ventless trap survey in Southern New England.

There was a general call for a more thorough description and analysis and presentation of these data. Generally it was in the form of maps and small tables. However, two reviewers did mention that the Massachusetts Sea-Sampling Program appeared to provide the strongest evidence supporting this redistribution. One indicated that clearly the physiological response to increased water temperatures would lead lobsters possibly to move offshore into cooler waters so that redistribution made sense from that perspective.

The second term of reference was split into a number of categories. One was the appropriateness of the findings for the stock status and the fishery status. As far as the findings for the stock, all reviewers deferred to and accepted the University of Maine Model and the Collie-Sissenwine Analysis as really the baseline description for the trends in abundance and mortality of lobster in Southern New England.

However, in terms of the status the reviewers found that the status determination of the stock as depleted could not be determined without updating the threshold abundance estimates. In their opinions the threshold need to be re-estimated using the updated information on higher natural mortality since 1999. Suggestions on how to develop valid reference points included actually rerunning the two assessment models using the data through 2009, including information on the increase in the natural mortality rate, and also an analysis using only the information outside of what potentially was an abnormally high recruitment period during the 1990s.

As to the status of the reproductive potential of the stock, two reviewers were convinced that the low levels of recruitment had persisted despite recently some easing in the fishing pressure. A third reviewer noted that recruitment may be improving in the last few years of the time series. Interpretation of the fishery status as derived from changes in landings was criticized for the lack of information about fishing effort.

All reviewers did agree that the general description of declining landings was a complement to most of the information that supported there was a decline in stock abundance. A third part of the second term of reference was the appropriateness of findings for the impediments to rebuilding.

Though continued fishing is generally agreed to as a likely impediment to rebuilding, the reviewers were not convinced that reduced fishing will rebuild the stock. Most fishing effort was seen as higher than occurred during the early 1980s when a similar amount of landings were made. If environmental hurdles that adversely affected larval production, survival and growth and adult natural mortality remains high, rebuilding may be difficult even with a reduction in fishing mortality.

In particular here the stock rebuilding to historic levels may not be possible if the warming trends continue and/or if there is no stock-recruitment relationship. A couple of reviewers really emphasized that the future for this fishery was quite

limited, especially with the idea of global warming, increasing water temperatures and a potential northward movement of the southern really limit to the range of the commercially viable populations of lobster. They went a little bit into that in the reports.

Now, the appropriateness of the conclusions drawn in the reports was the third term of reference. The first referred to whether there was actually recruitment failure in the stock. There was a lot of writing in the reports that really emphasized the need to define what recruitment failure was. Two reviewers cited that there does appear to be strong evidence for recruitment failure due to the adverse environmental conditions, but while less likely alternate scenarios such as the return to the lower recruitment level after a high period of recruitment could not be ruled out using the available data.

All reviewers agreed that there was evidence that fishing pressure was likely preventing the stock from rebuilding though most reviewers indicated that continued adverse environment conditions may limit the capacity of the recovered adult biomass to produce recruits at levels seen under the more productive period in the nineties.

The last assessment's findings regarding where the stock stood relative to the reference abundance thresholds was considered unsupported under the new biophysical regime since the late 1990s. In other words, the thresholds that were estimated by the University of Maine Model, as I guess I've mentioned earlier, were considered obsolete and that new reference points would need to be estimated to determine the status of the stock.

The fourth term of reference was in reference to the applicability of the recruitment indices to forecast future recruitment and landings. The reviewers recognized several problems with the recruitment indices that preclude them from really robustly predicting future recruitment and landings. Most of the surveys appeared to be, in their opinion, low in statistical power though the Rhode Island Young of the Year Survey was mentioned as the best candidate for predicting future landings in most areas.

It seemed to be the most correlated with future landings in all but I believe one of the regions in Massachusetts. Their best use of forecasting the recruitment indices best use would in the opinion of at least one of the reviewers – I believe two of those would be if these indices could be integrated into the population assessment model, so that they could used in conjunction with all of the other information.

Apparently at the present time the University of Maine Model does not allow for the integration of the young of the year indices. There was a caution that recruitment and legal-sized lobster indices from the NMFS Trawl Survey was likely heavily affected by changes in year-to-year catchability and in fact probably more affected by that than by the year-to-year changes in abundance, so there was a call for an analysis of that data to try to tease out that correlation to some change in the environment over the change in abundance from year to year.

Term of reference five was in regards to the appropriateness of the five-year moratorium. On this there are three quotes on the slide that kind of captures the feelings of the reviewers that I guess summarizes it best if read. One reviewer said a highly precautionary approach to management is recommended. The other was a removal of fishing mortality is the one opportunity available to managers to influence the likelihood of rebuilding the stock.

When you hear that, that is really conjunction with the idea that the environment may be a very strong controlling factor in what is going to occur in the future in the lobster stock. The third would be recovery may be achieved through fortuitous return of environmental conditions. However, responsible management practice should not rely on chance.

Again, the idea that while you may not be able to point to fishing mortality as the absolute reason for the current condition of the lobster stock in Southern New England, certainly that would be the factor that managers could control the most. There were other issues brought up by the reviewers. One would be the appropriateness of the length and form of a fishing moratorium being partly a legal and a socio-economic question.

The reviewers agreed that extreme reductions in fishing pressure could help rebuild abundance if fishing mortality had driven some of the decline in abundance; but also to some extent even if recruitment failure is environmentally driven, the fishing mortality reduction could be beneficial. Concern was raised over the projections used to formulate the length of moratorium. Given that under current environmental conditions the stock appears to be much less productive than in the past, there was a suggestion that a better approach would be to constantly monitor a moratorium until some predetermined trigger level was reached to close the moratorium.

Going on with the appropriateness of the five-year moratorium, there were several recommendations made with all reviewers calling for some type of restrictive measures to fishing and all citing the special need for close monitoring of the population if the fishery is greatly curtailed. A recommendation was made, as we've said a few times here, is to institute a moratorium or an immediate 50 to 75 percent in fishing; if the fishery remains open, harvest males only or v-notch females as it has been show to be helpful in the Rhode Island Fishery and others. In event of a moratorium continuing, intensify the monitoring activities.

This was certainly brought up time and time again is if you – in any case where they do close a fishery, of course, you're closing a large source of information on the condition of the stock, things like the allowance of sentinel fishing so that some information over the broad range of the stock could be collected on the relative abundance of the animals even during a fishery closure.

Term of Reference 6 charged the group with evaluating the projection scenarios. In general the projections were found to be both appropriate and reliable. However, one reviewer felt projections provided little information to assess likely stock response because of the inappropriate time period used to generate the stock-recruitment parameters; again, the idea being that the stock-recruitment parameters in the assessment model occurred during what was potentially an abnormally productive period of lobster spawner-recruit relationship.

It was agreed that the University of Maine Model probably predicted the past well, but there was concern about the change in the recent biophysical features, as I've just mentioned, and that that might limit its use in projecting future conditions especially that estimated spawner-recruit relationship using the data during the period of abnormally high productivity.

Several management recommendations were made. One was also to incorporate management time lags into the projections. This had more to do with the process of actually implementing regulations, so I didn't get into that too much. Term of Reference 7 was charged to review the natural mortality sensitivity analysis. The reviewers agreed that there was good external evidence to suggest that natural mortality had increased since the nineties, but they cautioned about using the assessment model fit as a test for a best estimate of natural mortality.

