

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

**Webinar
October 18, 2021**

Approved January 26, 2022

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings from August 2, 2021** by consent (Page 1).
3. **Move to adjourn** by consent (Page 34).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Bill Hyatt, CT (GA)
Steve Train, ME (GA)	Jim Gilmore, NY (AA)
Sen. David Miramant, ME (LA)	Emerson Hasbrouck, NY (GA)
Cherie Patterson, NH (AA)	Joe Cimino, NJ (AA)
Ritchie White, NH (GA)	Peter Clarke, NJ, proxy for T. Fote (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Adam Nowalsky, NJ, proxy for Sen. Houghtaling (LA)
Dan McKiernan, MA (AA)	John Clark, DE (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Mike Luisi, MD, proxy for B. Anderson (AA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, proxy for S. Bowman (LA)
Colleen Bouffard, CT, proxy for J. Davis (AA)	Allison Murphy, NMFS

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

Ex-Officio Members

Kathleen Reardon, Technical Committee Chair	Derek Perry, Jonah Crab TC Chair
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Staff

Robert Beal	Chris Jacobs
Toni Kerns	Jeff Kipp
Maya Drzewicki	Savannah Lewis
Tina Berger	Kirby Rootes-Murdy
Kristen Anstead	Sarah Murray
Pat Campfield	Mike Rinaldi
Lisa Carty	Julie Defilippi Simpson
Emilie Franke	Caitlin Starks
Lisa Havel	Deke Tompkins

Guests

Karen Abrams, NOAA	Thomas Burrell, PA F&B
Max Appelman, NMFS	Josh Carloni, NH FGD
Peter Benoit, Ofc. Sen. King	Beth Casoni, MLA
Frederick Bever	Heather Corbett, NJ DEP
Kurt Blanchard, RI DEM	Justin Davis, CT (AA)
Sarah Bland, RI DEM	Lennie Day
Karen Bradbury, Ofc. Sen. Whitehouse	William DeVoe, ME DMR
Delayne Brown, NH FGD	Lynn Fegley, MD DNR
Jeff Brust, NJ DEP	Marianne Ferguson, NOAA

Guests (continued)

Joe Fessenden, Am. Comm. Fishing
Fletcher

Tom Fote, NJ (GA) Lewis Gillingham,
VMRC

Angela Giuliano, MD DNR Amalia
Harrington, Univ Maine

Marin Hawk, MSC
Heidi Henninger, Offshore Lobster
NOAA

Jay Hermsen,
NOAA
Eric Houghtaling, NJ (LA)
Bob Humphrey, Powmal, ME Rob LaFrance,
Quinnipiac Univ

Chip Lynch, NOAA

Patrice McCarron, MLA Genine
McClair, MD DNR Kim McKown, NYS
DEC

Conor McManus, RI DEM

Meredith Mendelson, ME DMR

Nichola Meserve, MA DMF Steve Meyers,
Williamsburg, VA Jerry Morgan, Madison, CT
Lorraine Morris, ME DMR

Wendy Morrison, NOAA

Brandon Muffley, MAFMC

Lindsey Nelson, NOAA

Jeff Nichols, ME DMR

Gerry O'Neill, Cape Seafoods

Derek Orner, NOAA

Nick Popoff, USFWS

Will Poston, SGA Douglas

Potts, NOAA

Tracy Pugh,
MA DMF

Jill Ramsey,
VMRC

Elizabeth Rasheed, SELCNC

Burton Shank, NOAA

Melissa Smith, ME DMR

Somers Smott, VMRC

Rene St. Amand
CT DEP

Jesica Waller, ME DMR

Craig Weedon, MD DNR

Kelly Whitmore, MA DMF

Chris Wright, NOAA

Horace Wynn
Renee Zobel, NH FGD

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, October 18, 2021, and was called to order at 9:00 a.m. by Chair Daniel McKiernan.

CALL TO ORDER

CHAIR DANIEL MCKIERNAN: Good morning, everyone, this is the October 18, 2021 American Lobster Management Board meeting. My name is Daniel McKiernan, and I am the Director of the Division of Marine Fisheries and the Administrative Representative to the delegation.

APPROVAL OF AGENDA

CHAIR MCKIERNAN: First on the agenda, we need an approval of the agenda. Is there any objection or any edits that are desired for today's agenda?

MS. TONI KERNS: I don't see any hands, Dan.

CHAIR MCKIERNAN: Hearing none, the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR MCKIERNAN: Next the proceedings from August 2, 2021. Are there any suggested edits to the proceedings from that last meeting, please raise your hand?

MS. KERNS: I don't see any hands, Dan.

CHAIR MCKIERNAN: Hearing none, it is approved by unanimous consent.

PUBLIC COMMENT

CHAIR MCKIERNAN: Next is public comment. Toni, has anyone signed up to speak on any of the issues that are not on today's agenda?

MS. KERNS: I didn't have anyone sign up, but I'm going to ask for any hands, if anybody does need to make comment. I don't see any hands raised.

CHAIR MCKIERNAN: That's cool. I guess we can go right to your presentation.

MS. STARKS: Kathleen is going to be presenting, and thanks, Maya for brining that up, and Kathleen, I think you should be all set to go.

CHAIR MCKIERNAN: Thank you, Kathleen, go ahead.

REVIEW OF THE ANNUAL DATA UPDATE OF AMERICAN LOBSTER ABUNDANCE INDICES

CHAIR MCKIERNAN: Okay, on to Agenda Item 4. This is a Review of the Annual Data Update of American Lobster Abundance Indices. During the 2020 stock assessment the Stock Assessment Subcommittee recommended representation to the Board of these updated parameters. Caitlin, I'm assuming this is the first, and what will be kind of an annual event for the Board to receive an update on some of these indices.

MS. CAITLIN STARKS: Correct, Dan.

MS. KATHLEEN REARDON: Okay thanks Caitlin and thanks Dan. As Dan just reviewed, as part of the 2020 Lobster Stock Assessment, the Stock Assessment Subcommittee and the Peer Review Panel recommended a data update process to monitor changes in stock abundance and trends between assessments, to be presented to the management board on an annual basis.

This process updates the survey indicators since the assessment, and the datasets recommended can indicate trends in exploitable lobster abundance expected in the near future. The datasets include the young of year settlement index, trawl survey indices for sizes 71 to 80 millimeters carapace length, and encounter rate, and the ventless trap survey to a greater than 53 millimeters carapace length.

To evaluate the trends, each indicator is compared to the relative percentile determined by the assessment time series of 1981 through the current, or the available years for each indicator.

The process compares the calculated five-year means for the assessment status and the updated status. For the assessment five-year means, the data was from years 2014 to 2018, and the update period was 2016 to 2020, with the additional two years.

For each indicator a negative status was determined if the indicator fell below the 25th percentile, neutral if between the 25th and the 75th percentile, and positive if greater than the 75th percentile. The tables and figures may be small in these slides and hard to read, depending on the size of your screen, but all are in the data update memo as well.

But for these slides you can focus on the color coding, where positive is white, neutral is gray, and black is negative. Any new data from 2019 or 2020 in the figures will be displayed in red at the end of the time series. The COVID-19 pandemic did impact data collection for all agencies. The pandemic prevented multiple trawl surveys from sampling in 2020, and that missing data does impact the five-year means used for the updated indicator status.

I will go through each stock and indicator, and how the updated status compared to the assessment status. To orient you, this standard time series to the left is 1981 to 2020, with each column representing a different statistical area, in this case state or survey for some of the other indicators.

The percentile ranges are on the bottom. In the table the assessment indicator means for 2014 and 2018 are outlined in red, while the updated indicator means are outlined in orange. The status of negative, neutral and positive are again as I said earlier, designated by black, gray, or white, and in the figure each panel is a different statistical area or survey with new data from 2019 to 2020 in the red.

To start, the young of year indices in the Gulf of Maine showed evidence of improvement, but

were not positive. The assessment status had two negative indices and three neutral, while the updated status had all five indicators as neutral. For the Gulf of Maine trawl survey indices for recruits of 71 to 80 millimeters, the indices showed positive conditions with no status change from the assessment. But, as I noted earlier, five of the six surveys were not completed in 2020. The crossthrough the table means no survey. The Maine/New Hampshire fall survey was the only 2020 survey that was completed, and also posted the first neutral value since 2015. These figures show the annual recruit index value for each trawl survey with the spring surveys to the left and the fall surveys to the right.

As I said before, none of the surveys were completed in spring 2020 and the only fall survey completed in 2020 does show a decline. In general, the fall indicators since the assessment do show declines. For the Gulf of Maine trawl survey encounter rates, we have some of the same caveats for the 2020 missing data.

In general, the rates remain high and similar to the assessment, but there was some deterioration. In the assessment five of the six were positive, but in the updated status three were positive and three were neutral. In the assessment the ventless trap survey was not a stock indicator in previous assessments before 2020, because it only started in 2006.

But, because we are showing changes since the assessment, the TC determined that it is appropriate here to use the survey to evaluate trends since the assessment. In that assessment the VTS index was model based and stock wide. This modeled approach was not evaluated for estimated indices by statistical area.

But the TC decided that it would be useful to provide greater spatial resolution of the survey results to examine the abundance trends within the stock boundary. The results shared here are designed based ventless trap survey indices, and reported by statistical area. For the Gulf of Maine ventless trap survey, the columns are each statistical area by sex.

The assessment found that four of the indices were positive and four were neutral. In the updated status two were positive and six were neutral. These indices do show decline since the assessment. For figures of the same data, the females are to the left and the males are to the right, 511, the most northern statistical area is on the top with the most southern Gulf of Maine statistical area 514 on the bottom.

Statistical Area 514 fell into the negative range for the first time since 2014, 511 and 512 also exhibited a declining trend, dropping into the neutral range. For Georges Bank there were no indicators available for 2020. For recruit abundance the assessment status found both spring and fall surveys were neutral, but in the updated status spring was neutral and fall was negative.

The encounter rates were similar to the assessment, where both the assessment and updated status were positive. These are the figures for just the recruit indicators for Georges Bank, while Georges Bank recruit indicators show high interannual variability. The Georges Bank recruits show possible deterioration in the fall of 2019, similar to the Gulf of Maine inshore survey.

Switching to Southern New England. The young of year indices are reported by state and were negative across the stock. For the assessment, two of the states were negative while one was neutral. But for the update all indices were negative. Massachusetts has not seen a young of year for six years. For trawl surveys, only Rhode Island was able to complete their trawl survey in 2020, so six of the eight surveys were not completed in 2020. The updated status was similar to the assessment across the indicators with three neutral and five negatives. These are the figures of the annual trawl survey recruit numbers with the spring on the left and fall on the right with the federal offshore survey on the top, then moving south from Massachusetts to Rhode Island to Connecticut on the bottom.

Both of the offshore indicators on the top panel were negative in 2019, while all of the inshore areas also remained low. For encounter rates, the indicator statuses were similar to the assessment, with two neutral indicators and six negatives. For southern New England ventless trap survey, the indices are reported by sex and statistical area.

The TC notes that the survey has only taken place during depleted stock conditions in an adverse environmental regime. Interannual variability can be misleading without the context of a longer time series, including a period of more positive stock conditions. With that in mind, the assessment status had one indicator in negative status and three in neutral, while the updated indicators show that all four are in neutral status.

For the ventless trap, while the updated five-year mean was neutral, both 2019 and 2020 values in 539 were negative for males and females. I know that was a lot of information. It is all in the data update memo. But in summary, the lack of 2020 trawl survey data is problematic in looking at trends since the assessment.

With these limited data we can only make uncertain conclusions, but there is some evidence of decline. In the Gulf of Maine, the indicators are showing declining trends in recruitment in both the fall trawl surveys and ventless trap. For Georges Bank the indicators are highly variable and dependent on only the fall and spring federal survey that did not go in 2020. For Southern New England, the stock continues to have negative indicator status inshore and neutral conditions offshore. With that I am happy to take any questions.

CHAIR McKIERNAN: Any questions from the Board for Kathleen? Great job, Kathleen.

MS. KERNS: I don't see any hands yet, Dan. No hands.

CHAIR McKIERNAN: Okay, well I'm sure as we proceed forward between this meeting and the next on Addendum XXVII, especially on matters that pertain to the Gulf of Maine, some of these data will be brought forward to help guide us. Thank you, Kathleen, for a great presentation.

Thanks to the Technical Committee for compiling all of this really interesting data. With any hope we'll have fewer data gaps in the future, as we kind of crawl out of this pandemic.

**DEVELOPMENT OF DRAFT ADDENDUM XXVII,
GULF OF MAINE/GEORGES BANK RESILIENCY**

CHAIR McKIERNAN: Next on the agenda is the Development of Draft Addendum XXVII, Gulf of Maine/Georges Bank Resiliency, and Caitlin has a presentation on this.

I will remind the Board that over three years ago this Addendum was initiated, to deal with some of the expected declines in, I guess some of the same parameters that Kathleen just showed us, the decline of young of the year values, expected decline in the ventless trap survey indices, as well as the expected decline in landings as well. I think the Board appropriately wanted to see if we could sort of pre-bait some management measures that could address the decline and make the fishery more sustainable and less susceptible to the long-term decline that we saw in the Southern New England area. Like I said, this was brought forward over three years ago, and Caitlin is going to speak to the evolution of this Addendum.

