

# Atlantic States Marine Fisheries Commission

## American Lobster Management Board

*August 1, 2017  
3:00 – 6:00 p.m.  
Alexandria, Virginia*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Borden*) 3:00 p.m.
2. Board Consent 3:00 p.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2017
3. Public Comment 3:05 p.m.
4. American Lobster Draft Addendum XXV for Final Approval **Final Action** 3:15 p.m.
  - Presentation of Proposals from Lobster Conservation Management Teams (LCMT) 2, 3, 4, 5, and 6
  - Technical Committee Report on LCMT Proposals (*K. Reardon*)
  - Consider Final Approval of Addendum XXV
5. State and Federal Inconsistencies in Lobster Conservation Management Area 4 Season Closure (*M. Ware*) **Possible Action** 4:45 p.m.
6. American Lobster Gulf of Maine/Georges Bank Subcommittee Report (*M. Ware*) **Possible Action** 5:00 p.m.
7. Update on Development of Draft Addendum XXVI (*M. Ware*) 5:30 p.m.
8. Law Enforcement Committee Report on Lobster Chain of Custody (*M. Robson*) 5:50 p.m.
9. NOAA Office of Law Enforcement Draft Enforcement Priorities 2018-2022 (*M. Ware*) **Possible Action** 5:55 p.m.
10. Other Business/Adjourn 6:00 p.m.

The meeting will be held at the Westin Alexandria, 400 Courthouse Square, Alexandria, VA; 703.253.8600

# MEETING OVERVIEW

**American Lobster Management Board Meeting**  
**Tuesday, August 1, 2017**  
**3:00 – 6:00 p.m.**  
**Alexandria, Virginia**

Chair: David Borden (RI) Assumed Chairmanship: 02/16	Technical Committee Chair: Kathleen Reardon (ME)	Law Enforcement Committee Representative: John Cornish (ME)
Vice Chair: Stephen Train (ME)	Advisory Panel Chair: Grant Moore (MA)	Previous Board Meeting: May 8-9, 2017
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2017

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

## 4. Draft Addendum XXV (3:15-4:45 p.m.) Final Action

### Background

- In May 2017, the Board selected a 5% increase in egg production for Addendum XXV.
- LCMT’s submitted proposals in June to achieve that 5% increase in egg production.
- The TC met via conference call on June 28<sup>th</sup> to review the LCMT proposals.

### Presentations

- Review LCMT proposals to achieve a 5% Increase in egg production (**Briefing Materials**)
- Technical Committee report on LCMT proposals by K. Reardon (**Briefing Materials**)

### Board actions for consideration at this meeting

- Select LCMA specific management measures and implementation deadline.
- Approve final document.

## 5. State and Federal Inconsistencies in LCMA 4 Season Closure (4:45-5:00 p.m.) Possible Action

### Background

- In April 2017, NY and NJ sent a letter to the Board, highlighting inconsistencies between state and federal regulations for the LCMA 4 spring season closure. Specifically, in

<p>federal waters traps must be removed from the water and the most restrictive rule does not apply, while the opposite is true in state waters. <b>(Briefing Materials)</b></p> <ul style="list-style-type: none"> <li>• In May 2017, the Board voted that, for any season closure implemented as a result of Addendum XXV, traps can remain in the water and the most restrictive rule does not apply.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Overview of season closure regulations by M. Ware</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• Align state and federal regulations for season closures.</li> </ul>

<p><b>6. GOM/GBK Subcommittee Report (5:00-5:30 p.m.) Possible Action</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• At the May 2017 Board meeting, preliminary recommendations regarding future management of the GOM/GBK stock were presented to the Board. The intent of these recommendations is to improve resiliency of the stock.</li> <li>• On July 13<sup>th</sup>, the Subcommittee met again to further develop these recommendations.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• GOM/GBK Subcommittee report by M. Ware <b>(Supplemental Materials)</b></li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• Consider future management of GOM/GBK stock</li> </ul>

<p><b>7. Draft Addendum XXVI (5:30 – 5:50 p.m.)</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• In February 2017, the Board initiated Draft Addendum XXVI to improve harvester reporting and biological data collection in state and federal waters.</li> <li>• The PDT met via conference call on July 10<sup>th</sup> to continue work on Draft Addendum XXVI.</li> <li>• The TC met via conference call on June 28<sup>th</sup> to continue work on identifying a statistically valid sample of harvester reporting and analyzing offshore biological sampling.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Update on development of Draft Addendum XXVI by M. Ware <b>(Supplemental Materials)</b></li> </ul>

<p><b>8. Lobster Chain of Custody (5:50 – 5:55p.m.)</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• In May 2017, the Board requested the LEC review chain-of-custody regulations regarding minimum sized lobsters.</li> <li>• The LEC met via conference call on June 29<sup>th</sup> to discuss the various minimum size regulations in place along the coast.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• LEC report by M. Robson <b>(Briefing Materials)</b></li> </ul>