Since the model is quite complex, there could be many other factors if changed; for instance, changing the structural form of selectivity or changing catchability or some weighting between components of data used in the analysis could also cause an improvement in the fit of the model. Generally what was argued here was that at higher natural mortality rates the agreement of the model with the data was higher.

That certainly implies that maybe the higher natural mortality would be better; however, there are other scenarios that could certainly increase the fit to the model to the data, also. They recommended that the model have a gradual increase in M versus a sudden increase in M in 1998 as a possible sensitivity to how natural mortality is changing and also to fully integrate the new data and conduct a quantitative assessment using the University of Maine Model; again, a call to put the data that is in this report by the technical committee in the context of the assessment model.

Now, there are a large number of recommendations from the CIE reviewers. I'm going to go over a few here that are listed that seemed to be the most important, but certainly it is not an exhaustive list. Recommendations for informing management were to formally define recruit failure thereby getting away from the problem that the CIE reviewers had about determining whether it had actually occurred.

The technical committee I think defined recruitment failure as two consecutive years of recruitment below the 25th percentile of historic recruitment, and there are many other ways to define recruitment. Apparently at least in the CIE report they suggested additional work be done on that.

They also recommended not setting a time limit to a moratorium as suggested by the definition of a five-year moratorium and to develop a decision rule approach that is accepted by stakeholders and management; consider the high natural mortality low recruitment scenarios for management – those were the projections – conduct an economic cost-benefit analysis to estimate the optimum maximum economic yield for the fishery to inform managers on the consequences of their actions.

Also, most importantly and really brought out by all the CIE reviewers was the need to expand and enhance fishery-independent research studies and surveys, especially if the fishery is tightly managed in the future; incorporate fishery effort into the analysis; collect spatially explicit data to build spatial

structure into the University of Maine Model; increase flexibility of the University of Maine Model.

As I said, it doesn't incorporate young of the year indices now. That was suggested to add the ability to include other indices and explore things like time-varying selectivity and catchability in the model. Also the group suggested some model-based exploration of management responses to other things like season closures and v-notching. That is really a quick summary. I know it was kind of long, but there is a lot of information in those three reports, but that was an attempt to try to summarize that in a fairly consistent fashion.

CHAIRMAN GIBSON: Questions for Mike? Yes, Patten White.

MR. P. WHITE: Two if I might, Mr. Chairman – Mike, thank you very much, and I would like to express my appreciation to the reviewers for writing something that even a non-scientific person can understand. I have to admit that I didn't understand all of it, but I got a pretty good gist of the whole thing, so I appreciate that.

One thing that confused me in one of the reviewers was that while we're talking about and being concerned about increased water temperature affecting reproduction, he said that in the two highest years of recruitment were also in the highest years of temperature and that one of the years documented of the lower years of temperature was the worse recruitment. That seemed counter to what a lot of this other presentation was. And then I had a second question, if I might. They expressed a desire to change the reference points, but I thought we sort of did that last year, and so I need to understand that a little bit, if you could.

MR. MURPHY: I can understand the first one. The particular reviewer you're talking about was not convinced that recruitment was driven by the change in temperature. That was the one reviewer that thought that overfishing was more of the – the examples you cited was the basis of his argument that there is conflicting data. Certainly in all of this there is a lot of variability and the responses aren't always perfectly clear, so they pulled out the best really trend they could out of very noise data quite often.

CHAIRMAN GIBSON: Toni, do you want to speak to the reference point question.

MS. KERNS: It was an oversight of the technical committee and staff in terms of the documents that

we sent to the peer reviewers as background information. They only received the recommendations for reference points that came out of the assessment as well as those that came out of the peer review, so they thought the bar was set higher in terms of the abundance reference points. They were not informed that the board had adopted that median level reference point as the target for Southern New England, which would be more in line with what they were suggesting for a reference point.

CHAIRMAN GIBSON: Other questions for Mike? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: So the bottom line, this work of the technical committee and the recommendation that got referred to the CIE for the fundamental purpose of getting an opinion as to whether or not the advice was usable for management, is there a short answer to that question?

MR. MURPHY: Yes, I believe the answer is in the affirmative that it was clear that all saw the need to act upon their findings to reduce fishing effort.

MR. PATRICK AUGUSTINE: Mr. Chairman, I agree with Mr. Patten White's comment. It was a very understandable document and presentation, and for that I think you. With all the recommendations that the three peer review members made relative to additional research and data collection or assessment, if you will; what is the likelihood – and I'm not sure you could answer it.

I think it would more be the chairman of the technical committee – what is the likelihood that within a reasonable timeframe you could address some of the primary research needs that they discussed? I know it is going to be difficult, but to the best of your ability, Carl, can you give us an idea as to what we're talking about in terms of time?

MR. CARL WILSON: Well, the technical committee hasn't reflected on the CIE review yet as a group. I know from my personal impressions I think some of the recommendations of choosing different time periods, maybe taking the last 10 to 13 years to establish a stock-recruitment relationship for future projections, I think are certainly viable candidates to add into the next assessment. I would hesitate to put a timeframe on it, but I think there were several very constructive points that the CIE reviewers brought forward. I accept them and welcome them, too.

CHAIRMAN GIBSON: My thoughts on that is that much of the recommendations I thought flow out of

actually running the assessment model by adding in the additional information that is available and enlarging the model to consider more indices than it can currently handle as well as doing modeling with the natural rate, changing productivity and things like that.

Much of I think their recommendations really flows from that, so it seems that we have – you know, we have an assessment schedule that is already in place, and Toni can speak to that. I would think that all of those things would be taken under consideration when that schedule flows forward unless this board wants to make a recommendation to expedite that, and I note we've already dealt with the work plan and those kinds of things, so I don't know if that can be done.

MS. KERNS: The last assessment was completed in 2008, so the next assessment would be triggered at the five-year mark, which is 2013. The assessment takes a considerable amount of time to do for the technical committee, so it is about a year and a half to two-year process for them to ramp up for that review.

MR. WILSON: I was just going to add some of the additional surveys and kind of biophysical coupling work that they've suggested to do for Southern New England, that is a time-and-money commitment. I know we have gone through some of these similar exercises in the Gulf of Maine, and it is a ten-year commitment to establish some of the basic work. We're in this for the long haul, too.

MR. AUGUSTINE: To follow on, Mr. Chairman, on that one; so I'm going to ask a dumb question; what is the likelihood that the information that you evaluate, assess and put forth is going to make any major difference in what the final outcome is? I do note that you had suggested not setting the timeline for a moratorium, if you went that way, looking at 50 to 75 percent. Mr. Chairman, I don't know, you might be able to respond to that, for the things you just mentioned that would have to be put together, utilized, revamped and so on; what is your sense on this, Mr. Chairman?

CHAIRMAN GIBSON: Well, I do recall – I don't remember which report it is – I thought one of the independent reviewers suggested that while much of this was desirable to do, they didn't think that it was going to change very much their perspective on where the stock was right now and where it might end up with a significant mortality reduction. It was two of them? So that's my thinking on it.

MR. R. WHITE: Mr. Chairman, to that point, I was trying to expand on what Pat was bringing up. This information will help us in the future, but it is not information that we need now to make the decision, the recommendations that have to come to us from the technical committee and this report.