The messaging that the Board has come forward with to the PDT, and then some of the PDTs struggles to fully comprehend what the Board is looking for, to put together some management recommendations that we could eventually take out to public hearing. Caitlin, why don't you present on the background, and what some of the detailed options are that have come forward from the Plan Development Team.

MS. STARKS: I can do that. I'll start off with some brief background, as Dan indicated, on this action, and give you an update to the proposed action timeline. Then I'll go over the recommendations from the Technical Committee and the PDT on the Addendum options. Then at the end highlight a few questions for the Board where the PDT is

looking for some additional guidance.

For some brief context, Draft Addendum XXVII was initiated in August, 2017, and that was in response to concerns about declining trends in Maine's larval settlement survey over recent years that could possibly foreshadow future declines in recruitment in landings. At that time, the Addendum objective was to increase the resiliency of the Gulf of Maine and Georges Bank stock by considering standardized management measures across LCMAs in the stock.

Then, following initiation of the Addendum it was put on hold for a few years, to prioritize right whale risk reduction efforts. In February, 2021, after reviewing the 2020 benchmark stock assessment, the Board reinitiated work on this Addendum with a new motion, which changed the focus of the Addendum to consider a trigger mechanism.

Such that upon reaching the trigger measures would be automatically implemented to improve the biological resiliency of the Gulf of Maine and Georges Bank stock. Since that February meeting, the PDT and TC have met a number of times to develop the document, and the Board has met several times.

**CONSIDER PLAN DEVELOPMENT TEAM (PDT)
RECOMMENDATIONS ON OBJECTIVES**

MS. STARKS: In May and August of 2021, the Board gave some guidance to the PDT, which included that the action should prioritize increasing resiliency of the stock over standardizing measures, that it should consider a tiered approach with multiple trigger levels, and that it should include some relatively conservative trigger levels, such that a change to measures would occur before abundance were to fall significantly from the current levels.

The PDT and TC took that into account, and they've provided some additional analysis and recommendations on the draft management options for the Addendum. I want to highlight here that the PDT, as Dan mentioned, has had some trouble developing options for this Addendum for a few reasons.

One is that both the PDT and TC have felt that there is

some inconsistency between the Board's original motion, which focused on stock resiliency and proactive management, and the additional guidance provided by the Board that supported management action occurring after declines in abundance are observed. Additionally, there is not consensus among all of the PDT members on some of the trigger levels and management measures being discussed, given the uncertainty about the goals of the Addendum.

For example, there is not union in this agreement on maximum gauge size changes being considered, and I'll go more into detail on that later. That said, the PDT is looking today for some more guidance from the Board at the end of the presentation, to be able to finalize this management document for consideration for public comment at the next meeting.

Given that information, this is an updated proposed timeline for the remaining steps of the action development. Today the Board is reviewing the TC and PDT recommendations for the Addendum, and then following today's meeting the plan is for the PDT to finalize the draft addendum for public comment, based on the Board's guidance.

The Board would then be able to consider the draft addendum for public comment in January of 2022 at the winter meeting, and if approved public hearings would take place in February, and the Board could consider the public comments and final approval of the Addendum in May, 2022.

Now I'll go into the TC analysis and recommendations on the action. First, I want to note that during the TCs discussions they defined resiliency as the ability of the stock to recover from a disturbance, and made the recommendations based on the understanding that the Board was interested in increasing stock resiliency by adding an additional biological

buffer through the protection of spawning stock biomass across LCMAs.

With that in mind, the TC provided analysis and recommendations on the index for the trigger mechanism, the trigger levels, and the projected impact of management measures. For the trigger mechanism, the TC recommended using a trigger index that would be calculated as the average of three survey specific running three-year average recruit indices, meaning lobsters from 71 to 80 millimeters in carapace length.

The three surveys are the combined Maine and New Hampshire and Massachusetts spring trawl survey index, the combined Maine, New Hampshire and Massachusetts fall trawl survey index, and the combined Gulf of Maine ventless trap survey index. All these would be scaled to their 2015 to 2017 values.

The reason for using these recruit indices is that there is an expected one-year lag between the recruit indices and the recruitment to the stock assessment reference abundance, which was used for a stock status determination. The reference period for the recruit index is 2015 to 2017, and that is indicative of recruitment to the 2016 to 2018 reference abundance.

Again, that was used for the stock status determination in the 2020 stock assessment. Scaling each index to its 2015 to 2017 average puts them all on comparable scales that represent a percent change from the reference years, and allows them to be combined into the single trigger index. The way the mechanism would work as proposed, is that management would be triggered if the three-year moving average of the three survey indices were to fall by a certain percent from the reference value. The TC also recommended that the trigger level considered in the Addendum should be related to the assessment model outputs, the abundance regime shift, and abundance reference points that were adopted by the Board.

As a reminder, those reference points include the fishery industry target, which is the 25th percentile of the high abundance regime and the abundance limit, which is the point below which the stock status is considered depleted. The trigger levels recommended are one that approximates the fishery industry target, one that

approximates the abundance when the regime shift occurred from the moderate to high abundance regime, and one that approximates the 75th percentile of abundance during the moderate regime.

The TC did not recommend using trigger level approximating the abundance limit, because again, below that point the stock status would be considered depleted. The TC felt that this was not an appropriate trigger level as a proactive trigger for increasing stock resiliency. This is a visual of where those reference points from the stock assessment fall on the Gulf of Maine/Georges Bank model abundance curve.

The top horizontal dotted line is the fishery industry target, and below that there is a dashed blue line that represents the point where the moderate abundance regime shift occurred from the moderate to high abundance regime. Then the 75th percentile of the moderate abundance regime is shown by the yellow dot/dash line, and below that the dashed red line is the abundance limit.

The black dot on the top right represents that average abundance from 2016 to 2018, which was used for the stock status determination. These are the percent declines from the reference value, that black dot on the last graph to each of the possible trigger levels. From the 2016 to 2018 average abundance to the fishery industry target is a 17 percent decline in abundance.

To the point where the moderate to high regime shift occurs would be a 32 percent decline, and to the 75th percentile of moderate abundance regime would be a 45 percent decline. For the actual triggers in the Addendum, the idea is that

they would be based on the annual recruit indices as I described, but these percent declines in the recruit indices are meant to approximate the same change in stock abundance.

Here is what those trigger levels look like as declines in abundance from the black dot, again the top most guideline is the cumulative decline to the fishery industry target, and then the dashed line is the cumulative decline to the abundance levels, where the regime shifted from moderate to high, and the dot/dash line is a cumulative decline to the 75th percentile of the moderate abundance regime.

Some additional comments that the TC made on these triggers are that first making changes to the management measures, such as increasing the minimum gauge size, while the stock abundance is at a higher level, has more potential to enhance the stock resiliency by increasing spawning stock biomass. In the same vein, making those types of changes while abundance is at higher levels will generally have a smaller impact to industry, as opposed to taking the same action after the industry is already feeling the impacts of declining abundance on the catch. Additionally, at the PDTs request, the TC was able to calculate the trigger index values with available data through 2020 using the recommended method. This graph shows the combined index in the upper left corner, with the three individual indices in the other plots. Again, these are all scaled to the reference values 2015 to 2017, and therefore they are comparable as proportional changes.

The horizontal dash lines in each graph represent the percent declines associated with those three trigger levels I discussed, 17 percent decline, 32 percent decline, and 45 percent decline from top to bottom. For 2020, which is the last year of data for which there is data available from the survey recruit indices, the trigger index value is calculated to be 0.84, which equates to a 16 percent decline in the index from the reference period.

As you can see, all three indices that are used for the combined trigger index show a declining trend in 2018. As a note, only the fall trawl and VTS survey indices were available for 2020, due to the spring trawl not being conducted because of the COVID-19 pandemic. The 2020 value is based on those two surveys, rather than the three.

The spring 2021 trawl survey was conducted, but that will not be used to calculate a combined index until the

2021 fall and VTS indices are available, which should be early next year. With regard to the possible management measures, the TC generally agreed that compared to the other types of biological measures in place now, changes to gauge size are the most likely to have positive impacts to the stock.

They focused their analysis on the impacts of different minimum and maximum gauge sizes for the LCMA's and the Gulf of Maine and Georges Bank stock, and they estimated impacts on landings, spawning stock biomass, and exploitation. The main take away from that analysis is that increasing the minimum gauge size is expected to have the most impact on stock resiliency by allowing more individuals in the population to reproduce, even if it were a relatively small change to that minimum gauge size.

The TC noted that increasing the minimum gauge size would likely have a short-term impact of decreasing the number of lobsters landed, but in the long run it is expected to increase the overall weight of landings. The analysis did not look at vent size separately, but agreed that vent sizes should be consistent with the changes in minimum gauge size.

For maximum gauge size in general, the TC has less certainty about the impact to the stock. They noted that when considering minor changes to maximum gauge size it is less likely to have a big impact, compared to changes to minimum gauge size due to the population structure, inshore versus offshore.

Inshore is where the large majority of landings are from, but the size structure of the population inshore is already truncated, and there are not many large individuals being caught, whereas offshore there are larger lobsters in the population, but the landings from offshore represent a much smaller proportion of the total landings from the stock. The benefit of maximum gauge size decreases would be that it places forever protections on a

few large lobsters, which are likely to have higher reproductive capacity than smaller lobsters. Before I get to specific recommendations on measures for each LCMA, I wanted to put up the current management measures for reference. For now, the main things to note are the minimum and maximum gauge sizes that are currently in place in each area, and we will talk about the differences in the v-notch rules a little bit later.

This is another table for reference in case we need it. We will be talking about the sizes as both inches and millimeters, so this could be helpful. I might even recommend taking a picture or a screenshot while this is on the screen, so that you can reference it later during the discussion, and I can leave this up for a second or two for folks to do that if they would like, and I can also come back to it at the end.

This is a chart that shows the range of sizes currently in place within the Gulf of Maine and Georges Bank stock, shown by the yellow cells as well as the estimated size at 50 percent maturity for the Gulf of Maine/Georges Bank stock, which is 87 millimeters carapace length, and that is shown by the orange horizontal line in the middle.

As a reminder, there is some variations within the different areas of the overall stock unit for the size at maturity. But as you can see currently, Area 1 in Outer Cape Cod's minimum gauge sizes fall below the stock wide size at maturity. The TC has generally agreed that it's better for stock resiliency to move the minimum size to be at or above the size at 50 percent maturity of the area.

These are the TC's recommendations for Area 1. The TC recommends increasing the minimum gauge size in Area 1, given it is currently below the size at 50 percent maturity, and additionally this could address growth overfishing by reducing the extent to which lobsters are harvested before reaching their growth potential, which would result in more yield per recruit for the fishery.

For maximum gauge in Area 1 the TC does not recommend a change. The current maximum gauge size is five inches, which is the lowest in all areas of the stock, and decreasing it further would not be expected to increase the spawning stock biomass. For LCMA 3, the Technical Committee does not recommend decreasing

the minimum gauge size, and they agreed that increasing the minimum gauge size in Area 3 is not a high priority.

This is because the LCMA 3-gauge size is already close to the size at 50 percent maturity, which is 91 millimeters for the Georges Bank area. As I noted previously, the impacts of decreasing the maximum gauge in LCMA 3 are more uncertain. Their complex population and reproductive dynamics for larger lobsters offshore, which makes it hard to predict how a change would affect the spawning stock biomass, and whether that would translate into positive impacts to recruitment.

In general, decreasing the maximum gauge size has larger effects for LCMA 3 relative to decreasing minimum size in LCMA 3, or compared to changing the maximum sizes for the other LCMAs. But the benefit is expected to be much less than increasing the minimum size in Area 1. For Outer Cape Cod the TC also does not recommend decreasing the minimum gauge size. Again, this is not expected to have a positive effect on spawning stock biomass, and in general increasing the minimum gauge size should have some benefits to the stock.

However, for Outer Cape Cod there are more uncertainties due to the fact that this is considered a transitional area, with lobsters moving in from other locations. That creates challenges for pinning down the size at maturity for the area and the population size structure. Similar to Area 3, the impacts of decreasing maximum gauge size are uncertain.

The Outer Cape Cod fishery accounts for a relatively small portion of the stock wide landings, so the impact is unlikely to be large. Then the TC also recommends for Outer Cape Cod to standardize the measures for state and federal permit holders as is proposed in the draft options for this Addendum.

They noted benefits of this, including for law enforcement and commerce, as well as

providing a consistent conservation strategy across the management area. The TC made a few additional statements related to these recommendations that they wanted to make clear for the Board. First, they noted that although the Board guidance was to prioritize improving the biological resiliency of the stock over the standardization of measures.

They did feel that standardizing measures across areas would be beneficial, because it would simplify the stock assessment and the evaluation of management strategies, especially given the management areas do not align with the stock boundaries. Additionally, the TC stated that although the recommendations focused on gauge size changes, that was mainly as a result of guidance from the Board and PDT to focus on the biological measures that are currently used for lobster, and not to look at alternative measures like quotas or trap reductions.

The TC does believe that other measures like trap reductions and quotas could have the potential to benefit the stock by reducing fishing mortality, but there are challenges with estimating the impacts, because the relationship between trap limits, traps fished, all frequency in catch is very difficult to predict. It would be challenging to determine what the impacts would be, and additionally it would be challenging to get at an inappropriate quota level, due to the current levels of uncertainty around the abundance estimates from the stock assessment. If the Board is interested in these types of measures in the future, much more analysis would be needed.