<b>9. NOAA OLE Draft Enforcement Priorities FY2018-2022 (5:55 – 6:00p.m.) Possible Action</b>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• NOAA OLE has released 2018-2022 draft enforcement priorities for public comment.</li> <li>• The Board submitted a letter to NOAA OLE in April 2017 asking lobster be made a higher priority for enforcement in the Northeast division.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Overview of NOAA OLE Draft Priorities by M. Ware (<b>Briefing Materials</b>)</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• Consider submission of public comment letter on draft priorities.</li> </ul>

**10. Other Business/Adjourn**

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

**The Westin Alexandria**  
Alexandria, Virginia  
**May 8 and 9, 2017**

These minutes are draft and subject to approval by the American Lobster Management Board.  
The Board will review the minutes during its next meeting.

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## INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of January, 2017 by Consent** (Page 1).
3. **Move to recommend to the Policy Board supporting the preferred alternatives developed by the New England Fisheries Management Council in their Deep Sea Coral Amendment** (Page 9). Motion by Eric Reid; second by Pat Keliher. Motion. Motion carried (Page 10).
4. **Main Motion: Move to select Option B for Issue 3; the recreational fishery must abide by gauge size changes and seasonal closures** (Page 25). Motion by Dan McKiernan; second by Mark Gibson. Motion amended.
5. **Motion to Amend: Move to amend to remove the seasonal closures** (Page 26). Motion by Tom Fote; second by Roy Miller. Motion passes Motion amended.
6. **Main motion as amended: Move to select Option B for Issue 3; the recreational fishery must abide by gauge size changes (Amended to become Option C)**. Motion carried (Page 27).
7. **Move to approve Option A to Issue 5; regulations not uniform across LCMAs** (Page 28). Motion by Mark Gibson; second by John Clark. Motion carried (Page 28).
8. **Move to approve Option A for Issue 6; Maintain LCMA 3 as a single area** (Page 29). Motion by Dan McKiernan; second by Eric Reid. Motion carried with a roll call vote (Page 32).
9. **Move to approve Option 1 to Issue 7; all *de minimis* states must implement management measures** (Page 35). Motion by John Clark; second by Mike Luisi. Motion carried without objection (Page 35).
10. **Move to implement 10 % increase in egg production for Issue 1 over a two-year period** (Page 45). Motion by Eric Reid; second by Mike Luisi. Motion amended.
11. **Motion to Amend: Move to amend to achieve a 10% increase in egg production, except in Area 6, which would be 5 %; both to be achieved over a two-year period** (Page 45). Motion by Mark Alexander; second by Emerson Hasbrouck.
12. **Motion to Substitute: Move to substitute 10% with 15%** (Page 48). Motion by Peter Burns; second by Doug Grout. Motion failed (Page 50).
13. **Main Motion: Move to implement 10% increase in egg production for Issue 1 over a two-year period** Motion by Mr. Reid, second by Mr. Luisi. Motion fails (5 in favor, 6 opposed) (Page 53).
14. **Main Motion: Move to approve Option A to Issue 1; 0 % increase in egg production** (Page 53). Motion by Rep. Sarah Peake; second by Emerson Hasbrouck. Motion substituted.

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15. **Motion to Substitute: Move to substitute 0 % with 5 %** (Page 53). Motion by Mike Luisi; second by Eric Reid. Motion carried (Page 54).
16. **Main Motion as Substituted: Move to implement a 5% increase in egg production for Issue 1.** Motion carried (Page 55).
17. **Move to approve Option A for Issue 2, Management Tools; management tools can be used independently** (Page 55). Motion by Mark Gibson; second by Rep. Peake. Motion carried (Page 56).
18. **Move to approve Option B, Sub-Option II, for Issue 4, Season Closures; No Possession of Lobsters While Fishing, Most Restrictive Rule Does Not Apply** (Page 58). Motion by Tom Baum; second by Mike Luisi. Motion carried (Page 60).
19. **Move to recommend to the ISFMP Policy Board to send a letter to NOAA recommending to fully adopt Addenda XXI and XXII** (Page 63). Motion by Dan McKiernan; second by Doug Grout. Motion carried (Page 64).
20. **Motion to adjourn** by Consent (Page 66).



**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	John McMurray, NY, proxy for Sen. Boyle (LA)
Terry Stockwell, ME, Administrative proxy	Jim Gilmore, NY (AA)
Stephen Train, ME (GA)	Steve Heins, NY, Administrative proxy
Sen. Joyce Maker, ME, proxy for Sen. Langley (LA)	Emerson Hasbrouck, NY (GA)
Douglas Grout, NH (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Sen. David Watters, NH (LA)	Tom Baum, NJ, proxy for L. Herrighty (AA)
Dennis Abbott, NH, Legislative proxy	Tom Fote, NJ (GA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Rep. Sarah Peake, MA (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Mark Gibson, RI, proxy for J. Coit (AA)	Rachel Dean, MD (GA)
David Borden, RI (GA)	David Blazer, MD (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Mike Luisi, MD, Administrative proxy
Sen. Craig Miner, CT (LA)	Joe Cimino, VA, proxy for J. Bull (AA)
Mark Alexander, CT (AA)	Peter Burns, NMFS