DR. LANCE STEWART: I appreciated your evaluation. I just can't resist, though, in looking at historical data, some of it that we did in Long Island Sound and a scenario of where I think the predicament our recruitment is. Back in the late sixties and seventies we did extensive larval towing throughout Long Island Sound and identified gyres of retention of larval lobsters that were ten times concentrations at Block Island Sound were offshore.

Our postulations were that because of the surplus larvae and eventual flushing of Long Island Sound into Southern New England, it was a real pump of recruitment. Since then – that was in the eighties or sort of eighty population levels – the population has gone tremendously high, and I would expect that would have increased by the percentage of population increase.

And then we had the drastic die-off that was not overfishing. We think it was strongly chemical and maybe some temperature, but now we're at no surplus larval production in Long Island Sound. Now, we should get to a point with the v-notching program that we would have replenished the stocks in four or five years, but that dynamic is extremely important in my mind; also to the point that they are separate stocks. They're behaviorally different, temperature stresses are different in those populations and they don't migrate. It is not an interchange of offshore lobsters.

So, we've got all those considerations and plus some recent DNA studies that show definite population differences. I think trying to link the return of the stocks in Southern New England to a moratorium is erroneous. I think there has got to be some time for a decadal cycle watching and not curtailing the fishing industry because we need to manage now. We need to be responsible. I think it is much more of a process of a gradual rebuilding of a stock and especially when it was in my mind a source stock.

CHAIRMAN GIBSON: Thanks, Lance. More questions or comments? At some point I'm going to need a motion to accept the peer review reports. Dave Simpson.

MR. SIMPSON: Yes, it was a very helpful summary and the peer reviews were very helpful as well. I'm particularly interested in the stock projections because that is the help the management board needs to understand likely outcomes given management actions, right? We do a little, we expect a little; we do a lot, we expect a lot.

It seemed like the summary that you put up there, I got the impression that there was a higher level of comfort with the stock projections than what I take from the executive summary, which indicates that the projections were highly sensitive to assumptions of natural mortality and recruitment and that under the most likely scenario stock rebuilding is unlikely to occur even if a complete moratorium is imposed and that an improved understanding of those spatial dynamics and the role of spawning stock biomass in determining recruitment is needed to improve the utility of future projections.

It does say improve the utility and not make them useful, but certainly I'm reading into this a lot of what I saw, which was wildly different outcomes dependent upon assumptions of things that are very poorly understood, natural mortality, stock-recruitment relationship and so forth, so I wondered if you could maybe respond to that thought.

MR. MURPHY: I believe in summary the CIE reviewers felt that the higher natural mortality was a likely occurrence, so they thought that should be incorporated into the projection. Lower recruitment in the current time also was something that they accepted as potentially the period in the nineties was an abnormally high recruitment.

The one thing that they didn't have in the projections I think that they're critical of that thought needed to be in there is a revised spawner-recruit relationship so that the productivity of the stock would be reflective of what they were calling their normal recruitment period and not this abnormally high period. There was advice to rerun some of the projections to see that.

I think when you quote the stock would never recover, that is to a target that maybe is unachievable if indeed that really highly productive period was not included in the analysis. That is my take on it and I could be wrong, so I open it up.

CHAIRMAN GIBSON: And they didn't have the reduced Southern New England threshold at that point, either. Pat White.

MR. P. WHITE: I just had a question for Dr. Stewart because I wasn't aware that they had a v-notching program or is that something about a proposed v-notch program, and then I'd like to make a motion.

CHAIRMAN GIBSON: I'm not aware of any v-notch program.

DR. STEWART: Well, we did have one – you all know that – for two years, and there is still some funding left at about a quarter million dollars that we intend to relay to the Vocational Aquaculture Schools that will carry out next summer some additional v-notching. Again, my point with that is we have not given it time to really set it.

There are strong indications of catch of juveniles in Long Island Sound and a rebound of the population. So, considering the factors that some natural mortality by environment or chemical continues to occur, how can we justify some of our management restrictions that are so impactful to a fishing industry that depends solely on it.

So, anyway, we're doing the best we can. We can't change environmental change, but we can change things of a pollution aspect or an enhanced recruitment situation. I strongly disagree with skewing any sex ratios because the lobster reproduces at a very short window when a female molts. If you don't have the right proportion for coupling, you get reduced reproduction. They don't spawn externally.

CHAIRMAN GIBSON: Lance, I'm going to cut you off at that point because you answered the v-notch question. I'm going to go to Bill McElroy and then I think Pat White has a motion to approve the report.

MR. McELROY: The report suggests that there is a likelihood that we've returned to a long-term lower average. Now, there is a study that we haven't really accepted at this board that looks at a 50-year window instead of the 20- or 25-year window that was presented to the CIE reviewers.

That longer timeframe seems to indicate that the reviewers were spot-on in suggesting that we've returned to a long-term average. In other words, if we use that 50-year average instead of the 25-year average, which bolsters that comment that the reviewers made, would that make a difference in their assessment as to what needs to be done and the reference points that we need to set as targets? Thank you.

MR. MURPHY: I don't know if I can really answer that; although just glancing at sort of outside information on this, I don't know if you have the detailed information to actually an analysis back that far, but Carl could respond to that.

MR. WILSON: I think the comfort with 1981 or in Southern New England's case, 1984 forward, is that we know the source of the data. It is fairly complete. Going back and essentially doing – there is obviously the Rhode Island Survey that you speak of, but for the other aspects of data that is needed for the assessment, it becomes a data-mining exercise, and so there are going to be more and more gaps in our information of what the dynamics for entire region were for that long a time period.

It is not to say that it can't be done. In an assessment framework there are capabilities within the models to have longer time series, but it is not an insignificant task to look at the entire Southern New England stock or all three lobster stocks.

MR. P. WHITE: **Mr. Chairman, I move acceptance of the peer review reports, please.**

CHAIRMAN GIBSON: Thank you; we have a second by Pat Augustine. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? Seeing none, **we accept the peer review report.** Carl Wilson, technical committee report.

TECHNICAL COMMITTEE REPORT ON SNE EXPLOITATION REDUCTIONS

MR. WILSON: This report is responding to the board tasks to evaluate the impact on Southern New England landings by state, LCMA and time period for closed seasons, closed areas, quota-based output controls, trap limits, male-only fisheries, a v-notch program and changes to the minimum and maximum gauge size. We were asked to evaluate scenarios for 50 and 75 percent reductions in exploitation.

Our general assumption is that landings approximate exploitation. And as a reminder from our projections that we did earlier, the deterministic projections do not result in rebuilding unless natural mortality is lower than we currently think it to be. We want to emphasize that there is uncertainty in any measure short of direct controls on landings.

It is not saying that short of direct control landings other measures will not work. It is just that there is

uncertainty. For instance, for traps we are suggesting kind of an iterative approach if the board chooses to go down that road. Taking everything that we looked at and jumping to kind of our end, at the beginning the TC recommendation is that the board use a combination of a quota and season closure to achieve a 75 percent reduction in exploitation.

The incorporation of a limited closed season in concert with the quota would provide maximum biological benefit during molting periods, egg extrusion and higher environmental stress periods. Backing up now, quotas, this is our preferred option. To reduce exploitation we suggest distribution of a quota throughout the Southern New England stock based on 2007 to 2009 landings by state or stat area.