Lastly, the Technical Committee wanted to emphasize that it may not be realistic to expect that the recommended changes to management measures will guarantee the stock abundance will stay at record high levels. The TC expects the recommendations to partially address growth overfishing to mitigate some of the effects of productivity decline, and enhance the stock's ability to recover from future declines by increasing the proportion of females that can reproduce before they're harvested.

But this does not necessarily mean that the stock could recover to the same record high levels that have been observed recently. The TC does not want to imply that

these measures alone would ensure long term sustainability of the fishery. Now with the TCs recommendation in mind, I can move on to the PDT recommendations for the draft addendum. As I mentioned in the introductory slide, there has been some concerns amongst PDT members that some of the guidance received from the Board and the advice from the TC are inconsistent with each other, and in particular I mentioned the TC defines resiliency as the ability of the stock to recover from a disturbance, and suggested that immediate action to increase minimum gauge size while stock conditions are favorable would be more effective, compared to waiting for declines in abundance to trigger a management change.

However, the Board guidance was in favor of using a trigger mechanism, in which management measures would not be implemented until after an observed decline. Additionally, as you saw in the trigger index graph, all three of those indices that the TC recommended using to approximate changes in abundance for the trigger mechanism are showing a declining trend since 2018.

Both of these things have made it difficult for the PDT to agree on appropriate management options for this Addendum. The way to acknowledge these issues and try to move forward with more clarity about the purpose of the action. The PDT has put forward something for the Board to consider, which would be modifying the goal of the Addendum to frame the action as responding to these trends, rather than proactively reducing stock resiliency in anticipation of future declines.

The PDT drafted a proposed objective for the Board to consider, which is given persistent low settlement indices and recent decreases in recruit indices, the Addendum should consider a trigger mechanism, such that upon reaching the trigger measures would be automatically implemented to increase the overall protection of spawning stock biomass of the Gulf of Maine and Georges Bank stock.

The PDT felt that this would address the most recent trends in the survey indices, as well as add clarity that the proposed measures are intended to increase spawning stock biomass. Working off of that goal statement, the PDT restructured the draft options in the Addendum since the last meeting.

They separated the Addendum into three issues. The first issue considers options to standardize some of the biological management measures, such as the inconsistencies within LCMA's at final approval of the Addendum. The second issue considers the trigger mechanism and management measures that would be implemented upon reaching those triggers, and the third issue would establish the spatial implementation of those measures within Area 3.

For Issue 1, the proposed options are Option 1, status quo, which means there would be no changes to the measures upon final approval of the Addendum, and Option 2 is that some standardized measures would be implemented upon final approval of the Addendum. The sub-options for Option 2 would allow the Board to select which measures those would be.

One thing to note is the sub-options are not mutually exclusive, and the Board could select multiple sub-options under Option 2. Sub-option 2A is that upon final approval of the Addendum, measures within each LCMA would be standardized to the most conservative measure where there are inconsistencies in measures for state and federal permit holders.

This would result in Outer Cape Cod's maximum gauge size being standardized to six and three-quarters of an inch for both state and federal permit holders, and the v-notch definition being standardized to one-eighth of an inch with or without setal hairs. Sub-option 2B is to implement a standard v-notch requirement across all LCMA's in the Gulf of Maine/Georges Bank stock at final approval of the Addendum, which would result in mandatory v-notching for all eggery in LCMA 1, LCMA 3, and Outer Cape Cod.

Sub-option 2C is to standardize regulations across LCMA's and the Gulf of Maine and Georges Bank stock for issuing trap tags for trap losses, such that catastrophic trap tags are not being issued before documented losses occur.

For Issue 2, again this considers establishing a trigger mechanism, where upon reaching a defined trigger based on the proposed index, measures would be implemented to increase the spawning stock biomass.

The PDT proposed three different options. Option 1 would be to establish one trigger at a 17 percent decline in the trigger index from the record level, and at that point the measures implemented would be a change to the minimum size in LCMA 1 to 3-5/16 of an inch. A second trigger would be established at a 32 percent decline in the trigger index from the reference level, and at that point the minimum size in LCMA 3 would be increased to 3-3/8 of an inch, and the maximum size in LCMA 3 and Outer Cape Cod would change as well.

As you can see, the PDT did not decide on the maximum size, but rather left it as a choice for the Board for either 6 inches or 6 and 1/2 inches. For Option 2 there is only one trigger level, which is the 17 percent decline in the trigger index, and at this point a gradual change in the gauge sizes would be initiated, where the size would change by 1/16 of an inch until reaching the endpoint shown in the table.

Again, the PDT is looking for Board guidance on the proposed final minimum size in LCMA 1 at either 3- 3/8 or 3-15/32 of an inch, and the minimum size in LCMA 3 and Outer Cape Cod would remain status quo. The maximum size for both areas would gradually change to either 6 inches or 6-1/2 inches for Outer Cape Cod in Area 3.

Lastly, for Option 3, the PDT proposed an alternative approach to the trigger mechanism. This option would instead implement scheduled changes to the management measures as indicated in the table. In 2023 the minimum size in Area 1 would increase to 3-5/16, and then in 2025 it would increase to 3-3/8. All other measures would remain status quo in Option 3.

Last issue is Issue 3, which again addresses the

spatial extent in Area 3, where the modified management measures would apply. Option 1 is status quo, which is that Area 3 would be treated as one unit, so the rules would apply throughout the whole area of Area 3, and Option 2 is that the measures would only apply in part of Area 3. Specifically, Area 3 would be split along the 70- degree west longitude line to create an eastern and western section of Area 3, with an overlap area of 30 minutes on either side of that line.

Under this Option, harvesters in LCMA 3 could elect two fish exclusively in the western or eastern portion while being allowed to fish annually in the overlap zone without needing to change their area declaration. In that overlap zone the fishermen would be held to the management measures of the sub-area they have declared. This second option should be noted.

This would only really apply if the measures selected in the previous issues would result in a change to the current measures for LCMA 3. Those are the proposed options at this point, and now I have some specific questions that the PDT is hoping to get Board guidance on. These questions on this first slide are related to Issue 1, which again is considering standardizing some measures at final approval of the Addendum.

First the PDT would like clarity on whether the Board is interested in including Sub-option 2B under Issue 1 in the Draft Addendum for public comment. Again, this is the option that proposes implementing a standard v-notch requirement across all LCMAs in the Gulf of Maine and Georges Bank stock. Given available data and the issue of enforceability of v- notching, the PDT noted some concern that it would be challenging to estimate the impacts of this option on spawning stock biomass.

They see it more as a policy decision and would like some Board guidance on whether to include this option. Second, also on the issue of v- notching. The PDT is asking whether the Board is interested in considering an option to standardize the v-notch definition to 1/8 of an inch across all areas in the stock.

Additionally, they are wondering if the Board is interested in standardizing the minimum depth of the v-notch and the shape that is required when it is cut. Third, the PDT is wondering if the Board prefers to

address the options that are currently under Issue 1 separately from the trigger mechanism, which is what is proposed now, or as part of the management measures that would be implemented upon reaching a certain trigger.

These next questions are related to Issue 2, and specifically the management measures that would be considered for automatic implementation upon reaching defined trigger levels. With regard to the proposed gauge size changes, the TC has advised that increasing the minimum gauge size in LCMA 1 is most likely to have the largest impact on the protection of overall spawning stock biomass.

The PDT is asking if the Board is willing to consider options that would increase the minimum size in LCMA 1 to 3-3/8 of an inch or 3-15/32 of an inch. As a reminder, the current minimum size in Area 1 is 3-1/4 of an inch, which equates to 83 millimeters. The TC also agreed that compared to increasing the minimum size in LCMA 1, decreasing the maximum gauge size in LCMA 3 and Outer Cape Cod to 6 inches or above is likely to have a relatively small positive impact on the spawning stock biomass.

But it would have minimal but permanent impact to Area 3 industry, and there are some great uncertainties surrounding the magnitude of those effects. Given that, the PDT wants to know if the Board is interested or willing to consider any decreases to the maximum gauge size in those areas, and if so, what would be the lowest maximum size the Board would be willing to consider. Would that be 6-1/2 inches, 6-1/4 inches, or 6 inches? That is all I have for the Board, so I'm happy to take any questions.

CHAIR MCKIERNAN: Okay, thanks, Caitlin, there is a lot of great information there. We're going to take questions or I'll have you take questions, but I'm going to cut off any discussion at this time about whether one option is better than another, because I think what we need to do is put that motion up that the PDT. Put up as a

motion the proposal objective of this Addendum XXVII, to see if we could get consensus on changing that, because that's really what the PDT would like to see.

Why don't we open the floor for questions for Caitlin, but please, please don't go right into your opinions about certain management measures. But I think some of these questions should be asked if there is any need for clarification about how the PDT and TC came to some of their recommendations. Whoever wants to raise their hand to ask a question of Caitlin at this time.

MS. KERNS: At this time, Dan, you just have David Borden.

CHAIR MCKIERNAN: Okay, David Borden.

MR. DAVID V. BORDEN: Caitlin, a question for you, but you may want to defer it to Kathleen. What is the compliance rate of the v-notch provision in each area? What portion of, for instance what portion of Area 1 fishermen actually v-notch lobsters, as compared to the percent in Area 3, or the Outer Cape?

MS. STARKS: I certainly do not have an answer to that question, and I can ask Kathleen if she does, although I'm pretty sure there is a lot of uncertainty about that.

CHAIR MCKIERNAN: David, I would point out that Area 3 has a line drawn, I think it's the 42- 40, north of which there already is an existing mandatory v-notching requirement in the federal regulations, I think in the Plan as well.

MR. BORDEN: Yes, thank you, Mr. Chairman. I realize that. But that is not what I'm asking. What I'm asking is, how many fishermen actually comply with it? What is the compliance rate?

CHAIR MCKIERNAN: I think Caitlin, I'll speak for her. I don't think you have any data that reveal compliance rates, right?

MR. BORDEN: Okay, and then if I might, Mr. Chairman. One follow-up question. This is to Caitlin or Kathleen, whichever is appropriate. On the uncertainties on the large lobsters. I'm familiar with a number. I think a number of the reasons why the scientists have basically

raised those concerns. But just for the rest of the Board, could somebody just summarize what those uncertainties are? I think one of them is the molt frequency changes with large lobsters. Is that correct?

MS. STARKS: I will go ahead and let our TC Chair answer, so Kathleen, feel free.

MS. REARDON: I will try to answer that. I actually just want to comment on the v-notch compliance first. The Law Enforcement Committee might have some idea of this for the compliance rates among fishermen, but we do not have data on that. The only proxy that we might have, is percent of eggsters that already have a v-notch, and that is data that we would have in our bio samples information. I know we calculate that for Maine. But I don't know what it is in the other areas, but we do have that information. For the large lobsters, the uncertainties in Area 3, it does come down to data. The parameters in Area 1 or for the whole model, the assessment model. It puts Gulf of Maine and Georges Bank together. To be able to do these analyses we needed to separate them, because there are different selectivity's for the traps, also the size structure is different in Area 3, and just a number of large lobsters that we have in our data, we don't have that many.

There are more uncertainties. Exploitation rate is different, the sex ratio is different in Area 3, and so all of those things we tried to estimate for Area 3, and came up with a model that made some assumptions, but we feel that it was able to replicate the length compositions that we find in the bio sample data.

I don't know if that really answers your question, but there are definitely a number of uncertainties. When it comes to the impact of protecting some of those lobsters, as Caitlin mentioned, the larger lobsters do have potentially a larger capacity for reproduction, but there are many questions about molt

frequency, molt increment. Yes, a lot of uncertainty there.

MR. BORDEN: Mr. Chairman, can I make one quick point?

CHAIR MCKIERNAN: Certainly.

MR. BORDEN: I think it would be useful if it's not a ton of work, to have a scientist provide us with some estimates of the percent observed v- notching by LMA, and I would just use Area 2 as an example. I know there are a number of fishermen in Area 2 that do it, but the number is really relatively low. In Maine, from what I understand, there is a large number of participants, and the number is really high.

I've heard estimates of that number being as high as like 60 percent. But in Area 3 I think once again, we get into this issue of compliance is fairly low. It would be useful to know what the science says, and if the TC could or somebody on the TC could summarize in their next document to the Board what the sources of uncertainty are with the large lobsters, to follow up on the points that Kathleen made, I think that would be helpful.

CHAIR MCKIERNAN: Consistent with the strategy that I weighed out earlier, Caitlin.

MS. KERNS: Dan, you have one more hand, Ritchie White.

MR. G. RITCHIE WHITE: Yes, just a follow up on David's point. I know law enforcement in New Hampshire, it's not uncommon to make cases of v-notch in possession, so I think reaching out to the Law Enforcement Committee and getting a sense of what the number of actions or how common actions are for the different LMAs could also be helpful.

It obviously will tell you how many lobsters are being v-notched, but it is going to tell you that lobsters are being v-notched, and they are being encountered illegally with the possession. I would just try to get that stated, and see if that can help at all. Thanks.

CHAIR MCKIERNAN: Is there anyone else?

MS. KERNS: Dan, we do have Delayne Brown. I don't know if he wants to speak to that from the Law Enforcement Committee. He is on the call today. I don't

know if you wanted to have him address any of those issues or not. I know that all states do not have a searchable record of cases. Some do, some don't.