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

**Ex-Officio Members**

Kathleen Reardon, Technical Committee Chair	Grant Moore, Advisory Panel Chair
Rene Cloutier, Law Enforcement Representative	

**Staff**

Robert Beal	Megan Ware
Toni Kerns	Shanna Madsen
Jeff Kipp	Kirby Rootes-Murdy

**Guests**

Michelle Bachman, NEFMC	Earl Guinn, Ocean City, MD
Bob Ballou, RI DEM	Aaron Kornbluth, PEW
Beth Casoni, MA Lobstermen Assn	Arnold Leo, E. Hampton, NY
Kevin Chu, NMFS	Charles Lynch, NOAA
Lanny Dellinger, RILA LCMT 2	Greg Magee, MLA LCMT2
Greg DiDomenico, GSSA	Mike Ruccio, NMFS
Jason Drake, MLA LCMT2	Derek Orner, NOAA
Michelle Duval, NC DMF	Rene Zobel, NH F&G
Al Eagles, RILA LCMT2	Kyle Overturf, CT DEEP
Michael Eastman, NH F&G	Tom Tomkiewicz, MLA LCMT2
Lindsey Fullenkamp, NOAA	Brian Thibeault, RILA LCMT2
John German, LISLA	Greg Matarones, RI Lobstermens Assn
Colleen Giannini, CT DEEP	Jason McNamee, RI DEM
John Godwin, Point Lobster Co.	Cheri Patterson, NH F & G

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia; May 8, 2017 and was called to order at 2:55 o'clock p.m. by Chairman Dave Borden.

#### **CALL TO ORDER**

CHAIRMAN DAVID V. D. BORDEN: My name is David Borden and I'm the Chairman of the Lobster Board; welcome!

#### **APPROVAL OF AGENDA**

CHAIRMAN BORDEN: We've got a considerable number of issues to go through on this agenda. The agenda has been circulated. Are there any additions, deletions or modifications to the agenda as circulated? No hands up, then we'll take the items in the order in which they appear.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: Approval of the proceedings of January 17th, are there any comments on the proceedings, any modifications of the proceedings, any objection to adopting the proceedings by consensus? Proceedings stand approved.

#### **PUBLIC COMMENT**

CHAIRMAN BORDEN: Public comments, we had one individual sign up, John Godwin. John, do you want to come to the microphone, please?

While John is getting himself situated, let me just say that we have about 20 representatives from various associations up and down the coast here, lobster associations, LCMTs and so forth. Traditionally our practice, since we've already gone through the public comment period is to kind of curtail the public comments.

I intended a panel of input from the individuals in a slightly different manner today. I am going to take the public comment from Mr. Godwin. But then as different issues come up that involve different LCMTs, for instance. If we've got the president of the local LCMT or the president of a

local association that is involved in the decision, then I may single them out and ask them to comment; provided we have the time. Is there any objection to me doing that? No objection then, so I'll handle it that way. Mr. Godwin, you have the floor for a few minutes.

MR. JOHN GODWIN: My name is John Godwin; I own Point Lobster Company in New Jersey. We import 80 percent of our lobsters from out of state; mostly Maine and Massachusetts lobsters. I feel ASMFC should consider adopting language that allows for southern New England dealers to buy and sell all legal sizes from LCMA-1.

The result would be an increase in demand for lobsters. Currently the limits on sizes are excluding a percentage of the Area-1 catch. New York and New Jersey are Area-1's closest neighbors. If the overall demand for lobsters is increased by allowing more of them to come in, as the demand goes up we're going to be able to sustain the prices paid in southern New England by limiting what's coming in. We're just simply losing customers.

Canada is already taking steps to promote their fishery; they've even made it a tariff. I feel like it's time that Atlantic States considers amending the general possession limits for sale amongst the other states. I realize the importance of having a management tool for the harvest of lobsters, but it has become burdensome on the rest of the industry. If we just use Price Chopper, for example, in New York they had 1,000 lobsters seized legally caught in Massachusetts. That's not the kind of market where the Massachusetts dealer was competing with the lobstermen.

The lobstermen in New York had no chance at making a sale to Price Chopper. Sometimes there is a misunderstanding that lobsters coming in from out of state are going to hurt the local fishery. I don't think that's true. What we need to do is increase the demand, sustain the boat price, and just keep the ball rolling here to do what we can to help the dealers and help the

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fishermen. That's all I've got; thank you for your time.

CHAIRMAN BORDEN: Thank you very much, John. Just a follow up on that; John submitted a letter and I received a number of other letters from different members of the public that are here. Mike, what I can do is I was going to circulate those to the staff. If there is anyone in the audience that has a letter that they want circulated to the Board, then please provide it to the young lady sitting on my right; Megan.