At this point we do provide information by LCMA, but we have to put a big BUT in for landings that are generated by LCMA. Essentially we know the landings by state; we break it down by stat area; and some LCMA's, so Lobster Management Areas cover multiple stat areas and were making informed judgments but they're still approximations for where those landings actually come within each stat area to make those splits for LCMA's.

Again, we would recommend the additional closed season from June through September to reduce stress in handling during molt, extrusion and high temperature. If accepted, we recommend the Socio-Economic Subcommittee, Plan Development Team, any number of experts to investigate implementation of a quota system. We are not trying to tell you how to do your quota; we're just saying that is our preferred option.

Closed seasons; in concert with quotas we recommend June through September. To give an example of why June through September, it is again to protect molting, egg extrusion and egg loss, but there is a timing associated with each of these events; June and July, November and December for molting; July through August for egg extrusion. Egg loss and handling would be the highest during April through June; and then finally temperature stress June through September.

We do not feel that we have the ability to recommend a season to achieve a 50 or 75 percent reduction based on the recruitment ability of the fishery. There were several examples in our document that described that there is a compensatory effect is in a closed season period the lobsters essentially accumulate and then they're able to be caught

relatively quickly, in a very short amount of time in some areas.

Recruitment depends on effort, temperature and time. For example, if the fishery was only open in January, the water temperature is relatively low, trapability of lobsters may be reduced and so recruitment might take a longer period if the season was only, for example, open in the winter, but, again, those are unknown impacts on how quickly the recruitment would happen.

Closed areas; we are not recommending closed areas. We feel that landings can only be assigned – or cannot be assigned at lower resolution than state or statistical area as LCMA's span multiple stat areas. If there is reduced exploitation gained from closed areas, then essentially you're closing where the fishery is happening and there are very few combinations of areas based on the patterns of landings. Areas should maximize spawning and/or nurseries based on other studies.

We don't feel that we have the information to identify kind of critical areas within the Southern New England stock. Closed areas would also have an impact for redistribution of traps to open areas so as just a shift of effort away from the closed areas into the open areas. This table is just an example – there are a number of tables in our memo – just showing that somewhere around 70 percent of the landings are coming from three statistical areas; 537, 539 and 611.

If you were to do closed areas, there are only so many combinations of statistical areas that you could do to achieve a 50 or 75 percent reduction. Otherwise, you'd potentially be closing huge swaths of areas. Trap limits; again, not recommended due to recruitment potential. The excess gear; there are approximately twice as many traps now as there were in the early 1980s for the same amount of landings.

The fishing industry has the ability and would likely adjust to any changes in the trap numbers. If the board was to decide to go down a trap reduction approach, we'd suggest a 75 percent reduction from the most recent years. The numbers in our memo are – I don't think we have the exact numbers for numbers of traps, but it is approximately 290,000 traps from the last three years, and we'd recommend a 75 percent reduction down to 73,000 approximately in Southern New England as a starting point.

And then the iterative approach would say if you're trying to reduce exploitation by X-percentages and the

75 percent reduction has not achieved that, then you start to go down and more percentage, more percentage, more percentage until your exploitation reductions have been met.

When we assessed management measures that rely heavily on biological sampling to determine the effectiveness, we wanted to emphasize that our biological data is limited. This figure shows sea-sampling trips collected in Southern New England over the last three years, and we're trying to pull fairly large implications from limited amounts of data at this point. It is just a caution, and it goes to our feeling that we are unable to give very precise estimates on the effectiveness of some of these measures.

Size limits; not recommended to achieve 50 or 75 percent reductions. If the gear was not configured for different sizes and minimums and maximums, we would likely see 80 to 90 percent discard rates with the current trap configurations. If you do just the minimum size increase, essentially you're delaying mortality in that you've got to get the lobsters to the maximum size.

When we looked at trying to balance minimum size increases with maximum decreases, a 50 percent reduction would result in a minimum size of 3-1/2 inches with a maximum size of 3-3/4 at 3-7/8, so that's a quarter of an inch to 3/8 of an inch fishing window for a 50 percent reduction based on size frequency from our samples. A 75 percent reduction would be an eighth of an inch to a quarter of an inch fishing window.

Another example of the variation within – this is the cumulative frequency of legal-size lobsters by different statistical area and different sources, and the point here is that there is no uniform size in Southern New England. There are some areas that are dominated by larger lobsters and there are some areas that are dominated by smaller lobsters.

To go through the motion of trying to balance a minimum size increase and a maximum size decrease is not an easy task, and it is going to have variable effects depending on where you are. Finally, male-only and/or v-notches, we do not recommend a male-only fishery. Reductions would not be equitable among or within-state of statistical areas.

For example, you'd be talking about 80 percent reductions in areas like 538 – that is Buzzard's Bay – or less, say, 51 percent in Area 611 or Long Island Sound. We don't know what the reproductive

impacts would be for a male-only fishery for the females that are left. When considering v-notch, paid-for v-notch programs lose benefits shortly after the program ends.

In Rhode Island we saw a pulse come through; a couple years after it is done, it is gone. In Maine where v-notching is more about motherhood and apple pie, it is accepted. It is something that has been going for the last 60 years, and we only see approximately 35 percent of the otherwise legal females being protected through a v-notch. So, again, to achieve a 50 or 75 percent reduction by that measure is unlikely. That concludes my presentation.

CHAIRMAN GIBSON: Questions for Carl, recognizing that we've got about a half hour to get through these reports and then task a fortified PDT with where to go next.

MR. McELROY: Carl, when I look at this presentation, it looks like there wasn't any way to calculate what the response would be by industry to these measures. It's pretty clear to me that with the stress state of the fishery or the fishermen as well as the stock, virtually all of the fishers have the rubber band stretched pretty tight, and there isn't much give left there; so as any measures get brought forward and into the fishery, the response is going to be that a percent of the fishermen are going to drop by the wayside because they're viable now.

So if you take a little bit more away from them, I know for certain that a large number of guys are going to say, well, I'm only making a dollar now and you're taking two dollars away, which means I'm going to lose a buck, so they're going to withdraw their effort from the fishery simply because it is not profitable. Was that considered in any of these assessments?

MR. WILSON: If you're asking biologists to make social and economic responses, I think there are other committees that would be much more appropriate to respond. We understand that a 50 percent reduction in exploitation is a cutting in half of the landings. There are huge social and economic implications for that, obviously. Just as you said, every tweak has a – squeeze a balloon one way, it is going to squeeze out another way, but I don't think the technical committee, you know, that is not our task is to look at the social and economic; not that they shouldn't be done, but that is not under our –

CHAIRMAN GIBSON: Well, I think the answer is, no, they didn't try to do the guessing game of if we

did this, how many would drop out and get us there faster. I don't think they did anything like that.

MR. AUGUSTINE: Mr. Chairman, along those same lines, are we sure that there are 290,000 active pots out there? The reason I'm asking the question is do we have a lot of latent permits that are holding on to their permits and not active?

CHAIRMAN GIBSON: I think Toni had a graphic of pots allocated versus tags ordered.

MS. KERNS: Pat, the data that we have collected from the states show that there is a – in 2009, with the qualifiers that the data is slightly preliminary – it's preliminary in Connecticut. They've switched systems and so they're turning over a new traps fished for 2009. We just used the 2008 number for now. It was 251,542 traps that were fished.