CHAIR McKIERNAN: Toni, I've been listening to the discussion very carefully, and I think what David is describing is compliance with the rule to actually notch the flipper. That is different than compliance with the rule about a newly caught, a lobster with an old notch, whether it be from the day prior, sharp, no setal hairs, to something that may have molted once or twice with still a remnant that might fall under the protection of a zero-tolerance rule.

I don't know if the Law Enforcement representative could tease that out. I would like to hear from the Law Enforcement representative about whether or not cases can be made about noncompliance with the rule that says one must v-notch an egger. I think that would be more consistent with what David's asking.

MS. KERNS: Well, Delayne, I unmuted you if you wanted to speak to that or not.

MR. DELAYNE BROWN: Yes, so possession of v-notch, we do make cases of that. Possession of mutilated, we also make cases on that. But to actually observe a violation on a boat when the lobster is in hand and not v-notched. I don't know if one would do that. Does that answer your question?

CHAIR McKIERNAN: Yes, thanks for that. I just want to be clear, in terms of what the questions are that compliance levels with possession of previously notched lobsters are different than compliance with a mandate of v-notching. I don't know if the Technical Committee could look at the available incidents of v-notched lobsters, assess encounter rate, and come up with some kind of a conclusion.

I'm not sure how reliable that would be, but I think that is essentially the question that David

is asking. Is there any way to reveal the compliance rate with the mandate to v-notch? I'll just say as Board Chair, and as someone who has been on the Board for a couple of decades. There is no question that the v-notch conservation program over the last 20 years has increased the number of protected females.

I think the Technical Committee has certainly concluded that whatever compliance rate we have, even if it's less than 100 percent, there has been a lot of enhanced protection. There are egg-bearing females in the population that there otherwise wouldn't be living had there not been a v-notch rule. But to David's point, I don't know if we can tease that out. But Caitlin, maybe we can ask the TC in a question after the meeting to give us a response on that between now and the next meeting. Are there any other folks who want to ask questions of Caitlin or Kathleen?

MS. KERNS: Kathleen has her hand up.

CHAIR McKIERNAN: Great, go ahead, Kathleen.

MS. REARDON: I just wanted to go back to the large lobster question that David asked. This is actually discussed in the TC materials relatively extensively. This was something we talked about a lot, the uncertainties, and we tried to lay that out in the document in both the impacts, kind of I think it's considered an appendix to our memo.

Please, review that in looking for that information. I'm not sure we would be able to provide that much more than what is already in the document, the v-notching question of percent of v-notched eggers is something that we can probably come up with, but yes, I think this is an enforcement issue, and that is something that we pointed out in the memo.

CHAIR McKIERNAN: All right, thank you very much. Is there anyone else? No hands, Toni?

MS. KERNS: That's it, no more hands.

CHAIR McKIERNAN: All right, thank you. As I mentioned earlier, bear with me, and Caitlin if you could put up that new language that the PDT suggested that the Board consider as the new objective for this Addendum. I think

we owe it to the PDT to give them this kind of guidance. Clearly the Board voted in 2017 to move forward with an Addendum.

We were quite clear looking for uniform measures among the LCMAs, lobster conservation management areas, the most recent version we changed course and we wanted to focus more on a trigger mechanism, less so on the uniform measures.

Although the TC clearly stated that assessments will become much easier if there were more uniform measures across LCMAs within the stock unit. But I think we owe it to the PDT to give a clearer message, and I would just like to get some discussion about this, and whether the Board would embrace this as the new objective of the Addendum. Can I get some hands to weigh in on this at this time?

MS. KERNS: Pat Keliher.

MR. PATRICK C. KELIHER: Mr. Chairman, I wouldn't have any objections to this. I know the TC and the PDT did struggle with this a little bit when they talked about resiliency. This seems to help give some additional clarity moving forward. I would be okay with the change.

CHAIR MCKIERNAN: Thanks, Pat. I appreciate your feedback on that, since you were the maker of the previous motion. Maybe you made both previous motions going back to 2017 as well. Would you be willing to make this motion?

MS. STARKS: I don't know if we need a motion, Mr. Chair, as long as there is no objection from the Board.

CHAIR MCKIERNAN: All right. I appreciate that. Is there any objection from the Board to this language?

MS. KERNS: I don't see any hands up.

PROVIDE FEEDBACK TO PDT ON PROPOSED OPTIONS

CHAIR MCKIERNAN: Well, that's awesome. Well, thank you, Pat. I think the PDT will be appreciative of that moving forward. Now we can go into the three issues that have been laid out before us. That would be standardizing measures upon approval of the addendum, establishing triggers in these management responses.

Then whether to create some language about Area 3 permit holders and making these rules different, and also issuing different stock tag types for the Area 3 fishermen fishing east and west. Why don't we bring up the issue of what should be standardized? Caitlin, do the five questions that you present get us to sufficient clarity on the three issues that you would like the Board to resolve?

MS. STARKS: I believe so. The questions on this slide here are related to that first issue. I think if we could handle them one at a time that might be easier.

CHAIR MCKIERNAN: Sure, okay. First issue; is the Board interested in including Sub-option 2B for public comment. The PDT has some concerns about estimating impacts on SSB given available data, and the issue of enforceability of v-notching. It's my understanding that Issue 2B is a proposal where upon approval all the LMs within the Gulf of Maine/Georges Bank stock would be required to notch all egg bearing females that come over the rail.

MS. KERNS: I have David Borden.

CHAIR MCKIERNAN: David Borden, go ahead.

MR. BORDEN: Actually, I'm going to pass at this point, Mr. Chairman.

CHAIR MCKIERNAN: Okay, so just to be clear. What we're doing in this conversation is we are deciding whether to leave some of these options on the cutting room floor and moving forward with a draft addendum that could be finalized by the PDT over the next three or four months, with this possibly not included or included. Are there any Board members who would like to speak to whether to include 2B?

MS. KERNS: I have three names, Dan. I have Steve Train,

Ritchie White, and Cheri Patterson. I'm going to open up Steve Train's microphone, and his microphone goes live, just as an FYI when I open it up.

CHAIR MCKIERNAN: Okay, Steve Train.

MR. STEPHEN TRAIN: Thank you, Mr. Chair. Good to hear from you, Dan. I'm in favor of this, but it's easy for me to say that, I already have it. You said earlier, you know regardless of the percentage of compliance we have it's still working. I mean it's not that I want to force it on any other zone, but I just don't see how anybody couldn't see the benefit of this with all the science we have behind it, so I'm in favor of including it.

CHAIR MCKIERNAN: Thank you, Steve. Ritchie White.

MR. WHITE: I'm in favor of keeping this as well. Regardless of the percentage, we know that there is a certain amount that is being accomplished, and that is a positive. I think it is unfair for a zone to catch lobsters that have been v-notched in another zone, so I think leaving 2B in is an important factor.

CHAIR MCKIERNAN: Ritchie, just to clarify. Lobsters that are notched in one zone and caught in another. If the standard of possession is similar, I'm not sure that this rule would affect that. But I hear you clearly that you would like to see this remain in the proposed document. All right, Cheri Patterson.

MS. CHERI PATTERSON: Thank you, Mr. Chair. I agree with both Steve and Ritchie. I think that this could be in addition to resiliency there is some information that indicates that it does work. It would also add to equality amongst all the LCMAs. Thanks.

MS. KERNS: Dan, you also now have David Borden's hand up.

CHAIR MCKIERNAN: David Borden.

MR. BORDEN: I can support leaving this in, because what we're talking about is the requirement to mandate and not how we judge v-notch lobsters. For a public hearing document, I think this is fine to have this option out.

CHAIR MCKIERNAN: All right, anyone else? It sounds like we'll be including this in the document, unless we get a groundswell of position. But is there anyone else who would like to speak on it at this time?

MS. KERNS: I just want to make sure Ritchie's hand is up just from before and not a new hand. I think it's from before.

CHAIR MCKIERNAN: All right, no other hands, let's go to Caitlin's second burning issue, second question. Is the Board interested in considering an option to standardize the v-notch definition to 1/8 inch across all areas of the stock, or standardizing minimum depth of the v-notch and shape when it is cut? I think those are two separate issues.

Caitlin, I don't know if it would be possible for you to actually create this as a 2A or 2B, because I would like to address this separately. The first has to do with the v-notch possession definition, that is the recapture of a female lobster that appears to have a notch that may have molted over, and the depth of which this must be for it to be protected.

I guess the question that I would pose is, I'll put it out there. I'm assuming this would allow jurisdictions that have a zero-tolerance standard now to maintain that, because I know some jurisdictions are quite satisfied with the zero-tolerance language. Caitlin and Toni, can we assume that if a more standard definition was created that states with zero tolerance would be able to keep that?

MS. STARKS: I think it's up to the Board to define whether or not states can be more conservative than what is implemented. You know previously with this Addendum there was discussion about standardization. I think we've moved a little bit away from that. I would tend to say yes, it makes sense to say that a state could be more conservative on this particular measure of the v-notching definition. But I do think it's up to the Board.

CHAIR McKIERNAN: Yes, thank you, Caitlin, and as someone who has been around awhile, I'll just observe that the state of Maine has a prohibition on the landing of lobsters by dragger, even though the interstate plan and the federal plan allow 100 count per day. Maine has maintained that more strict rule, and I believe that rule has been held up in court.

I'm confident that legally a more restrictive rule would be able to be applied, and I'm not sure the Commission could prevent that. I just want that to be clear that this particular amendment wouldn't necessarily mandate a state that has zero tolerance to amend that. Let's take it out to the Board. Is there interest in creating a 1/8 inch across all areas within the stock, with the potential to maintain a zero-tolerance standard if a state chose to do that?

MS. KERNS: Pat Keliher from the Board, and I think Caitlin has something she wants to add.

MS. STARKS: Yes, if I could, Mr. Chair, I just wanted to put up the current measures so folks can see what the definitions are. As you can see here, we just talked about Area 1, zero tolerance requirements for v-notching possession, and really if there is a desire to let that stay, then zero tolerance for Area 1.

Then the only issue of inconsistency I believe is this Outer Cape Cod 1/4 inch versus 1/8 inch. I think that would also be resolved. Yes, that is something that would be resolved in Issue 2A, so it's maybe doesn't make sense to include this as a separate issue if that's already resolved, if the desire is to let Maine be more restrictive than 1/8 of an inch.

CHAIR McKIERNAN: If I could take my Board Chair hat off for a second. The Massachusetts may want to go with the 1/8 inch for more standard measure within the state, and allow the states of New Hampshire and Maine to continue with a zero-tolerance standard. I'm not sure it's a moot point if the southernmost jurisdiction in Area 1 would like to see the more

uniform measure. But I'll let the Board members weigh in. Any hands, Toni?

MS. KERNS: You had Pat Keliher and David Borden.

CHAIR McKIERNAN: Okay great, go ahead, Pat.

MR. KELIHER: I would, and I understand where Caitlin was going. But I would have no qualms of leaving it in. I mean Maine has zero tolerance; it's worked very well here. I can tell you whether you have zero tolerance, so a 16th or an 8th or whatever the measurement is. There is always going to be some interpretation of whether it is legal or not. We've dealt with this; I've dealt with it for over a decade now. Zero tolerance has worked for us, and we very likely, unless there was a major change within the industry, very much likely keep that in place. As long as it goes into the document with the understanding that jurisdictions can be more conservative, I'm fine with leaving it in.

CHAIR McKIERNAN: Thanks, Pat, that's helpful. David Borden. David, are you there?

MR. BORDEN: Excuse me. I'm on, Dan. I get a little bit confused discussing this, because we're using two or three different documents here. To me it would be a lot easier to deal with this if we just dealt with the document that the PDT circulated with the specific language in it. In other words, the language that has been put up on some issues is slightly different than the language in the document that got circulated, so it just adds to the confusion. What we're talking about on this item is Sub-option 2A, if I understand it. Is that correct, Caitlin?

MS. STARKS: Yes. Currently, I'm going to pull up the options as written that you are suggesting, David. We are talking about 2B, which is standardizing the v-notch requirement. The Board, I just heard, is in favor of leaving this in. Previously this option had an additional statement about standardizing the v-notch definition to 1/8 of an inch.

The PDT was not sure if that was something the Board was interested in, and so we're asking today if the Board would like that standardization of the v-notch definition to be considered as well across areas in the stock. Sub-option 2A is specific to inconsistencies within LCMAs.

Sub-option 2B is getting at across LCMAs.

MR. BORDEN: See that's where I'm getting confused. I thought we just dealt with Area 2B.

MS. STARKS: We did.

MR. BORDEN: Didn't the last discussion deal with 2B?

MS. STARKS: Yes, this part of 2B, what has been proposed by the PDT is what the Board just dealt with. I heard that the Board is in favor of this staying in the document. What we're looking at now is potentially another option that would be to standardize the v-notch definition across LCMAs to 1/8th of an inch.

MR. BORDEN: That is the last portion of the last sentence in Option 2A, is that correct?

MS. STARKS: Yes. Option 2A is specific to inconsistencies within LCMAs. That will address the inconsistency.

MR. BORDEN: We're talking about a portion of another option, so I'm fine with that, Mr. Chairman, in terms of standardizing. I think that to the extent that any standardization takes place, it should apply to a number of different areas. We may want to consider areas from the Mid-Atlantic on some of these provisions.

Just so that we don't have to deal with this repeatedly, I think jurisdictions should have the right to be more restrictive. Maine has chosen, and New Hampshire have chosen to be more restrictive, in terms of their implementation plan, and they should have that right going forward, so that we don't have to repeat that during each one of these discussions.