We'll copy it and pass out copies to the Board, so they have the benefits of the public comments.

### **NEW ENGLAND FISHERY MANAGEMENT COUNCIL DEEP-SEA CORAL AMENDMENT**

#### **GENERAL OVERVIEW**

CHAIRMAN BORDEN: Okay so we're going to move on with the agenda; Discussion of Deep-Sea Coral Amendment, and this is a general overview. Michelle.

MS. MICHELLE BACHMAN: My name is Michelle Bachman; and I'm a staff member with the New England Fishery Management Council. I think I know a number of you, but some of you are new faces. It's nice to meet you. I'm happy to talk today about our ongoing Sea Coral Amendment.

Basically what I want to cover, just to make sure you're aware of what the alternatives are that the Council is considering; let you know which ones they have determined thus far are their preferred alternatives, and then kind of make sure that you're aware of the basics of how we're considering impacts in the amendment. I am happy to take more questions on that if you have them; and then also what the timeline is for the next few weeks and months, going forward.

This is basically the problem statement for the amendment. The Council adopted this a while back, I think. Some of you may have seen this already, certainly for those on the Council. The core of the problem statement to me is sort of

articulating this trade on the amendment between the conservation of deep sea corals; which are vulnerable to the effects of fishing gear, and then balancing any negative impacts on fishing fleets and the communities that are supported by those fisheries.

I'll take a look sort of at what else is in the Problem Statement, but really I think that is kind of the core of what the Council is trying to do is figure out where that balance should be; and looking at a range of alternatives that have different levels of impacts, in terms of corals or impacts to fishing activities and try to figure out kind of where to put that. Just briefly, with our deep sea corals, there are a number of types of different corals in New England. We're learning more all the time about these animals; and we've learned a lot in the last, say five years, about their distribution and their diversity. What we were focusing on when we designed the alternatives in the amendment, sort of specific spatial management measures focused on different aggregations of corals.

We're really focused on species that are associated with hard bottom; which is a fairly rare habitat type in the Gulf of Maine, and also in the deep ocean. There are sort of soft bottoms associated with corals, but really in terms of the conservation focus, we are looking at corals on hard bottom areas.

As I mentioned there is a diversity of corals in New England. We have learned a lot recently. This is just an imagery of some of the different types of corals. Some of the black corals and even some of the stony corals in the canyons are in quite deep water. Others you do find in shallower areas.

In general in the shallow waters of the canyons you've got more soft corals, and in the Gulf of Maine the fauna we're interested in and focusing our conservation efforts on are generally soft corals; and I'll show you some pictures of the more common types on the next slide. If you're interested in what the science looks like, a good

sort of one-stop read would be a paper by Petrini et al, and it is a Plos One paper from 2015.

It kind of goes through some of the recent data collection with remotely operated vehicles. It was done in 2013, I believe. You'll see kind of a good flavor for the types of exploratory surveys that have happened in recent years. This just gives you a sense of what some of the really common Gulf of Maine coral species are going to look like out of the water, if they were to come aboard a fishing vessel.

The two species in the upper right, *Paragorgia* and *Primnoa* are the really common species of soft corals that we see in all the management areas the Council is considering in the Gulf of Maine. Then there are a number of other different species that occur in deeper areas in the canyons, and also on the sea maps.

These are sort of cosmopolitan species, you know found in many different locations around the world. But these are the kind of main ones that you would see in the Gulf of Maine areas, which were generally between 150 and maybe 250 meters of depth. Big picture, why is the Council doing this? I think there are kind of two reasons, really.

The first is sort of the idea of conserving corals, kind of for their own sake, you know just for their existence value. These are very long-lived animals, have slow growth rates, have a limited reproduction potential, and then just kind of wanting to conserve their biodiversity. But also they're important habitat, as being structure forming organisms they provide habitat for fishes; those that are managed by the Commission and the Council and others that are not.

They have close associations with other invertebrate species. Corals are definitely an important plan or ecological. This is something that the Board may want to discuss and maybe you have in the past; but sort of the management authority that the Council is

developing these measures under. The last time the Magnuson-Stevens Act was reauthorized there were actually provisions added to allow councils to take discretionary action to protect deep sea corals in particular. That has really kind of been the focus. That authority has been the focus of the Council's discussions. What it allows us to do is sort of decouple coral conservation from essential fish habitat. In many cases the corals occur in quite deep water, out to thousands of meters, including on the sea mounts; and that is really beyond the habitat of species that are managed by the Council.

It is less of a stretch to use its proper discretionary authority than to have to link coral conservation with our essential fish habitat designations; and that sort of program that the Council implements. There is some guidance that we got; I guess two pieces of guidance that we got, first from the Greater Atlantic Regional Fisheries Office back when they were MIRO. In 2010 we got a guidance letter from them about how to think about the discretionary provisions.