Now, there are many more traps that could have been fished than that, but that is the number that was actually fished. The number that could have been fished, from the data not including Massachusetts, is – I don't have it all added up. Let me get back to you.

REPRESENTATIVE ABBOTT: Mr. Chairman, I have a question provided by our quarantined New Hampshire commissioner sitting in the back, who is a bit under the weather. He asked the question; does the technical committee and Southern New England states believe that the current landings collection system is sufficient to implement a quota management system for lobsters that could include timely in-season closures of the fishery that would effectively prevent exceeding any quotas?

CHAIRMAN GIBSON: I think I heard Carl say that they're recommending a quota but they're leaving it up to us to design it. I'll let him reiterate that.

MR. WILSON: I think our recommendation of direct harvest controls is simply the first start of a long conversation to figure out what to do.

MR. AUGUSTINE: Just back to my point, if collectively we're only fishing for the Southern New England only 290,000 traps, it is one thing. If we have latent permits and we're not sure, I had thought outside the box in a different aspect on if it is significantly more than that, this endeavor may be a little lengthy, but it would seem to me that if you were to query those people that have latent permits that are not using them, and it is an additive, that somehow we come up with some kind of mechanism

to allow them to temporarily suspect their permit for a date certain, period of time, to make sure they're not in the fishery.

And, within a two- or three- or four-year period of time – this period time and not the moratorium that you're talking about – it could be five years, but during that period of time get as many pots out of the water as possible, with the understanding that as soon as a declaration is made that the stock is in that recovery mode, that they can come back in and they're guaranteed an opportunity, whether it is three months or six months or nine months, to reinstate their permit with the same status they had before.

We're thinking of something like that for the highly migratory species in swordfish area. There are a lot of latent permits out there; and if you used all the killing power that is out there, you could wipe out the improved stock. I'm just saying if we think outside the box, would it be feasible to consider something like that; would it have an impact on that total number of 290,000? Maybe Toni came up with a number.

CHAIRMAN GIBSON: Pat, I think everybody shares your concerns about latent permits and the potential activation of them, but I think the core recommendation that is coming out of the technical committee and the peer review panel is a substantial reduction in fishing mortality, which is now being generated by active pots and not latent ones that might activate. I think that is what we need to stay focused on at this point although I'm not adverse to this fortified PDT thinking about latent effort and what sideboards we might need to put around that.

MR. ADLER: Carl, the idea of trying to reduce traps rather than trying to cut everybody down until they've got ten traps to haul, if there was some type of a buyout program to buy active people, active traps and licenses out, that might be a way to do the reducing without cutting everybody down to ten traps left. If possible, might that be a way to move this?

CHAIRMAN GIBSON: To me, if a buyout program evolves in parallel to our efforts here and targets active fishing operations, I would think – and we have sufficient sideboards to prevent activation of latent gear, that would be a very beneficial initiative. I'm just not sure what this board can do about buyouts or not. I know there are industry groups working on that.

MR. SIMPSON: I think the bottom line to the question of trap limits is the technical committee was

unable to provide the board with any kind of relationship between the number of traps fished and exploitation, and that was the key thing we were hoping to get, and they felt they were just unable to provide it; so any discussion of trap limits will need to come in the context of other things that the board might want to try to accomplish or just take a wing-it approach, which is cut it by X-amount, 75 percent, see what you did and iteratively go from there.

That's what I heard in the recommendation because there was no if you cut traps by 75 percent you'll get a 5 percent or 75 percent reduction in exploitation. I think the whole discussion of trap limits in terms of question and answer with Carl is we don't know right now. The technical answer is we don't know what the relationship is.

MR. WILSON: And I would go further beyond just traps, too. I think that would apply to if you're going to do size increases or size decreases, I think you have to have a series of benchmarks that you're looking at. If your goal is a 50 percent reduction, then we should be looking at where we are along that goal. Yes, that's why we started saying that sort of direct landings controls, that is where we're at right now.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I actually had a question as well for the technical committee and for Carl. The Long Island Sound Lobster Task Force Report after the die-off had four hypotheses in it. One of them was anoxia hypoxia, lack of oxygen on the bottom contributed to the die-off.

When you were talking about the seasonal closure potential, one of the hypotheses there was the existence of 600,000 baited traps in the water during that warm water event contributed to that. So, in picking the season of when to close, did you all give consideration to whether that would line up when those traps on the lobster grounds might be contributing to the oxygen problem that was documented in that study?

MR. WILSON: Absolutely; I mean, the whole intent was to try to limit handling as lobsters are coming up to the surface, being culled over and being returned at critical time periods during the year and during their reproduction and molting. Absolutely, that is the whole point. My assumption is if that there was a closed season, the traps would be out of the water and so you wouldn't have an unabated fishery going on as well.

MR. GEORGE LAPOINTE: I wanted to make a couple of observations when we've talked about trap reductions and seasons. The technical committee was unable to develop a linear relationship, but we're not without information that we can make observations from, I think. If you go from Maine to Canada, we have an 800-trap limit and no season. The Canadians have a 375-trap limit and a six-month season and they catch as many lobsters as we do.

So while there is no linear relationship, the fact that they've got half the traps and half the season and catch the same amount of lobsters reinforces Carl's idea about recoupage; that to use trap limits or a season you have to make huge reductions. Likewise, when the work was done around Monhegan – and Carl can correct me if I'm wrong – they used to fish 600 trap; they unhappily fish 300 now.

But I think Carl's work showed that with 150 or even 75 traps, you would catch largely the same amount of lobsters, and so there would be 600 to 75ish, you know, a very significant reduction and you still saw the equivalent catch. I just mention that as an observation and we have to segue into how we're going to plan between now and that next meeting. When we see proposals at that next meeting, they've got to have a lot of juice.

For trap reductions or seasons, I remember we were discussing when Southern New England first went down in abundance a one-month season. I know it is longer now, but they're huge bites; and to Bill's point, they're all going to hurt, and there is no way you can get around that if in fact we want to work on these issues. Anyway, those are the things that came to mind about those particular issues for me.

CHAIRMAN GIBSON: Representative Peake and then we need to move to the addendum and how we're going to address it.

REPRESENTATIVE PEAKE: Apropos of what Mr. Lapointe just had to say, I think what we can't get our arms around is of all of the traps that we say are being fished, how is the effort distributed among those, was it 279,000 – I can't remember the exact number – which leads me to the same conclusion that Mr. Adler brought up.

I know it is beyond the scope of this board but something certainly that I would be interested in pursuing, and that is call it an economic incentive, call it a buyout, so even active fishermen who maybe aren't actively fishing their whole, let's say, 800-trap allocation and those who are latent permit holders;

they have an economic incentive to basically sell back those traps that they are not actively fishing so we can get our arms around then on who is fishing, what is the effort associated with each one of those traps, and I think that will help us then make better management decisions, and we'll see where we are as we go down the line.

MS. KERNS: To get true CPUE we would need to have industry – the number of set-over days and soak time. That is supposed to be being collected in 10 percent of the harvesters. That was supposed to start in 2008, but I haven't seen that data yet, so I'm not sure if we're really getting that information or not from the states. And then if you want an accurate picture of all of Southern New England for that CPUE, then unless you have stratified your random sample of 10 percent for your state of your data collection, then you're not going to actually get that accurate picture of catch-per-unit effort.