CHAIR McKIERNAN: Thank you for pointing that out, David. Caitlin, I just so it doesn't fall through the cracks, just so everyone is clear. The way I see this, then Massachusetts would be able to have a statewide 1/8-inch v-notch standard, because it would be able to adopt a

1/8-inch standard for its Area 1 fishermen.

I heard Pat not object to that, because the other northern states would be able to keep the zero tolerance at their discretion. But the way that the question was posed if we went forward with this, then there would be an opportunity to move from zero tolerance to 1/8 for Area 1 fishermen in Massachusetts.

MS. KERNS: Dan, can I just, it seems like there is a little confusion that comes here, and I just want to point out to everyone that the v-notch definition is standard across all the LCMAs except for Outer Cape Cod and Area 1, and Area 1 as you just said, we discussed the states can be more conservative. That is what, if you were to have a standard definition across all areas, then Area 1 would just be considered more conservative. But the only place we don't have that standard is Outer Cape Cod. The Mid-Atlantic states are already at this.

MS. STARKS: Dan, I do think I hear the question that you're asking, which is within Area 1 could Massachusetts allow their fishermen to use a 1/8 definition rather than zero tolerance. Is that what you're asking?

CHAIR McKIERNAN: Yes.

MS. STARKS: Okay, so I think if that is the desire of the Board is to standardize it to 1/8 of an inch across all areas, and just say that Maine can implement a zero-tolerance rule for their Area 1 fishermen. I think that is a different question than standardizing it to 1/8 except for Area 1, which would remain zero tolerance.

If you want to get some clarity from the Board on that. One comment on that is that I do think in general this Addendum is trying to improve stock health, and so I'm not sure if moving from a more conservative measure to a less conservative measure is consistent with that. I think that is one thing to consider.

CHAIR McKIERNAN: Thank you, Caitlin. Anyone else on the Board want to weigh in on this one?

MS. KERNS: I have Cheri Patterson and Sarah Peake.

CHAIR McKIERNAN: Cheri.

MS. PATTERSON: I agree with Pat. I think Maine and New Hampshire should be able to maintain the zero tolerance, so I would like to see that written in, to assure that more conservative measures are allowable. I really am struggling with if these numbers are what we're kind of basing some of our thoughts on maintaining some resiliency, how is this changing from zero tolerance to 1/8 in Area 1 be effective? Because Area 1 goes all the way down through Massachusetts state waters, so I guess I'm struggling with having Area 1 indicate 1/8 inch with or without setal hairs, and then Maine and New Hampshire maintaining that zero tolerance. What would be the benefit of resiliency to that possibility?

CHAIR MCKIERNAN: That sounds like a rhetorical question, so I would still go back to you, Cheri. Are you opposed to including an option, or instructing the PDT to craft a rule where we would have 1/8 inch in all of Area 1, but the allowance to allow those two jurisdictions to maintain, well three jurisdictions, if that is how the Massachusetts fishermen feel as well, to go with zero tolerance?

MS. PATTERSON: Well, I'm for putting it in the public document.

CHAIR MCKIERNAN: All right, that's helpful. Sarah.

REPRESENTATIVE SARAH PEAKE: Thanks, Dan. I think if we're going to put this in the public document just for the sake of clarity, because I like some of my colleagues here on the Board are confused by this conversation, so I can imagine how the public will be confused if we don't carefully lay out what we mean, to carve out for Maine and New Hampshire, what Massachusetts wants to do in Area 1 in state waters.

I think it's important to be clear on this. But all of this sort of begs the question about why are we leaving Sub-option 2B in the document for

public comment, because I think as I'm reading it anyway, what 2B proports to do is standardizing the measures across all LCMAs, which in general the Board is moving away from, and even within this conversation we're moving away from that, because Maine has a program that works well for them.

I know in my conversations with you and others at DMF and the Law Enforcement, zero tolerance has some enforcement issues, and what the practical matter of that is. But if it's going to be in there, let's put in all of these details about where the carve outs are going to be from the 1/8 inch with or without setal hairs.

CHAIR MCKIERNAN: Okay, thank you, Sarah.

MS. KERNS: You have David Borden and then Steve Train.

CHAIR MCKIERNAN: Okay, David followed by Steve. David.

MR. BORDEN: Yes, I'll just follow up on what Sarah said and reiterate what I said before, which is I think jurisdictions should have the right to be more restrictive. Two jurisdictions are doing that now, and they should have that right in the future. Then as far as the rest of the areas, we should have a standard definition for one reason and one reason only, one major reason, I should say is for to promote compliance. Enforcement officers should be able to go into a facility and look at a lobster tank, and pick a lobster out, and know what the definition is.

Not get involved in these discussions, oh I caught it south of the Cape, I caught it in state waters, and some of the other jurisdictions. We just complicate greatly the enforcement of these provisions by having disparate definitions, so we have to have a standard definition for the right of states to be more restrictive.

CHAIR MCKIERNAN: David, are you suggesting that the language in the document proposed this new standard, but have an asterisk that any state jurisdiction within LCMA 1 would be allowed to maintain the existing more conservative standard, as opposed to carving out naming states?

MR. BORDEN: Yes, I don't think it's necessary to do a so-called carve out or jurisdiction. States should have the right to be more conservative. That's all, thank you.

CHAIR McKIERNAN: Okay, Steve Train.

MR. TRAIN: Actually, David said what I wanted to say, so I can step back. I see it as an enforcement issue, and I think it makes things easier for Massachusetts.

CHAIR McKIERNAN: Okay, thank you.

MS. KERNS: You have one more hand, Alli Murphy.

CHAIR McKIERNAN: Okay, Alli.

MS. ALLISON MURPHY: I'll start out by saying I see no problem with adding this to the document. It's a reasonable option, and I think should generate some good public comment. I'll just note, you know with different jurisdiction potentially considering different definitions here that could make it challenging for us to try to complement the different states, so it's something that we'll be looking at and probably commenting on when it comes time. Thank you.

CHAIR McKIERNAN: You're welcome, Alli, thank you. Toni, anyone else?

MS. KERNS: That's all your hands.

CHAIR McKIERNAN: Okay, Caitlin let's go back to the questions and see if we can create some more clarity. Under 2 there is that second question, it has to do with standardizing the minimum depth of v-notching the shape when it is cut. I brought this up on a PDT call, because I think the jurisdictions just by chance. You know I don't think there was any intention to have a different standard.

I know in my state the definition of a v-notched lobster or the mandate for v-notching does prescribe a minimum notch size, I think it's 1/4,

not to exceed 1/2 inch, so it's in that range. That is just one of the differences between states. I don't think that this is necessarily going to add to a lot of resilience, but it might be worthwhile having the states will get their v-notching requirements, that is for the active notching. I don't know if this requires a lot of debate. Maybe the PDT could examine that and come back with a recommendation as to whether or not this is necessary. Anyone on the Board object to simply asking the PDT to examine the state-by-state rules as to whether or not it would be appropriate to establish a minimum depth of notch in the act of notching. No objections to that?

MS. KERNS: I don't have any hands raised at this time.

CHAIR McKIERNAN: All right, I'm going to use my discretion to move on then, thank you for that. Okay Number 3, does the Board prefer to address the options under Issue 1 separately, no trigger, or part of the measures that would be implemented upon reaching the defined triggers? I think this is one of the trickiest parts of the impacts of this Addendum is that the longer we wait the more likely we're actually going to have to pull the trigger on something.

Because the purpose of the modified Addendum language was to get out ahead of stock declines, and stock declines appear to be occurring on our watch. These are really important questions. The PDT has recommended that some of these actions, such as the minimum size increase and even the more uniform v-notch standards at a minimum within the Outer Cape Cod state/federal jurisdictions be implemented without reaching that trigger.

Alternatively, we could adopt the 17 percent as a trigger, and if so the smart money among the TC members is that it is probably going to result in having to implement those triggerable actions right away. The fork test, the talk among some of the TC members is by the time next summer comes around, and we have another year under our belts of the ventless trap surveys, and the state trawl surveys and federal trawl survey, that we might be passing that 17 percent or reaching it.

This is an important issue for the Board to discuss now, whether they've seen enough, in terms of Kathleen's presentations on the decline of the indices, especially

those that were well forecasted, given the reduced young of the year numbers. Can we get some discussion on whether we want to move forward with this as a Board, or do we just want to take it out to the public and have the public weigh in on undoing these as triggerable? Then we're going to have to get into what is the trigger. Let's have some open discussion about that.

MS. KERNS: I'm waiting for hands. I have Pat Keliher and then Ray Kane.

CHAIR McKIERNAN: Great. Go ahead, Pat.

MR. KELIHER: Mr. Chairman, mine is one more process. I think it goes to what Dave Borden brought up earlier. I'm having a little bit of trouble following around by using just this main slide. I think it would be very beneficial to put up the options from the document that was in the supplemental material, and work through that. At least that is how my brain is thinking about it.

CHAIR McKIERNAN: I appreciate that. Caitlin, can you accommodate that? I think we want to be in the Board guidance on Page 5, right?

MS. STARKS: Sure, I wasn't sure if Pat was looking for the options themselves or the question. But just to clarify, this question is asking whether all of these options for standardizing measures at final approval of the addendum. We're wondering if the Board would like these to remain as a separate issue, which is how it's currently proposed, or whether the Board prefers they be added to the options that would be implemented upon reaching a certain trigger. Those sub-options could be added to any of these options under Issue 2.

MS. KERNS: Dan, I think before I said you had Pat and Ray Kane and to this list, I'll add David Borden.

CHAIR McKIERNAN: Okay, so could you go back to the slide, or the previous page where we see the trap tag programs? Yes, I think under Sub- option 2C, Caitlin, we should probably just park that for a bit, because all these others have to do with biological measures and enforcement. This 2C is more of an administrative one. This might be, if the question is whether we do it right away or we do it eventually. I think the state administrators are still struggling with this, and may want to park that for now. But let me get Ray Kane's comments on these options.

MR. RAYMOND W. KANE: Yes, thank you, Mr. Chairman. It's more to the point, what does this Board want to do? I mean this was brought forth back in what, 2017, and we're four years into it? Are we going to be reactive or proactive in this management plan? That is my question.

CHAIR McKIERNAN: I think that question is what we're asking you as a Board member to comment on. Are we willing to make these actions upon approval of the Addendum, or do we want a trigger, and what should that trigger be? I know there are a lot of questions here. But Ray, do you have any recommendation?

MR. KANE: Well, I've heard already this morning that we're going to read some 17 percent all by this summer, so I think if we're talking about triggers it's going to have to be more than 17 percent. The other option I saw was what, 34 percent, 32 percent? Those are my feelings, but it's time the Board was proactive as opposed to reacting to public comment on this. I mean if we're trying to save a species or incorporate an FMP so we have a harvestable species, years down the road. I think it's time for the Board to take action on a trigger.

CHAIR McKIERNAN: Do I have David Borden next, Toni?

MS. KERNS: You forgot about Pat in there, and then David.

CHAIR McKIERNAN: Oh, Pat Keliher, sure. Go ahead, Pat.

MR. KELIHER: Just going back in time here to one of the prior meetings where we did task the PDT to develop triggers, and during that tasking I was clear, at least in my statement, and I think that's where the Board was going at the time, that we were going to be developing triggers

for the future, not for something that would be triggered now.

Whether that is proactive or reactive, I mean we would certainly, depending on which triggers were chosen after we take this document out to public hearing. We could be much more proactive, because it's likely to be triggered before the document is even finalized. I am supportive of moving forward with triggers. I am concerned about the lower end trigger, and would want to see some potential modification or new option, and I can come back to that later, if somebody else doesn't discuss it. Then within these options there is also around the minimum size, I believe the PDT asked for some guidance on where that minimum size should lie as it's being increased. I would recommend for 1A that it not go above 3-3/8, so it is consistent with the other areas.

CHAIR McKIERNAN: Okay, thanks, Pat. David Borden.

MR. BORDEN: There is a lot on the table here, but on the material that's on the board in front of us. That option, Option 2 as it's stated, says whatever those items are, and I'm not arguing for any of those items specifically. I'm just saying whatever is listed under Option 2 would get implemented when the Addendum is approved.

The PDT clearly recommended standardizing some measures for implementation upon approval was one of the keys that we should deal with. I think that should stay the way it is, and then we should have a separate discussion on the trigger options, which are futuristic in nature. That would be my guidance, this separate discussion. What management changes do we want to implement immediately upon implementation, and what would be triggered in the future? Then discuss them separately, because it gets very confusing when we try to comingle those two.

CHAIR McKIERNAN: At this point, David, Sub-

option 2A, 2B, and the unnamed one, standardized v-notch. You're comfortable leaving all those in the document for immediate implementation, once the Addendum is approved, well within whatever the timeframe the jurisdictions can implement those changes, leaving it in the document as stated?

MR. BORDEN: We haven't discussed some of those, Mr. Chairman. I'm comfortable with some of those, but like 2C we haven't discussed.

CHAIR McKIERNAN: Understood, but the first three bullets we have discussed those, and are you comfortable with leaving those in the document as upon final approval? It sounds like you are, at least for public comment.

MR. BORDEN: Well, once again, Mr. Chairman, we haven't really discussed standardizing measures within each area, well, I guess we have, excuse me I'll withdraw that comment. I guess we've discussed three of these, and we have not discussed 2C.