Subsequent to that in 2014, NMFS kind of at a national level published some guidance, basically explaining the obligations of the Council when using the discretionary authority, the things we need to consider, the consultation that we need to do; for example with the Commission, if considering regulation of gears managed by other management authorities such as the Commission or the Mid-Atlantic Council.

We've been doing a lot of consultation; we have membership on our committee. If you're interested in the specifics of that letter, it is on our website if you go under the habitat page and look for the coral amendment, you can see that guidance. Just a picture, other regions of the country are also working on deep sea coral management; and do have some areas in place that sort of serve this goal, or areas are under development.

This is just in terms of the Atlantic coast; basically North Carolina northward. Both the Mid-

Atlantic and the New England Fishery Management Council have been working on this for a while. The Mid-Atlantic measures did go into effect at the beginning of this year in January. Essentially what they held on to was kind of this broad coral zone that encompasses the whole slope region, within the Mid-Atlantic's jurisdictional footprint out to the EEZ boundary.

Their zone starts at around 450 meters, which was shallower in the heads of some of the canyons. We've heard a lot of discussion about how their process is similar to the New England process or how it's different. The lobster fishery being actively involved in our process, and being a fishery that the council is actively considering managing in these coral areas is the biggest difference between, I think the New England process and the process the Mid-Atlantic went through.

I think that has kind of influenced our discussions throughout, and sort of some of our public outreach and the focus of our analysis, and how we spend our time. I'm happy to tell more about the Mid-Atlantic Amendment if people have any questions. Since they are sort of the core alternatives in the amendment in a nutshell, essentially we're looking at a range of spatial management areas that could be designated for coral protection.

There are these broad water broad zones, which you saw in the previous slide; and I'll show you again on the next slide, with sort of depth limits as the shallow boundary. We're considering six different options there. Then we have these discreet zones. We have these canyon zones and sea mount zones that are sort of nested within that raw area. Then in the Gulf of Maine we have some other areas that we're considering; a couple inshore, Mt. Desert Rock, Outer Schoodic Ridge and then a couple further offshore with Area 3, Lindenkohl Knoll, and some areas within Georges Basin. Then in terms of the gear restrictions that could apply within those zones. We're looking at either prohibition on all bottom-tending gears, whether they made up a

sphere, like a trap or a longline or gillnet or mobile gear like a trawl.

Dredges would also be considered a mobile gear, if they're not going to be used in the steps from the data that we looked at and the comments we've heard; or the council may consider just prohibitions on mobile bottom tending gears only. Under the fixed annual bottom-tending gear restriction, the council is considering a couple of different exemptions.

One would be to exempt the red-crab trap fishery. That is managed by our council. It is a relatively small fishery, I'm sure you're familiar with it, and any other option would exempt other trap fisheries; that would include folks fishing with lobster traps. It would also include for example, in Jordan Basin there is a hagfish pot fishery that would kind of follow under that as well.

Then there is some transiting language. What is up on the slide, it was adopted by the Mid-Atlantic Council and is in the regulations for their coral zone. It is a little relaxed relative to some of the language around transiting that is currently in the federal regulations. I struggled with a way to represent this visually that is any way clear, so I apologize.

Basically what you've got here, on the left hand panel is sort of the general location of these broad zones. They're quite large areas, but you know have these different depth based limits. On the right hand side you can see the kind of green shading is basically everything that is deeper than 600 meters.

The Council's preferred alternative is defining a zone. You know the entire slope region out to the EEZ that encompasses the sea mounts within, sort of the New England Council's footprint. Draw some simplified boundary lines to define that zone, so that there are specific coordinates that people could put in a plotter, I understand, and know if you were within the

zone or outside it. But the criterion for that is that the zone be no shallower than 600 meters.

That green is sort of like what that footprint looks like. Then what we developed for that zone is basically a simplified line that kind of doesn't go any shallower than that green footprint. Then we've got a number of other options that we're considering as well. There is one that has sort of an average depth of 600 meters; but goes as shallow as 550.

There is another one that has an average depth of 5 and no shallower than 450. One of the targets is 400 meters and one of the targets is 300 meters. Then there is also an option, I think that really bounds the analysis nicely that it targets 900 meters, so it is much deeper; which has kind of solved the outside the footprint of any fishing, including the red crab fishery. Then we have these series of discreet zones. This first slide, just talks about the different canyon zones and the sea mount zones.

This is just a list of the different canyons that we're considering. There are some other smaller canyon features, but these are all the ones that have had coral sampling; so we know for certain from a couple to six or seven, either remotely operated vehicle or until the camera dies. But there are corals, sort of what the species composition is and that sort of thing, what the zonation is by depth. These are the areas where we have kind of detailed information. They're all the larger canyons in the New England region. The coloring, the yellow ones are those that are outside the northeast canyons and sea mounts from your national monument, and the red ones are inside. The Council had a sort of lengthy discussion about whether to continue developing management areas within the monument; and ultimately decided that they wanted to keep these measures as part of the amendment, just sort of see what impacts will be, and continue with their own management program in spite of the monument designation.