CHAIRMAN GIBSON: I would just add I think several of the independent reviewers made comments about taking a look at whatever CPUE data we have; and to the extent that can be improved upon, that seems to flow clearly from their recommendations. My suggestion now is that we give some guidance – my vision here would be that we task a fortified PDT group which would be led by Toni, and Dan has volunteered to participate in that perhaps with Dave Simpson and some other board members and perhaps technical committee people; and their task from us that we should spell out in the next few minutes

But, my vision would be that we have them redraft this addendum so that the statement of the problem, articulation of the need, the data that is in that addendum; our references to all the sources of information we have, the peer-reviewed assessment, the technical committee report that touched this off, the Center for Experts Report, the data that has been coming into Toni – and hopefully New Jersey and others will finalize that – and that they come back to us at the next available meeting – and we still have to see how we would fund or not fund an auxiliary or accessory meeting – let them do that work for us – I'm not suggesting we absolve the board of the addendum – that we then grapple with that addendum at the next available meeting, look at what they've done and agree/disagree and whatnot.

That's my suggestion as to how we proceed here. If there is agreement on doing that, then I think we need just a few statements other than mine to that fortified PDT as to what they are to come back with. I heard some thoughts or not about whether a trap

management alternative, a trap reduction alternative ought to be in the addendum. It is not in there right now, so I think we need some discussion on that.

MR. LAPOINTE: Mr. Chairman, I guess my sense about what we need between now and that meeting is – well, I'm going to back up a little bit. Earlier today we talked about we didn't want to rush to judgment; and when we talked about the timing on this, we started talking about this time last May, so we've had a July and August and now a November meeting, and we're talking about a meeting in January and a meeting in March.

And so I think I don't want to say we want to rush to judgment, but I think we need to convey a sense of urgency, and we need to have a package that we can look at and either approve or not. Our usual tendency of having a suite of measures; well, let's look at the size limits from this to this and trap limits from this to this, and you pick and choose will not give us the ability to say here is Package A and it will do the job or it won't or it is approvable for public hearing.

And so rather than our normal kind of asking for direction on a number of measures, I think we would ask for a package or two packages that have a suite of tough measures that we think will give us the 75 or 50 percent reduction. If we don't that, I will almost guarantee that we will say I wish they would give us a better package and we'll ask them to do it for the next meeting. Again, I don't know how to bound it, but I think we need a package deal to look at.

CHAIRMAN GIBSON: Thank you, George, and I recall the commission's chair comments prior to this at the business session and take those to heart that we need to be serious about this. I was going to suggest that if Dan is willing to just speak a little bit to how he thought he could proceed with this fortified PDT and if you felt you could address that comment and come forward with a package that is well thought out and well developed that we can really grapple with the next time through.

DISCUSSION OF A FORTIFIED PLAN DEVELOPMENT TEAM AND GUIDANCE

MR. DANIEL McKIERNAN: Well, one of the things that struck me when I read the technical committee report is that – and as Carl mentions, biologists have a certain role and they're asked to just analyze data for past trends, and it is what it is. But, as managers, when we go back to our offices, we're dealing with permitting issues and enforcement

issues and all the practical aspects of managing this fishery.

Even the quota – as Carl sort of revealed that the quota is the number one favorite option of the TC, but I would argue I can't guarantee the quota is going to succeed because of all the non-compliance and the challenges of having boats coming through Southern New England from other locations.

So, I wanted to bring some of the folks who are more familiar with the day-to-day management and compliance issues of this fishery into the process so that Toni could have that kind of feedback; not just TC feedback but practical management feedback to achieve this. I think one of the keys is it would be great if we were sent away with a task to come up with this, but tell us is it 50 percent in reduction in mortality, is it 75?

We know we don't want to go with the moratorium; but even those two numbers that keep getting tossed around, I think we need to choose one so that we can then deliver back to you a fishery management plan that has a fishery in it and will produce – I guess if landings is a proxy for exploitation, it is not very hard to come up with a back-of-the-envelope calculation to say, well, we're probably looking at a million and a half pound fishery here; how do we want to structure it?

So, that is what I wanted to do is to bring maybe someone like a Peter Burns in who understands the federal system and would be able to look at the practicality of whether or not in a federal amendment; you know, whether some of this stuff could be approved, or Bob Ross, of course, but someone who is in the weeds and understands the problem. So that was what I was hoping to do for the board is to have a few of us roll up our sleeves and try to deliver a practical plan.

CHAIRMAN GIBSON: Toni is getting very nervous about this, so I'll let her speak to it.

MS. KERNS: I have a couple of points to make to the board. First, I just want the board to know who the current makeup of the plan development team is. It is Bob Ross and sometimes Peter Burns will sit in for Bob depending on their scheduling, but technically the member is Bob Ross, Carl Wilson, Penny Howell and Bob Glenn and myself. That is our current PDT.

For the PDT I need individuals that obviously understand the makeup of the fishery. It would be

wonderful to have someone that has some social and economic background to help us put together some economic analyses, policy information and background, but first and foremost the ability to write and the time to write and provide that feedback and information and not just tell me what they think, but actually write it out.

And then, secondly, the way that the commission's process works with addenda is that the board agrees on what the purpose and the statement of the problem of that document is. You can't ask the PDT to come up with a statement of the problem and a purpose of the document on their own, because it is the direction of the board to the PDT on what you want this document to be about.

So I have crafted a purpose and statement of the problem based on the small amount of direction that was given to me at the July meeting, but that direction went in several different directions, and so I don't think that the PDT currently has a clear purpose or statement of the problem to develop any sort of program for you. I have up here a small gist of the purpose and then I have another slide that has the statement of the problem if we are willing to work through that this evening.

CHAIRMAN GIBSON: Just to that point, I would suggest that – well, I think there is a widespread consensus now from the stock assessment, the technical committee report and now the Center of Experts that the fishing mortality rate is too high and the capacity of the industry exceeds the productivity of the resource.

Those are the things that are coming out very strongly to me, so that is what I'm thinking ought to be worked into this. That was information in terms of the Independent Center of Experts. It wasn't available at the time this was being drafted. That is what I'm thinking, anyway, but I don't know what the rest of the board thinks.

MR. P. WHITE: Having gone through this with a few members around the table here 20 years ago, I would really urge that we consider what George Lapointe just said, that packages be available. We had all the scenarios with the different results, trying to climb a ladder to – I forget even what the percent of reductions were, Bill, in the last iteration in the early nineties of doing this, and it was agony to both the board and to the industry. To have a package plan that would be more concise and the goals that it achieved would be much more beneficial and time saving.

MR. LAPOINTE: I think Toni has got a start at what we're looking for. If I think back about what Mike said about the peer reviewers, they mentioned a moratorium or 75 percent and then somebody else mentioned 50 percent or 75. I think our target should be 75 percent reduction in – I don't know if exploitation is the right word; again, because unless we use a package that is a big suite of tools, I don't think we're going to get it.

To Dan's point, we also have to build into the discussions – when he was talking about quotas, I think what Mike may have referred to as a time lag for implementation; you know, we know this going to take time. The more complicated it is, the more sophisticated, the longer it is going to take us if we make a decision on the 1st of July to put those things in place.