CHAIR McKIERNAN: Okay, do we have any objection to leaving these three bullets in, the top three bullets that is called 2A, 2B, and the unnamed one, in the document. Recommending to the PDT that those go into the document. Okay that's good. Sub-option 2C, can I hear from the Administrative Commissioners, Cheri or Pat Keliher?

As the Director at Mass DMF, I think this needs a little bit more work among my colleagues, Cheri and Pat, because of all the administrative changes this would encounter. Can we get some conversation, Pat or Cheri about whether or not this is ready for primetime?

MS. KERNS: You have Cheri and then Pat.

CHAIR McKIERNAN: Thank you, Cheri.

MS. PATTERSON: I think this needs to get refined a little bit more, especially when we are talking about maybe changing trigger percentages, or if we're going to be talking about that, and how that would play into adding these standardized measures that could be notably increasing resiliency pretty quickly, if the trigger percentages are going to be adjusted in any way.

CHAIR McKIERNAN: Pat.

MR. KELIHER: I think, you know 3C is kind of leaning the direction that Maine is currently administrating our trap tag program now. Maybe what I would recommend is that the three or four northern states, if Rhode Island wants to get involved as well, that we put a little work group together, kind of talk through, explain how we do it, so you would understand the administrative burdens that come along with the approach that we take.

It works, but again there are some administrative components to it I think that folks would need to have an understanding of. Maybe if we park Sub-option 2C until we have a conversation amongst jurisdictions, to check whether people like the idea of a more administratively burdensome approach.

CHAIR McKIERNAN: Okay.

MS. STARKS: If I could follow up, Mr. Chair.

CHAIR McKIERNAN: Yes, go ahead, Caitlin.

MS. STARKS: Based on these comments, I think my thinking is that it would make sense to leave this option in, where it is currently, and between now and the next time the Board meets, have the PDT have a discussion on that, maybe get those states to provide some explanation of the administrative process. We could include that information in the document, so that it can be discussed in the next Board meeting. Then if the Board wishes to keep it in for public comment they can, and if they don't it can be pulled out at that next meeting. Does that make sense?

CHAIR McKIERNAN: It does to me, any objections?

MR. KELIHER: No objections, I think it's a really good idea.

CHAIR McKIERNAN: All right, thank you, so just

to repeat. It's going to be transmitted to the PDT that it's still a potential option, but the working group that Pat described will be convened in advance of that, and the PDT will receive a document from the working group as to the wisdom of that moving forward.

MS. KERNS: You have David Borden with his hand up.

CHAIR McKIERNAN: Go ahead, David Borden.

MR. BORDEN: I support that action. I think we may want to reserve some flexibility, depending upon what the conclusions are that come out of it, to extend it to other areas, other than the Gulf of Maine and Georges Bank. In other words, if there is a logic in changing the trap tag issuance process in numbers and percent, maybe that should also apply to Southern New England and the Mid states.

I would hope you would maintain that flexibility. Then the second point is a quick point, which I think it's critical on this issue. If you want effective enforcement of these regulations, we have to have a number of enforcement personnel involved in this whole issue. I'll just point this out that one of the ways people use to circumvent the trap tag requirement is the timing does not align particularly well with the fishery.

If these tags are issued so their new tags are viable on June 1st. Up until that date you put all your traps that have last year's tags in the water. Then when you get your new allocation of trap tags, you simply put more traps in the water with a new tag. In other words, some fishermen are not retagging traps.

If circumventing the requirement solely, almost entirely based on the date that we issue the tag. If we want compliance, I think we have to integrate the enforcement discussion into this as part of the recommendation, and specifically look at things like the timing in the area.

CHAIR McKIERNAN: Caitlin, I think based on David's comments, it would make sense to invite other jurisdictions, even beyond the area of Georges Bank and Gulf of Maine to maybe participate in that discussion, because there may be some issues to consider, or lessons learned among the jurisdictions. Thanks for that, David.

Okay, moving on.

I think at this point we should probably be talking about the triggers and the actions that would result from those triggers. I don't think there is any debate about the nature of the trigger itself. I think we're all confident in the TCs guidance about what that trigger will entail. But then the question becomes, how much do we want to change the biological measures and in response to what? Pat, you spoke earlier about wanting to act after a certain trigger is struck.

You know you made that motion in February. That guidance is still in play. The PDT appears to be asking if we would consider having an instantly pulled trigger or something that is not in the future? What is your feeling about that as the former maker of the motion, and I would welcome other Board members to weigh in, if I could put you on the spot on that, Pat? I apologize in advance, but I'm trying to get us from your motion back in February to where we are today with the PDTs guidance or question.

MR. KELIHER: I'm going to have to apologize, Mr. Chairman. I just ran down the hall to fill up my water glass, and was trying to listen as I was doing it.

CHAIR MCKIERNAN: In essence, Pat. Your motion, which is still in play, the PDT is struggling with, because your recommendation, or the Board's. The Board of course voted this up, so it is the Board's motion that was approved, didn't really call for any change to the resiliency necessarily until a certain trigger was going to be met. I think we're all looking at these major changes to the minimum size and possible maximum size, as big resiliency contributions, or certainly to the spawning stock biomass. Can we get some discussion? I'm not going to put you on the spot to lead it, but I have a feeling you may be one of the first to weigh in, about whether or not we would like the document to go forward, to only have the triggerable actions, to have some actions.

Obviously, we have some proposals here, but some actions would occur right away. But on the bigger issues such as gauge increase sizes, if that's what's going to be adopted. What is the trigger and how far do we want to go? What's on the board right now is Issue Number 4. Is the Board willing to consider options that increase the minimum size to 3-3/8 or 3-15/32? I guess that's a fundamental question, so I would put that to the Board, because the PDT has asked, or do you want to put both in the document as options? Anyone.

MS. KERNS: I have Pat Keliher.

CHAIR MCKIERNAN: Great, thanks, Pat.

MR. KELIHER: Number 4, is the Board willing to consider options that increase the minimum size. Are you suggesting that that would be automatic the way it would be going into the document? I still see that as related to the triggers. Where it's a trigger then it would increase.

CHAIR MCKIERNAN: It is. Do we want to peel back the larger gauge increase, or drop it from the document? That is one question. The second one is, do we want to go right away or do we want it to be triggerable? There are all kind of options here.

MS. STARKS: Dan, if I could interrupt. I think I have some clarification that could help.

CHAIR MCKIERNAN: Please do.

MS. STARKS: The PDT is not proposing necessarily, there are three options here for Issue 2 with the trigger mechanism. The first is two triggers, which would make changes to minimum and maximum gauge sizes. The second is one trigger, which would make changes incrementally to the minimum gauge size in Area 1, and then maximum gauge sizes in Area 3 and Outer Cape Cod, and then the third option is an option that would do things more immediately on a schedule. Starting in 2023, the minimum size would change in Area 1, and then it would change again in 2025. That was an alternative that the PDT put forward, given the Technical Committee's advice that more immediate action could be more effective. The question I had on the screen is related to what minimum sizes in Area 1 the Board is willing to

consider. As you can see on this slide, there is some bold text where we're not sure what minimum size to put in, as the option for public comment, because we're not clear on what the Board is looking for.

CHAIR McKIERNAN: Right, thanks, Caitlin. That is a good set of clarifying points. I guess my question to the Board is, is there interest in any of these alternative biological measures that is going to be instant, or are we still going to make it based on a trigger? That is most likely imminent, as Pat mentioned in his earlier comments. Go ahead, Pat.

MR. KELIHER: I think to Caitlin's question. Really for me it revolves around the minimum. If a trigger is pulled, at whatever level we could talk about later, the minimum gauge size would increase, and it would increase to what? I would suggest that the document shows it would increase to 3-3/8, not 3-5/32. I would remove the 3-15/32 from the document.

CHAIR McKIERNAN: Okay Pat, let's stop there. Is there any objection to Pat's recommendation?

MS. KERNS: I don't see any hands.

CHAIR McKIERNAN: Great, okay hearing none, thank you, Pat. Then the two issues that stayed before us are, do we want to consider any actions such as Option 3, with no trigger and only affecting Area 1? Do we want to consider that, and do we want to put that into the document? Let's take comments on that, because then I'll go to the triggers of Option 1. Is there support to go to these more or less, not instantaneous, but phased in minimum size increases for Area 1 beginning in 2023, that are not trigger based?

MS. KERNS: We have David Borden.

CHAIR McKIERNAN: Go ahead, David.

MR. BORDEN: Given the Technical Committee

advice on this and the PDT advice on this, they basically pointed out to the Board that, I mean we're growth overfishing, particularly the resource in Area 1. You've got these declining indices. If you want to do something to enhance the biological resilience of this stock, according to our new definition of objective.

The most appropriate way to do that is to raise size. I think there is a logical sequence of events to put in the document. One would be status quo, the second one would be a series of gauge increases, that would get triggered based upon implementation. Then the third option would be triggers that would be put off until the stock declines. That to me would be a logical sequence of options for the public to comment on.

I think we all know before going to the public hearings that the industry is going to be really sensitive about triggering minimum size limits, but that doesn't mean you don't want to ask them what they think and how to develop a good record on that for whatever one of those options you decide to implement finally.

I would support keeping an option in there for gauge increases upon implementation, as an option for public hearing purposes, to generate discussion on it, and also to frame the discussion on the trigger. Then if they don't like that then they can say, well I prefer a trigger which is not as conservative, but it's something we're going to do in the future. I think it's a good range of options.

CHAIR McKIERNAN: Is there anyone else who would like to speak, because it sounds like we have a path forward to keep these options? One based on the trigger of the new index, and the other cannot be triggered by the index, but to do it right away, without looking at the percent declines in the index. If there is no objection to those, we'll keep those, any comments?

MS. KERNS: Pat Keliher.

CHAIR McKIERNAN: Go ahead, Pat.

MR. KELIHER: I think this is a question to David, if you'll so indulge me. It sounds like David was talking about potential for this to go out to public comment as is, but if I was hearing him right, it sounded like maybe there

needs to be something in the middle here from an option perspective.

CHAIR McKIERNAN: It sounded to me like in the range of options, David, it sounded to me like you were leaving the door open for, let's say a Board member to make a recommendation of a different percent decline in the trigger. Is that my interpretation, to Pat's question?

MR. BORDEN: To Pat's question, Mr. Chairman, if I might. I'm suggesting just having a standalone option that basically would raise the minimum size at implementation sequentially, not talking about major changes. That I would point out is another discussion we need to have. Then you would have an alternative, which is the trigger.

The industry would have three choices, as I said before. Do nothing, minimum size changes, or minimum size changes potentially in the future if a stock declines. I think that's a good range, and given the fact that the TC analysis basically indicates that at least in the Area 1A, you can increase SSB by 38 percent.

Kathleen, correct me if I'm wrong. That is a huge increase in spawning stock biomass by triggering. Then the issue for the industry becomes, do you want to go there, yes or no, and how do you want to get there, which one of these options do you prefer? I think it's a good range of options to frame the discussion.

CHAIR McKIERNAN: Okay, David, I think that's helpful. Pat, are you comfortable with that?

MR. KELIHER: I am. Although while I'm concerned about moving forward with a document with a 17 percent trigger in it, because I think it will trigger almost immediately. I think the idea of an option that has a slightly higher percentage for a trigger may be appropriate to include in the document, so we have a broader range of options for industry to consider.

CHAIR McKIERNAN: Okay, well that advice could be captured, Caitlin, to the PDT, because the 17 percent trigger is essentially, it's almost an instantaneous action if the TCs forecast is correct. I think what Commissioner Keliher is asking for is the potential to have a trigger that might be higher than

17 that the industry could consider. Is that accurate, Pat?

MR. KELIHER: Yes, it is, Mr. Chair.

MS. STARKS: I just want to maybe ask a more pointed question. To get to Pat's suggestion. Would it make sense, is what you're asking to essentially take something like Option 2, and change that 17 percent to 32 percent? Is that what you're looking for, Pat?

MR. KELIHER: No, I think what I was thinking of is potentially even a new option, or you know an Option 1A, and instead of increasing the trigger or set as a trigger going off at 22, maybe it would be 20. I mean this is an industry target, right, so I'm not sure it's really based in good science, it's just where we start.

MS. STARKS: Okay, I think I understand, thank you.

CHAIR McKIERNAN: Well, Pat, that makes a lot of sense to me, because the instantaneous and 17 percent options are probably very close to one another. I think you're adding another option the industry could consider, so thank you. I think the other sort of unanswered questions is the reduction in the maximum size for LCMA 3 and OCC, down from the 6-3/4 to 6-1/2 or 6. I don't know if that needs to be resolved now, but I think the PDT was kind of struggling with that. I don't know if we'll have the time to resolve that now. Is there any discussion that should be had on that? Does anybody want to weigh in, because I do want to move on. I think we're running out of time on this issue.

MS. KERNS: Two things, Pat Keliher your microphone is still open, and David Borden has his hand up.

CHAIR McKIERNAN: Go ahead, David.

MR. BORDEN: Sorry to speak so much, but this is a really important issue. On the triggers, if we structure the document the way I proposed, then we would have triggers. I think it makes perfect sense to have some

option other than the options that we're presented with, and I'll be explicit. I think it's fine to keep a trigger at 17 percent in the document. That was the industry recommendation, and it's fine to keep the second trigger at 32.