That just kind of breaks those apart visually for you, and we did kind of break out some of the analysis by canyons in the monument and not just sort of show the added potential impact of other zones that might be designated by the Council. Then the four blue areas are the New England sea mounts that are within the exclusive economic zone. That sea mount changes so much further to the east, but those are the four that are in the EEZ; and those are also being considered as discreet management zones.

The canyon zones and the sea mount zones; none of these are preferred alternatives at this time. They are in the document. The Council is looking to receive comments on them. But right now the preference is to just go with the broad zone approach with that 600 meter minimum, and not to designate these additional discrete zones that go into shallower water.

We had kind of framed it for the Council, if they could take a mix and match approach combining the two areas; maybe going shallower in the canyons. At this time they seem to prefer just a single, somewhat deeper effort. Moving into the Gulf of Maine, we have basically four different locations that we're looking at.

First will be Mount Desert Rock. Essentially we can see on here there are a couple different areas, the sort of larger red boundary; and within that there is a smaller blue outlined boundary. The Council is considering both of those options as boundaries for this management area. Right now they don't have a preference for which.

The smaller boundary was developed later in the process, so that is kind of a more recent refinement. Assuming that this area is designated, the Council's recommendation would be a mobile bottom tending gear closure only. Importantly, lobster traps could continue to be used in this area. That is really the only gear type that has any significant activity within the larger of the boundaries, and I expect within the smaller boundary, so unless it's a subset.

The next area is Outer Schoodic Ridge. This is within Lobster Management Area Zone-A, in Area 1, beyond 12 miles from shore. We only have the one boundary option for this area. This is a turn at this time as a closure to mobile bottom tending gear; and so again that wouldn't restrict on the lobster traps.

Jordan Basin, there is basically four different locations that we're looking at in Jordan Basin. From the general charts that show us the bottom topography in Jordan Basin aren't fantastic. We only have really detailed mapping for certain areas within the basin. But generally in sort of higher relief areas is where you tend to find these coral habitats.

Some of the locations that have been documented are on a couple of these bumps, and then more towards the center of the basin, along the Hague line. We've got 96 Fathom Bump, to 118 Fathom Bump and then the largest area is 114 Fathom Bump, and then the eastern area is that central Jordan Basin area. Within that the Committee and the Council in the last four months have discussed and refined these a little bit; more tightly around where the corals have been observed, where we think the high relief areas are. We really kind of focused down on smaller subsets of these original area boundaries to develop this second option. Right now the Council hasn't recommended designating zones in Jordan Basin as preferred.

They didn't really say it wasn't preferred either; they are sort of still deciding, I think. But if areas are designated in Jordan Basin, they are recommending that they be mobile bottom tending closures, not closures to fixed gears. Again that wouldn't affect the lobster fishery. We do know that there is groundfish and monkfish and some other species that would be caught but that gill nets or trawls are also caught in these areas. Then there is also a hagfish fishery in Jordan Basin as well, as I mentioned.

Then the next slide, just to show you quickly, is just an image of some of the types of features

and corals that you can see in Jordan Basin; different soft corals and then other fishes and invertebrates associated with them. The final area that we're looking at in the Gulf of Maine is Lindenkohl Knoll. This is the western edge of Georges Basin, which is the deepest part in the Gulf of Maine.

We don't really have great data on its sea forage range in Lindenkohl Knoll, but we do have some RV dives in which corals have been observed. We have basically two options that we're considering here. This larger area Option 1 and Option 2 would be three sub-areas focused around the dive sites.

Similarly with Jordan Basin, the Council hasn't yet come down on whether they actually want it as a main management area for corals in Lindenkohl. But if they do, they did want to go with the no mobile bottom tending gear fishery. This just sums up where the lobster management areas are, and how those relate to the coral zones.

The different color shadings are the main management areas. The Schoodic Ridge is in Area A, the Mount Desert Rock, Area B, and then all the remaining areas are within Area 3. Then finally in addition to sort of a need of the amendment, these coral management areas and the measures for them. There are a couple other programs and options the Council is considering.

We talked early on in the process of developing this amendment about an idea of maybe developing some special access programs, so these areas could be broadly closed to allow any particular fisheries to continue operation under specific criteria or exploratory fishing; for example for currently un-harvested deepwater stocks.

The Council didn't develop any of those options more fully, as kind of specific programs. What they do want to do at this time, is under research activities just request that folks doing scientific research in these zones ask for a letter of

These minutes are draft and subject to approval by the American Lobster Management Board.

The Board will review the minutes during its next meeting.

acknowledgement from the Fisheries Service, just so we can kind of keep better track of what's happening; in terms of research in these areas, but that's a pretty limited alternative.