MR. SIMPSON: I'm not ready to make a decision on the precise level to achieve yet. I mean, we just this week got the basic tables that are the tools to consider combinations of management actions to achieve some reduction, so I think we're still in the process of responding to Doug Grout's motion to craft alternatives that – design alternatives that would achieve either a 50 or 75 percent reduction.

After all, given all the review work that has been done and all the analytical work that has been done, there has been no indication at all that any given action will achieve any given outcome. We are swimming in the dark here. Even a moratorium may achieve nothing. I think we need to up front acknowledge that we are swimming in the dark here.

I also think we've got to give consideration to the history of this fishery and its management by LMA. Certainly, I think each state has ideas about how they want to shape their fishery, what the future of their fishery is to look like, how many participants, of what nature; and so achieving those objectives and identifying those objectives within a state sort of drives the approaches you might take to achieving the desired reduction in exploitation.

I think we have tremendous amount of work to do to for the first time in the history of this species management begin to limit – you know, manage fishing mortality. This is the last species – I've said this a hundred times at public hearings – this is the only species that I can think of that has been managed exclusively by minimum size; 1950s fisheries theory, and so we're just beginning to consider applying fishing mortality controls of the exploited age groups.

This is a very tall order and I think it is going to take some iterations; and I do think however we approach it, there needs to be some state autonomy in how to accomplish those objectives. I firmly believe we need some significant reduction in exploitation to improve our prospects for a more viable fishery in the future, but I think we have to recognize what an incredible task we have in front of us.

I can't help commenting that this body just a few years ago implemented trap limits and all the god-awful logistics required to manage that; and the first time we go to use it, we say that's useless. That is a heck of a message to send to the public about how much we have given thought to what we're doing, and I don't want to make that mistake ten times worse in our next action. Thank you.

CHAIRMAN GIBSON: Where I think we're at is I suggested that a couple of board members that have stepped forward work with the PDT that Toni has identified – No? That is what I've suggested.

MS. KERNS: Well, I don't know who that PDT is. I want to make sure that individuals that have offered up their time – because the PDT that I have right now –

CHAIRMAN GIBSON: Yes, you have a PDT. I know two board members, Dave Simpson and Dan McKiernan have volunteered to work with them.

MS. KERNS: But the PDT needs to be – the PDT can be made up of six individuals, including myself as the chair of that PDT; so if we add Dan and David, then we take away some of those individuals and we're still – I think that we should think about the makeup of this PDT and the time that individuals have to contribute effectively to that group. If we add Dan and David, do we have a socio-economic person that we might be able to offer up to that PDT or not? Will you be able to bring that expertise in?

CHAIRMAN GIBSON: Are you suggesting that we can't have more than six people?

MS. KERNS: The PDT is made of six individuals set by the – it says a maximum of six.

MR. ROBERT E. BEAL: I think that's a budgetary thing. If a PDT needs some advisors or from the board or some extra people that will work and come up with a functional outcome, I think that is probably the most important thing. When that it was put in place – it's probably in the Charter – the concern was PDTs would be entire technical committees plus

entire other groups and you'd have 30 people, 20 people, just a dysfunctionally large group, but I think if there is rationale for having something bigger than that and it is going to be a functional group that gets what this board needs, we could probably figure out a way to support it.

MR. P. WHITE: Well, just thinking about what we talked about earlier, and I have made the offer to facilitate or have someone facilitate a meeting, and why can't we have a PDT meeting that has other willing participants as advisors to come along with it in January to make these further developments. I guess I'd like some kind of an idea from either you, Mr. Chair, or the board if they're willing to accept that offer because I'm going to have to make plans in advance for that financially.

CHAIRMAN GIBSON: Well, it is certainly the direction I want to go in. Given the hour, I don't think we're going to give the guidance that Toni needs right now to move this addendum to the next level of development without a significant PDT effort to do it. I think we can find a way to bring the needed expertise together with the existing PDT and the board members who have volunteered; and we can figure out how to pay for that and where the meeting can be and that sort of thing. I'm just trying to get board consensus that that is what we need to do.

And their charge they have is to expand the purpose so that it recognizes the additional information that has come forward since this was drafted. They need to articulate a statement of the problem that incorporates the notions we talked about, which is a recognition that the stock is in low abundance, how it got to that low abundance level.

Whether it is environment, overfishing, whatever is not so much the issue. It is at low abundance under a fishing mortality rate that is excessive for the productivity of the stock. That needs to be reduced. And then there needs to flow from that a set of alternatives that are developed which address that mortality rate reduction. What the specific level is, I'm not that concerned whether its 50 or 75 at this point. But that is the vision of where I think we need to get to and we need to agree, to get out of the box today.

MR. AUGUSTINE: Is it your humble opinion, Mr. Chairman, that our existing staff and the PDT can or cannot meet the requirements that the board is asking for or do you believe that the existing PDT and staff can fill in the blanks for what you've just outlined as

parts of this thing that you believe we have to have in the document?

I'm just trying to get a sense for whether we support it or don't support it, and we're flip-flopping back and forth; and when we go back to the last couple of meeting we had where we flip-flopped again, we talked about delaying again; if we have about all the information we can have, that is another issue, but you did outline some specific items just a moment ago. I believe it is your strong belief that our existing staff – I don't want to demean anybody – that our staff and PDT by themselves cannot develop the additional information and that we need more expertise. That's the sense I'm getting from you; is that clearly what we're trying to do?

CHAIRMAN GIBSON: That is my sense of it, to ensure that we address the commission's chair strong statements earlier and George's statements earlier that we have a package to look at and then potentially move to public hearing at our next meeting. I'm not demeaning the existing PDT. I just think that they have struggled – they admitted they have struggled to articulate statements of problems and things like that.

I'm not convinced that we can do that tonight, so I think the best way to do that is to have board members who have a strong expertise in this work directly with them so that we get down on paper what we think we want. We can have some debates about the wrapping on it the time around and wordsmithing, perhaps, but we want a pretty good package at that point.

MR. LAPOINTE: **Mr. Chairman, I'm going to make a motion and the motion is that a PDT – because I don't know exactly what it going to look like – develop a draft addendum for consideration at the next meeting that includes two options; a suite of measures to achieve a 50 percent reduction in mortality and a suite of measures to achieve a 75 percent reduction in mortality.**

This motion also will require that the states and the LMAs work in parallel with this with the information we have at hand so that in fact they can have some input from their folks on what would be exact information so that in fact we can move this along. If we wait for a package in January and then ship it out to LMAs and state groups, it will take a long time. I think this is an extraordinary measure and it will take some extraordinary responses on the parts of the states to get those groups together to have these discussions as this is being developed.

CHAIRMAN GIBSON: Thank you, George; Pat Augustine seconds. Discussion from the board? Bill Adler.

MR. ADLER: If I may, Mr. Chairman, if I could ask George, you mentioned the LMAs; are you meaning the LCMTs?

MR. LAPOINTE: I'm sorry, Bill, yes, I did.

MR. ADLER: Okay, so in other words when would the LCMTs be brought in, before we approve an addendum to go to public hearing; is that correct?

MR. LAPOINTE: I would think that the states in Southern New England would figure out when the LCMTs should be brought in and how to engage with them. I don't know another way to do this without taking a lot of time, Bill.