I think we should have a second set of options on the triggers, and those would basically be a trigger at 20 percent, that would be 4 percent higher than we are now, and a second trigger that would be at 30 percent. That would be more conservative than the science-based trigger that was recommended by the technical folks.

The whole logic of that, I think, is that we're going to be in this position where when this goes out to public hearing, and you say to the average industry member we're at 16 percent, and the trigger is 17 percent. This is a knife edge type situation, just a wobble in the indices is going to put you over the value.

The concept of reducing the second trigger, making it more scientifically conservative, to balance out liberalizing the first one, I think would be appealing to some members of the industry, and I think that should be a second option. As far as the rest of the triggers in the document, I think they should be eliminated. That is probably a separate discussion, Mr. Chairman, but triggering action at 45 percent, at that point you've lost almost 50 percent of the value in a fishery that I think Maine estimates is worth 1.5 billion dollars. You will have lost 750 million dollars for coastal economies. We don't even want to consider something like that. This has to be prospective not retroactive. I think we should limit the triggers to Trigger 1, Trigger 2, the Option 1 and Option 2 with two different values. Thank you.

MS. STARKS: If I could follow up, Mr. Chair.

CHAIR McKIERNAN: Go ahead, Caitlin.

MS. STARKS: I just want to clarify that 45

percent is not being considered at all anymore, that was the recommendation of the TC and the PDT. We're just looking at a 17 percent and 32 percent at this point, but I think I hear you that we want to look at other options for 20 percent and 30 percent, and I think we can do that.

I think that is noted and the PDT can make those changes. What I'm still unclear on is for the purposes of public comment, what maximum size is the Board interested in considering, or is the Board interested in considering dropping it down to 6 inches for LCMA 3 and Outer Cape Cod, or 6-1/4 or 6-1/2.

I think we would like to get some guidance on what to consider just for public comment, and again once that goes out for public comment, the Board always has the opportunity to choose a final option that falls within the range. For example, if you were to take out 6 inches for public comment, you could ultimately choose something less conservative than that, which would be 6-1/2.

CHAIR McKIERNAN: But Caitlin, given that the PDT is still going to have a chance to go over this, do we need to make that decision as a Board now, or can we just leave it as small as 6 inches?

MS. STARKS: The PDT asked this question, because it couldn't agree amongst themselves, so that is why we're asking for Board guidance on it.

CHAIR McKIERNAN: We could try to get that Board guidance. Is there any objection to leaving it in the advice to the PDT that the Board would go as small as 6 inches, and seeks comments, or does the Board feel the need to either eliminate any reduction in the maximum size for those two areas, or eliminating one of them?

MS. KERNS: I have Pat and David with their hand up.

CHAIR McKIERNAN: Okay, Pat.

MR. KELIHER: First of all, I just want to just echo where David was, and how Caitlin rephrased that for the trigger of 20 percent and then an upper trigger of 30 percent. I really like that concept that David put on the table, and I think it would be something that would be well received within the document, compared to just leaving that 17 percent, so I would fully support that. As far as the upper

max on Area 3. I would like to hear from, I think we've got three permit holders here in Maine, so I would like to hear what the other jurisdictions who have the predominant bulk of the permit holders in their jurisdiction. I would like to hear what they might have to say on that.

CHAIR McKIERNAN: Pat, to my question, are you comfortable just communicating to the PDT that you would like to just keep all the options available, to go as low as 6, either status quo or down to 6 inches?

MR. KELIHER: Yes, I certainly would be comfortable with that, but I certainly again, I don't have a lot of permit holders here right in the state of Maine who fish Area 3, so hearing from Cheri and David and yourself, as well as Jason, might be a good thing.

CHAIR McKIERNAN: Okay. Toni, is anyone else on the list?

MS. KERNS: Sorry, you have had David and then Cheri.

CHAIR McKIERNAN: All right, David.

MR. BORDEN: On the issue of the max size adjustment, so no one misinterprets what I'm going to say, that Area 3 has a long and distinguished history, I would point out, of taking proactive measures. I don't say that in a self-flattering manner. This is more, most of these measures were implemented by the Commission, and the National Marine Fisheries Service, based on recommendations from the people that preceded me in the Association.

I would also point out that most of the changes when there was any discussion of changing regulations to help the faltering Southern New England stock, the industry always recommended applying those additional restrictions throughout Area 3. Area 3 has developed a whole series of restrictions that were far more restrictive than they actually had to.

At the time, based on a desire to be more conservative and risk averse. Now when we get to this issue of lowering the maximum size. If I go to my members in the Association, I start discussing that. The first thing they're going to want to know is, what is going to happen in the area that catches 90 percent of the lobsters?

Lacking some kind of immediate action in that area, they are not going to want to alter the regulations in Area 3, and there is some logic for doing that. It's based on the fact that as our technical folks have already noted. You're not going to make major changes in SSB in the inshore area, in the stock area, based on fooling around with the maximum size in Area 3. It's just not going to work. I think any change in the Area 3 maximum size should be linked to the changes in the minimum size in the inshore area, would be my recommendation.

CHAIR McKIERNAN: Okay, so if we transmit that advice to the PDT then that should come out as a clear option in the document. That is what you're asking for, so I think that's reasonable. Cheri.

MS. PATTERSON: I agree with Dave. According to TC there is just not a lot of standing for adjusting the maximum in LCMA 3. I would go along with what David was recommending.

CHAIR McKIERNAN: Okay, and again, this is just advice back to the PDT, this isn't a final action by any means. I think that's good advice and it's well stated. I think those are the fundamental questions, right Caitlin, that we needed discussion on?

MS. STARKS: Yes, I think so. You know I was going to ask the question about the trigger levels, and I think that's already been answered for me as well.

CHAIR McKIERNAN: Good, okay. Well, we're running late in the agenda, so if there is no other discussion on that which we will communicate to the PDT, then I think we'll move on, if there are no objections. Hearing none, we'll move on. Thank you very much for that substantive discussion.

I know the PDT will appreciate as much clarity as we gave them.

**PROGRESS UPDATE ON DRAFT ADDENDUM
XXIX: ELECTRONIC VESSEL TRACKING DEVICES
IN THE FEDERAL AMERICAN LOBSTER AND
JONAH CRAB FISHERIES**

CHAIR McKIERNAN: Next on the agenda is Progress Update on Draft Addendum XXIX: Electronic Vessel Tracking Devices in the Federal American Lobster and Jonah Crab Fisheries. I believe, Caitlin, do you have a presentation on that?

MS. STARKS: I do, I'm pulling it up, one second.

CHAIR McKIERNAN: All right, so I'll just talk while you're working there. I know that this is a really challenging issue among the states and ASMFC, because we really do need to work with our federal partners on this issue. Like a lot of things in lobster management especially, to get out ahead of federal partners, a lot of time the foundations of your measures just don't work out.

We're working very diligently with the GARFO office to try to make these as compatible as possible, to work out some of the questions on state and federal jurisdictions and standards. I think you're going to be speaking to that shortly. I want to thank the federal partners in advance for the cooperative work that they've done on this, and just so the full Board knows, that this is being worked on diligently behind the scenes, but is delayed somewhat by the need to make these compatible between the jurisdictions. Go ahead, Caitlin.

MS. STARKS: For some background. At the Lobster Board meeting in August, 2021, the Board initiated this Draft Addendum XXIX to consider vessel tracking requirements for federally permitted lobster and Jonah crab vessels. This action was initiated based on recommendations of a work group that the Board established in May, and aim to address the need for high resolution spatial and temporal data on effort in the fishery.

As the Board has discussed at the last few meetings, these data are critical for addressing a number of challenges associated with stock assessment, protected species interactions, marine spatial planning and offshore enforcement. Considering that the objective statement for the Addendum is to collect high resolution spatial and temporal data, to characterize effort in the federal American lobster and Jonah crab fisheries for management and enforcement needs. Again, these data will improve stock assessments, inform discussions on management decisions related to protected species, and marine spatial planning, and enhance offshore enforcement. So far, the PDT has met several times in the last few months, and has discussed what requirements would be needed for this program to ensure the data collection objective is met. The PDT has broken those requirements out into three groups.

Separating out what is needed from the tracking devices and the vendors, what would be needed or required of harvesters, and what processes and rules would be needed at the state level to implement this program, and go into examples of each of those in the next slide. For the tracking devices themselves, the PDT has agreed on the preference for cellular-based tracking devices, given the low cost and accessibility when compared to satellite based systems.

In order to collect the spatial data at the resolution needed to identify fishing or hauling activity from transiting, the PDT recommends the devices be required to report their locations at a rate of 1 ping per minute. The PDT has had some discussions on whether it would be necessary to maintain that rate at all times, even when the vessel is tied up.

They ultimately agreed that the rate could be slowed down when a vessel is moored, but they did note that would require the devices to be capable of recognizing when that vessel is tied up at their dock and not moving. That would put the onus on those tracker devices and vendors to be able to do that.

The PDT also recommended that to be approved for this program, the devices must at a minimum meet the current requirement for precision and accuracy that are specified by the VMS program, and the devices must

include the horizontal accuracy of the location data for each ping, as well as a vessel identifier.

They also recommended the devices must be able to provide data in accordance with ACCSPs trip locations API specification. The PDT has had some discussion about the Addendum needing to describe the process for approving devices for use in the fishery, and this has not fully been fleshed out yet, but it's possible that this could be a work group process at the Commission to approve devices for this program. Moving on to the PDT recommendations for harvester requirements.

The recommendation is to keep the language fairly basic and straightforward. For example, the Addendum could simply specify that if adopted, federal permit holders would be required to report spatial data via an approved electronic tracking device at the established rate, and that federal permit holders would be required to have the tracking device onboard their vessel and powered at all times when the vessel is in the water, unless the device is under repairs.

In terms of the state level requirements, the PDT recommendation is that the states would need to administer this program for their federal permit holders, and which federal permit holders are the responsibility of each state could be determined by the primary port identified by the permit holder.

The states would be responsible for verifying that those federally permitted harvesters have installed an approved device to their vessel, and certifying that installation before the vessel goes on a fishing trip. Additionally, there would need to be a process for associating the trackers with a new vessel or new permit holder, if the vessel ownership were to change. The PDT has started working through the processes that will be needed on the data side for this program. For data validation they recommend that GARFO would be responsible for ensuring harvesters are complying with the trip reporting

requirements, and the states would be responsible for making sure the harvesters are reporting their required tracking data.

Again, in the case of vessels that land in multiple states, the Addendum would need to be clear on how the states would determine which federal permit holders they are responsible for. ACCSP will then be responsible for linking the tracked location data to the appropriate trip reports, and those are the basics, but the PDT is still working out the details of all of these data processes, in corroboration with some ACCSP staff on the calls, we will be providing more clear guidance on this moving forward.

To wrap up, this is the proposed timeline of this Addendum's development. We're currently in October, the Board is getting a progress update from the PDT, and after this meeting the plan is to continue with PDT meetings to develop a draft addendum for public comment. Given the Board's desire to get through this Addendum process relatively quickly, it's been proposed that the Board could meet to consider the Draft Addendum for public comment in December at a special virtual meeting.

If that is possible, then the public hearings and public comment period could occur in January of 2022, and then if desired the Board could have a second special meeting scheduled for late winter or early spring of 2022, where they could consider the Addendum for final approval. Under this timeline NOAA intends to complete the federal rule making process in time for a concurrent implementation with the states in 2023. That is my brief update on the development of Addendum XXIX, and I can take any questions.

CHAIR McKIERNAN: Thank you, Caitlin, well done. Are there any questions for Caitlin at this time?

MS. KERNS: We have Jason, Pat, David, and Steve Train. I just want to make sure it's clear, Dan, since a lot of the discussions that we've been having about trackers at the beginning were at times focused on maybe some of the northern states, but that as Caitlin had in her presentation, it would be any state with a federal permit holder would have to administer the program. This

would also be impacting the states south of New England.

CHAIR MCKIERNAN: Just a point of clarification. This is designed to monitor the trap fishery, vessels deploying traps. Is that still the expectation?

MS. KERNS: Yes.

CHAIR MCKIERNAN: All right, Jason McNamee.

DR. JASON McNAMEE: Just a quick one, it has to do with a state validation. I was just curious. You know a couple states are doing stuff already with these devices, and we have systems. In general, the way it's validated as a state is communicating with the vendor, as far as it being, it was installed, it was installed correctly and it's operational. That's not with that in bounds, as far as the slide you had on that topic? Hopefully that made sense.

MS. STARKS: Yes, I think I've got you, Jason. I think it's worth noting that the Addendum, I think we intend it to be relatively open, so that the states can have flexibility with the processes that makes sense for them, to make sure those federal permit holders have these devices installed on their vessels.

But in general, I don't think that the vendors of these cellular tracking devices would be the ones that are installing them on the vessels, it would be that the harvesters are installing them, and someone would just need to make sure that those harvesters have the approved devices, and they are functioning to send in their data as required first.

CHAIR MCKIERNAN: Pat Keliher.

MR. KELIHER: I want to just thank Caitlin for the presentation, and the work of the working group here. There is a lot that's been done in a short amount of time. Caitlin, can you go back to the slide where it talked about, I think it was compliance, and it referenced GARFOs role. I

just want to make sure I understood that. The idea of data validation, GARFO responsible for trip reporting compliance and validation. Are you referencing here that GARFO is responsible for making sure that the unit is on as well? Just to clarify that, between that and the second bullet.