Then in terms of framework adjustments, I think many of you probably know the Council tends toward either on amendments, which are kind of larger initiatives or framework adjustments, the idea with those is they have them a little bit more quickly with fewer meetings. They are supposed to be more limited in scope and have fewer moving parts. In general the Council has kind of added to the list of things that we can consider doing within a framework. This would basically, just all these new types of measures that are part of this amendment; it would add that into that. You can specify that you could add new coral zones, change them, change their fishing restrictions, or develop these exploratory fishing or special access programs to frameworks.

#### **REVIEW OF MANAGEMENT ALTERNATIVES**

MS. BACHMAN: Just to recap the preferred alternatives again. The main one will give a 600 meter zone, close to all different types of fishing with an exemption for red crab; and then it would have its minimum depth of 600 meters. That is what the Council is recommending for the slope and the canyons and the sea mounts.

In terms of the Gulf of Maine the Council recommended all those zones be mobile bottom tending gear closures only. They did recommend designating coral management areas in Mount Desert Rock and Outer Schoodic Ridge, and still on the fence about those offshore sites; and then the other measures as indicated.

Just kind of quickly, in terms of how we're thinking about impacts analysis, basically we only have sampling for corals at select locations within these zones. In addition to using the information from those research cruises, we can also use suitability modeling results, as well as terrain data.

Figuring out where there are steeply sloping areas and things like that to get a sense for the total amount of coral habitat you link back to the different alternatives. Then combining that with what we know about different fishing activities that might be prohibited under a different option, we can kind of make an assessment of what the conservation benefits would be of corals of any given management zone.

We do know something about fishing gear impacts on corals. We've got some information about growth. Some of the major species in the Gulf of Maine that were on that earlier slide, really only grow a few centimeters a year. If they're disturbed or removed it takes them a while to repair the damage or re-colonize an area.

We certainly also acknowledge that the areas where the Council is considering management are currently fished, and these corals continue to persist there; when the dive indicates that they have some resilience to impact, or if really the corals are in parts that are more difficult to fish; on very steep habitats and that sort of thing.

We don't entirely know, and maybe some of these corals, in the Gulf of Maine or in shallow parts of the canyons are sort of the remains of a larger distribution of corals that was there previously; we're just really not sure. Basically, just to wrap up here. We're taking a look at a couple different sources of data.

I knew you guys have talked about this in the past, so don't need to go into a lot of detail. The focus has been the trip reports. The Commission also sent out a survey last spring about Area 3, and people's activity by depth, by area in Area 3; the results of that leads to kind of assess how much revenue was occurring at different depth intervals. We're using all that information from the Commission survey and from the Technical Committee's reporting and are folding that into our EA. In the inshore Gulf of Maine, we have sort of a different set of challenges; in terms of understanding the fishing activity that's



occurring within these two zones. It is by and large the lobster fishery is what's going on here, and there is very little evidence of other types of fishing; in the data that we looked at, at least. We worked with DMR through the TC to get some information about these areas, sort of how many individuals are fishing, you know what months they're fishing, what proportion of their revenue might be coming from these areas.

Then coming up with some different estimates of how much revenue may be coming out of these two locations on an annual basis. I have all the information that we've grabbed through the TC and DMR and it's kind of folded into our documents. Finally, we're also looking at all those sorts of impacts to fisheries at the level of different fishing communities.

We've done that based on data from the dealer reports and the trip reports, as well as information through DMR about which ports are most important to the people fishing these areas. That is all discussed in our information; just finally to wrap up, the timeline for the amendment. Right now we're kind of in this public comment period that will end on June 5th.

In a couple weeks we'll be doing public hearings; and the schedule is on our next slide. You can get the notice with the specifics on our website as well. It should be in the Federal Register this week, if not already. On May 30, the Committee is going to meet in Wakefield, Massachusetts, and it will be either comments from the hearings and discuss if they want to make any revisions to their recommendations about preferred alternatives.

Then the Council is scheduled to take final action in June. We're figuring out which date of the meeting that might be. Then provided that schedule is met then we'll probably submit the amendment document towards the end of the summer, early fall for implementation early next year. The next slide just has a list of public hearing opportunities; again you can grab this off our website.

Our last hearing kind of leading into the Memorial Day weekend is a webinar, which you all can listen in on, or participate and comment. There are detailed instructions for registering in the hearing notice. That's all I've got. Just a nice picture of dogfish, this is at Outer Schoodic Ridge; happy to take questions and thanks for your attention.

CHAIRMAN BORDEN: Any questions? Dan. You look like you're waving your finger.

MR. DAN MCKIERNAN: Well I was curious if there has been any thought given to compliance, and how would you know if a vessel in the future, if this was enacted had fish in that zone?

MS. BACHMAN: These areas will be enforced similar to other spatial management areas, through VMS for vessels that have VMS, through Coast Guard sort of direct observation in case there are vessels that don't have VMS. We talked a lot about, we had some workshops, and also at the Committee about whether, the intent was really to avoid having gear on the bottom within these zones; but really what is enforceable is the vessel being within the zones.