MR. ADLER: Yes, and I agree with you that you need to bring in the LCMTs, and I'm just not sure whether you should also – you should sort have the package first to put on the table and call them in or whether they're there while you're drawing up the package. I'm not sure, but I mean before it comes back to the board for approval for public hearing the LCMTs are somewhere in the mix there, and I think that's a good idea.

CHAIRMAN GIBSON: Thank you; I think that is understood and that is the obligation on the states to work to convene those. Dave Simpson.

MR. SIMPSON: I just want to say I really support this motion and appreciate George making it. Hopefully, the details of the states and the intent of public involvement as we draft this is included in the motion and understood. I think some areas are very comfortable with LCMTs. I intend to expose this more broadly in Connecticut, but that has been my mindset all along, that we will need to work this through with public input on what is viable and what isn't with specific objectives in mind. We're trying to achieve this and not some nebulous let's reduce traps and all the options that will be put forward that they know won't accomplish the stated objective.

CHAIRMAN GIBSON: Anyone else on the motion? Seeing none, is there any need to caucus? It doesn't seem like there is much need to caucus. The motion is move that a PDT develop a draft addendum for consideration at the next meeting to include two options; a suite of measures to achieve a 50 percent reduction in exploitation and a suite of measures to achieve a 75 percent reduction in exploitation.

Motion by Mr. Lapointe; seconded by Mr. Augustine. **All in favor; any opposed; abstentions; null votes. The motion is unanimous; the motion passes.**

MR. LAPOINTE: I want to express my appreciation for the conversations I've had with the folks from across the table. It is like a Southern New England and Northern New England thing, and that wasn't our intention. When I speak about the need to move forward, it is because I feel that strongly, but I don't do it without an – not a complete understanding, because I'll never have it – an understanding of the very difficult spots these folks are in, so I want to express my appreciation for they're being civil to me.

MR. R. WHITE: I would read in that motion that "a PDT" meaning that the chair has the ability to appoint a PDT of the chair's choice.

CHAIRMAN GIBSON: Well, we have an existing PDT, and I'm certainly not going to run away from that, but I was just going to augment it with the necessary horsepower to get this job done. Representative Miner.

REPRESENTATIVE CRAIG MINER: Mr. Chairman, I know there have been some comments made about how to financially facilitate this process. I would hate to have the question of whether or not we could afford to send staff. Whether I get compensated to drive somewhere or not is less of an issue to me, but there needs to be some finality to this. I appreciate the offer that has been made, but I think you folks could probably also appreciate that there is enough concern at the public level about who is driving the ship and who is not driving the ship.

For purposes of neutrality, I think ASMFC has to figure out a way to pay for this. The sooner that is resolved, probably the better it is going to be, because I just think if there are questions about whether we can facilitate one meeting or two meetings or whatever it takes, we ought to figure how to do that, whether it is through funds we already have or an assessment that we need to put in place.

MR. BEAL: Originally I was going to make the same point that Ritchie made, that the motion that was passed references "a PDT", and I was going to ask who that was; but you're going to work with staff and augment the current PDT, then that probably answers that question, but I think we need to have folks on there that have time to think about this and do a fair amount of writing. Changing it from theoretical to options on paper is going to take a lot of work, I think.

But as far as funding the meetings go, we talked about that a couple of times I think at the business session and at the action plan workshop yesterday. If we want to apply more money here, it has just got to come from somewhere else and it is going to zero some game at this point. I mean if it's purely commission funds, but if it is additional funding or state funds or something, some creative thinking that we can do, we can go that route.

CHAIRMAN GIBSON: I would suggest that you, I and Pat White have a discussion to see what we can come up with relative to a meeting prior to March. Toni, did you have something else you need to speak to? I know we ran roughshod all over that, but at 6:19 that's the kinds of things I do.

MS. KERNS: Well, I guess after your comment just then; is the timeframe March that this board is looking for or is it January that this board is looking for? If this board is looking for the PDT to give the LCMTs the 50 to 75 percent suite – or two set of options, one 50 and one 75 percent that allows states to still shape their fisheries is the direction that I'm hoping that I'm understanding correctly and to give the states time to get their LCMT together and give feedback on that, you're asking that PDT to do some work very quickly.

I just want to make sure that those states that have biologists on that PDT, that you are willing to relinquish their duties to work on this on pretty much a hundred percent of their time, as well as those two board members that have give up their duties so that they can do that as well to make sure we get this in time because I don't know how else we can provide that information to the LCMT prior to unless you have the LCMTs look at the TC's memo to show, hey, these are the ways that we can achieve reductions and provide feedback at the same time.

CHAIRMAN GIBSON: And I heard sentiment from the board to do this faster than later, but it is not clear that funding is going to emerge for this winter meeting, so I don't think I can tell you what the schedule is right now because we have to work that out, whether or not the funds are going to be put together to make this happen, so that is kind of hanging out there, but I think it is something we've got to work behind the scenes on. George.

MR. LAPOINTE: I actually like the idea of letting you and staff do it iteratively. If we can have a meeting before the March meeting, I think that's a good thing. If we schedule a meeting in January and we have a have-baked package, we're going to waste

time and cash and thought and tempers and all those things, and so I think we just need to again maintain that sense of urgency with this.

Toni is right; can we get it all done and can they meet the first week of January, probably not; but if it is the end of January or early February and we can achieve that, that would give them more time for frontloading it, time between then and the March meeting for people to have additional discussions so that it doesn't continue just to roll on from meeting to meeting.

MR. GIL EWING: Mr. Chairman, it only has to do with the timeframe. I think it was a suggested time of January. One of the reasons that we are only having three meetings in 2011 is because of the work that has to be done by the staff in moving to the new location, the extra work that they have to do. I think putting a timeframe of January on them is a little bit too much pressure with all the other work that they have to do, so if we can just give them a little leeway to say that let's get it done possibly before the March meeting, that would be a lot better on them.

MR. R. WHITE: Mr. Chairman, I just talked to Bob here quickly and he felt in just rough figuring that the meeting we had in Rhode Island where most of us took care of travel, that the travel wasn't an expense to the commission, was in the \$2,500 range, so I would suggest that the chair try to work with the commission chair and maybe try to put together a meeting that is similar and that we can find ways to get there; state vehicles or whatever. We should find a way to come up with \$2,500.

MR. SIMPSON: I would just say it would help enormously to get input from the states of Rhode Island, Massachusetts, Connecticut and New York, specific input from those states on what they envision for their fisheries. Now, I don't suggest that we take two years to vision it the way the Mid-Atlantic Council is, but do a little visioning and provide a little input to the PDT because this boils down to be fairly simple if I just look at it from a Connecticut perspective, what we hope to accomplish, and it is a manageable beast. Rhode Island, I'm sure, has specific ideas. I would like to hear from New York. I think if we get that kind of input we will be much more efficient rather than me and Dan trying to second guess what 40 percent of the landings wants to do.

CHAIRMAN GIBSON: Thanks, so everyone funnel your ideas to the PDT. Pete Himchak, you've got the last word.

MR. HIMCHAK: Yes, I didn't want to be left out of that because we're far from de minimis and we do have sea-sampling programs, and we'll come up with some ideas as well.

ADJOURNMENT

CHAIRMAN GIBSON: Thank you, Pete. Any other business to come before the Lobster Board? Is there a motion to adjourn? Seconded by everybody; thank you very much.

(Whereupon, the meeting was adjourned at 6:25 o'clock p.m., November 10, 2010.)