MS. STARKS: Sure, Pat. To be clear, this is saying GARFO is responsible for the trip ticket reporting, as they currently are for these federal permit holders. It would be the state's responsibility to make sure that these tracking devices are reporting the location data for the federal permit holders.

MR. KELIHER: Okay, thank you. I misheard that the way you said it the first time then, thank you for that clarity.

CHAIR MCKIERNAN: David Borden.

MR. BORDEN: Caitlin, on the issue of who this applies to. Most of the discussion that I've been privy to, and I've listened to a number of these prior discussions that talked about all federal permit holders, lobster permit holders having to comply with this. I'm a little troubled by this suggestion that we're going to only apply it to pot fishermen.

How about gillnet fishermen? How about trawlers? It seems to me that we have some elements of the fishery that at certain times of year they are trap fishermen, other times of year they are gillnet fishermen. I even know a few boats that come along dragging with the gear. I don't know how anyone would manage that. To me it would be much cleaner if you've got a federal permit then you have to have a tracking device on. That is just an observation. I would hope that the Committee that's developing this would reflect on that point.

MS. STARKS: If I could follow up. CHAIR MCKIERNAN: Go ahead, Caitlin.

MS. STARKS: Thanks David for that question. I think the clarification here is that these trackers that we are proposing for this program would be collecting spatial data at a much finer resolution than VMS, which those federal permit holders in the offshore fishery that are not fishing with pots and traps, I believe are already required for the most part to use VMS. There is location data for

those vessels, it's just not going to be through these finer scale tracking devices.

MS. KERNS: To add to that, the group did discuss, David the fact that we don't need the finer scale for the gillnet fishery, that their VMS data would provide the information that is needed, versus the finer scale that that fishery needs.

MR. BORDEN: If I might, Mr. Chairman. Is the requirement going to be, you either have a VMS on the boat or a tracking device? Maybe I can simplify this. If the answer to that is yes, then I think you've answered by question. I would simply note, there are a bunch of boats out there that don't have, or they do have VMS on the boat but they are not trap vessels.

I think you're going to find there is going to be a group of boats with federal permits that won't have one of the two. To me it is clearer if you just say, if you're a trap fishing vessel you have to have a tracker onboard. If you're going to fish with traps at any point during the year, and if you've got a lobster permit the rest of the lobster permit holders have to have either a tracking device or a VMS.

CHAIR McKIERNAN: Okay David that's good advice, and because this is still a work in progress, I'm sure the Committee is going to take that into account. Steve Train.

MR. TRAIN: My question is, when this comes in, since we already have similar technology on the scallop fleet and the groundfish fleet. We know there is a failure rate. We know that there are boats that have to stay tied to the dock at times, while they wait for the unit to be changed out or a Tec to show up, so we're talking about a much smaller number of boats.

As we increase the fleet, it might be different technology with cellular. Are we going to have, I don't know what the term, the reference for that, soft opening or something? You know if these things aren't working, are we going to

have people tied up instead of fishing because of a new rule we put in, and the technology isn't keeping up with it? I just want to make sure we've got room to make this work in the front end, before we start having boats tied to the dock.

CHAIR McKIERNAN: Steve, I'm hearing that as a recommendation to the PDT, and it is noted. Thank you for that. Toni, anyone else on the list?

MS. KERNS: I have no other hands, Dan.

CONSIDER NEXT STEPS FOR THE DEVELOPMENT OF A MANAGEMENT STRATEGY EVALUATION FOR THE AMERICAN LOBSTER FISHERIES

CHAIR McKIERNAN: Excellent, all right next is Considering Next Steps for the Development of a Management Strategy Evaluation for the American Lobster Fisheries. I assume Caitlin you have a presentation.

MS. STARKS: Jeff will actually be presenting. Maya, could you pull up the slide show, please? Making sure, Jeff, are you set to go?

MR. JEFF KIPP: I'm all set, thank you, Caitlin. As the Chairman laid out, I'll be going over some information for considering development of a potential lobster management strategy evaluation, which was postponed back at the August meeting. Going back to the May, 2021 Board meeting.

The Technical Committee presented some recommendations for developing a lobster management strategy evaluation. They proposed sort of an overall path being a prioritized two-phased management strategy evaluation for the Gulf of Maine/Georges Bank stock specifically, and the TC also provided a couple of recommendations, in terms of next steps for developing this potential MSE.

Those included forming a steering committee, sort of their guide development of the MSE, and to convene a Management Objectives and Goals Workshop. After the Board heard these recommendations, they ended up postponing further consideration of MSE development until the August, 2021 meeting, in order to prioritize work on Draft Addendum XXVII.

That brought us to the August, 2021 meeting, our last meeting where this Board met. Again, the Board met and reviewed and considered the TCs recommendations, specifically on the next steps for lobster MSE, and again that consideration was postponed, in order to prioritize workloads for the continuing ongoing actions for Addendum XXVII, and also the initiated Addendum XXIX Caitlin just went over.

That brings us back to considering this potential development of lobster MSE again at this meeting, so in terms of the TCs recommendations for next steps, again was to develop a steering committee. The purpose of this steering committee would be to complete additional scoping, including format of stakeholder outreach, and identifying funding and personnel necessary for an MSE.

The steering committee's charge would be to develop a comprehensive work plan, to ensure a successful MSE process, and not to direct content within the MSE process, which would be handled once that MSE was initiated. The MSE start date would depend on completion of the Management Workshop recommended and the outcome of the Steering Committee's findings.

The Steering Committee was recommended mostly based on some noted limitations in expertise during preliminary MSE discussions. There were things discussed like how important are economic considerations, and what sort of personnel would be needed to fully address those considerations.

The idea here was that we would have a steering committee with a comprehensive coverage of the expertise and folks that would be needed to include in an MSE. Those representatives recommended as part of the Steering Committee would be Board members, Technical Committee members, ASMFC staff, some industry stakeholders, folks from the Commission's Committee on Economic and Social Sciences, and also the Commission's

Assessment and Science Committee. The Technical Committee noted that it would be valuable to have some members with applied management strategy evaluation experience, and the Technical Committee recommended 12 or fewer members on this Steering Committee. The other recommended next step by the Technical Committee was to hold a formal Management Objectives Workshop.

The purpose of this workshop would be to obtain necessary stakeholder input and Board input on big picture goals for both the short- and long-term lobster fishery management to guide this focus of these two phases of this recommended Gulf of Maine/Georges Bank MSE. The Technical Committee noted the Menhaden Management Objectives Workshop that was held before doing ecosystem-based reference points, as a potential example to follow here for a Lobster Management Objectives Workshop.

The idea here would be that this would be conducted parallel to the Steering Committee's work, so that final recommendations from the Steering Committee are relevant to the objectives and goals for the future of the lobster fishery. I did just want to bring some recent developments to the Board's attention.

Since the last time the Board considered this topic at the August meeting, the Commission did hold a Management Strategy Evaluation Training Workshop, and there were several Lobster Technical Committee members that participated on that training workshop. Some promising sign there, and some formal exposure to MSE.

That's certainly a help in bringing some expertise on MSE into the lobster world here, but certainly some room to grow for MSE. This would be sort of the first full blown MSE process by the Commission, so kind of a new frontier here. Then the other thing that's been formalized now since the last time the Board met was that Yong Chen's lab, which is now at Stonybrook University.

One of their projects submitted for funding to Sea Grant has been funded, it's a simulation project. There are a couple of things from this project that are relevant to sort of ASMFCs direction on lobster MSE. First, this project

will provide tools that would be necessary to support a lobster MSE, and then also this simulation project is sort of seen as a precursor to a traditional full blown management strategy evaluation.

It would include scenario testing, and I think the PIs on this project have noted that any sort of formal movement and development, in terms of a lobster MSE by the Commission, would certainly be beneficial to this project, to help guide some of those scenarios that are being tested within that simulation project. Just to bring us back to what I think the Board is to consider here under this agenda item. It would be the TCs recommended next steps, I think those are seen as the next steps here for development of a lobster MSE.

These next steps, I just wanted to note, are not intended to represent a commitment by the Board to the full MSE, it's more seen as sort of preliminary steps to an MSE, to get to a comprehensive work plan again, to understand fully what resources are needed, what a timeline would be dependent on, objectives and goals of the Lobster Management Board. I think for consideration here is whether we move forward with development of the Steering Committee, and that would be something where staff would work with the Board and TC members to populate the Steering Committee, and then the Board would meet back once that Steering Committee was populated, and review and determine whether there is consensus on that Steering Committee membership. The last time we had talked about this was the plan with this would be following the completion of Addendum XXVII.

As we've seen earlier this morning, Addendum XXVII is still in development, and also Addendum XXIX is as well. Then very soon here, we will be ramping up work on starting the 2023 Jonah crab stock assessment, which was formalized after the last Board meeting, and so there are again remaining several priorities that would overlap with some of the folks that would

be working on any potential development of an MSE, and are important to consider here.

Just to note, if there is no interest and/or sufficient resources at this time, the Board can postpone considering action to initiate an MSE indefinitely, and revisit this once those resources are freed up, instead of continuing to postpone this into each subsequent Board meeting, so just to pass that note along as well. That is all I have for lobster MSE, and I can stop and see if there are any questions on that.

CHAIR McKIERNAN: Thanks, Jeff. Given that we have ten minutes left in the meeting, I will welcome questions and comments, kind of simultaneously. Is there anyone who would like to ask Jeff a question or comment on this? I think it was a fairly clear presentation.

MS. KERNS: You have Pat Keliher.

CHAIR McKIERNAN: Great, okay Pat.

MR. KELIHER: Considering the competing Board priorities don't include either the ongoing whale issues or wind issues that we're all facing, I can't see moving ahead. I would recommend that we postpone MSE indefinitely at this time.

CHAIR McKIERNAN: Okay Pat, any other Board members wish to weigh in on this?

MS. KERNS: You have Jason.

CHAIR McKIERNAN: Go ahead, Jason.

DR. McNAMEE: I'm actually going to consider what Commissioner Keliher just said, so I'm going to hold off for right now.

CHAIR McKIERNAN: Anyone else? MS. KERNS: I have no other hands.

CHAIR McKIERNAN: I think we need to give the Commission some signal here. Pat, do you want to speak to your recommendation in any more detail, or do you want me to just put it to the full board for some kind of a consensus vote?

MR. KELIHER: Yes, I think the detail really is around the priorities that we're all facing, right? I mean you can't go without saying that the whale issue alone is going to be a massive driver. Not to take anything away from the important work of the Addendums and the stock assessment that's going to come up. I don't see engaging a lot of staff in this at this time. I don't want to diminish its importance, it's a timing issue, and I think what Jeff put on the board, as far as potential action is appropriate at this time.

CHAIR MCKIERNAN: Thank you for that honest assessment. Any other Board members?

MS. KERNS: You have Jason and then Cheri.

CHAIR MCKIERNAN: Jason.

DR. McNAMEE: Yes, (muffled) for all of that. This is tough. I feel super disappointed. I think though, Commissioner Keliher is right. Just so much going on on this panel, and again it's all the same people that are impacted by all of these things, plus the stuff that aren't in this really short long list here.

I'm just not sure. Maybe I can ask a question, sorry, I'm struggling a little bit, given my disappointment. What does that mean to postpone considering action indefinitely? It doesn't make it go away forever, correct? Like we can pull it back up at some point, maybe next year at some point? That's a question.

CHAIR MCKIERNAN: Jeff, do you want to answer that?

MS. STARKS: Or I can, Mr. Chair.

CHAIR MCKIERNAN: Thanks, Caitlin.

MS. STARKS: Yes. If the Board chooses to postpone it indefinitely, it just means that we won't be bringing it up at the next meeting, or the next meeting until the Board says, we want to talk about MSE again.

DR. McNAMEE: Okay, thanks, Caitlin. It's still alive, it just needs us to sort of prod it back into existence at some point, so that makes sense. With that I guess, you know I kind of support what Commissioner Keliher said. I think it probably makes sense to clear the decks a little bit here. I don't know that the decks every get completely clear with lobster and/or Jonah crab, but there is a lot sort of pending right now, so it does make sense to concentrate, get past those things, and then reengage on this, so thanks, Mr. Chair.

CHAIR MCKIERNAN: Thank you, Jason, Cheri.

MS. PATTERSON: I just would not like to see the word indefinitely here. I would like to see postpone these actions until winter 2023, and have it brought forward again at that point in time.

CHAIR MCKIERNAN: Pat, any objection to putting this off for about a year and a half?

MS. KELIHER: I don't have any qualms about doing it to a time certain, as Cheri has said. I was looking for more flexibility in case we could bring it up sooner, but in reality, we likely won't, so I'm fine with that approach.

CHAIR MCKIERNAN: All right, so that is in the form of a motion, or is it just general consensus, no objection, we won't do a formal motion on that, so it's winter meeting of 2023 we'll reassess the potential for an MSE for the lobster fishery. Any other comments? Hearing none, thank you very much. Is there any other business to come before the Board this morning? Hearing none.

MS. KERNS: No other hands.

ADJOURNMENT

CHAIR MCKIERNAN: Great, well thank you everyone, enjoy your four extra minutes for lunch, and thank you all for attending and for some great discussion today. I know the PDT will be pleased that I think we've given them some good guidance today, so thank you everyone, and have a great day.

(Whereupon the meeting adjourned at 11:56 a.m. on October 18, 2021.)