The Chairman will probably speak to this, but I think the idea behind that 600 meter minimum zone was that that was deep enough to accommodate giving space for people that are fishing a little bit shallower than that in reality. Kind of putting this buffer in, but especially given how far offshore some of these sites are enforcement I think is going to be difficult to be fully enforced.

CHAIRMAN BORDEN: Yes, I'll follow up on Dan's question also, since I represent the Commission on the Committee. There actually was a lot of discussion about the need to have buffers here. If the concept of this whole program is to freeze the existing footprint, then you want to do so in a manner that is enforceable.

But you don't want to have absolute lines on the boundary; you want to kind of move the line

away from the boundary of the area that you want to protect. That is exactly the reason the Committee talked about this 600 meter line. They were actually talking about a line that was inside of that.

Then when we talked about the concept of buffers and how you would enforce it, and how the Coast Guard would enforce it. We decided to move the line out to 600 meters; other comments or questions on this? Okay, so since the Council is going to meet on June 20 to 22, and finalize a position on this. If we want to have input, I think what we should do is entertain a motion on the subject.

Does somebody want to make a motion? I would also note that we have a number of New England Council representatives here. I believe all of them and correct me if I misspeak, voted in favor of the preferred alternatives when it came up; with the possible exception of one. Eric, do you want to make a motion?

MR. ERIC REID: Somebody has it other than me. **I move to recommend to the Policy Board supporting the preferred alternatives developed by the New England Fisheries Management Council in their Deep Sea Coral Amendment.** If I get a second I have some rationale.

CHAIRMAN BORDEN: Seconded by Pat Keliher. Discussion, Eric.

MR. REID: Thank you, Michelle, it was a great presentation. My rationale goes with her comments. The Mid-Atlantic went first in their coral action, but they did not under current legal advice at the time they did not include lobster gear. New England received new advice; as Michelle referenced, so basically New England is more restrictive than the Mid-Atlantic in their action, as it will be regulating all bottom tending gear.

As the chairman referenced it is actually a true freeze the footprint approach and that came

through many Habitat Committee meetings, two public workshops to identify from the industry where they actually fished; and Council discussion. That footprint has been decades in the making, decades. At least it's a discretionary action, but I think we should support the alternatives as the Council and its Committee and its workshops have developed.

CHAIRMAN BORDEN: Pat, do you want to offer a comment as the seconder, and then I'll go to Doug Grout.

MR. PATRICK C. KELIHER: I just want to echo Eric's statement, in particular the impact to the state of Maine's lobster fishery if it was included would have been multi millions of dollars, there would have been economic impacts to many fishermen in Zone A and Zone B, being very problematic. We certainly support the Council's preferred alternative in this process; and we certainly ask the Board to support the motion.

MR. DOUGLAS E. GROUT: Just a clarification of the motion. Is the intent that you would send a letter to support the preferred alternatives?

MR. REID: I'm assuming a letter would be better than a smoke signal.

MR. GROUT: Just for the record, so you know what we're voting on.

CHAIRMAN BORDEN: All right, any other comments? Pete Burns.

MR. PETER BURNS: I just want to point out that I'll abstain on the vote, because this amendment will likely come before NOAA Fisheries for implementation soon.

CHAIRMAN BORDEN: Anyone else at the table? Is there anyone in the audience that wants to make a comment on the motion? No hands up. Okay, so are you ready for the question? All those in favor, do you need a caucus, excuse me? No one needs a caucus. **Everyone in favor, signify by raising your right hand, 11 in favor,**

**any opposed, no opposed, abstentions, 1 abstention, any null votes; motion carries.**

Eric did you, and I should have mentioned this at the start of the meeting. Did you also want to talk about the notice from the Department of Interior, which I would point out for everyone's edification; the President has asked the Department of Interior to solicit input on the monuments. There has been a notice that's been circulated, and Eric will describe what it is. Then we'll take up the issue.

MR. REID: This is dated May 5, which is last Friday. It is from the Department of the Interior, the Office of the Secretary. It says the Department of Interior today announced the first ever formal public comment period, for members of the public to officially weigh in on monument designations under the Antiquities Act.

It is not a very long press release, and maybe staff could shoot it at the members if you want to look at it. If you remember, not that long ago the Commission developed a position letter; which was presented to the Office of CEQ by Chairman Grout, and several of the members. I think since this is a unique opportunity, the first of its kind that the Commission should reinforce our initial advice to the previous administration; and comment on this issue.

Hopefully you will all remember that the letter that we sent to the President; describing what we felt was an optimum solution to the use of the Antiquities Act. I don't remember the exact vote in front of the Policy Board, but it was 13 to 0 to 1. It was something to 0 to 1. I think since it is a unique opportunity, the first of its kind; that we should reinforce our initial position through our original position, and a cover letter or something that outlines the conditions of today.

CHAIRMAN BORDEN: I guess a question to the Board is that the comment period is over before our next meeting. What is a preference for the

Board? Would you like to entertain a motion, make a recommendation to the Policy Board to submit a letter for the record? Eric is suggesting basically restating our position, so comments on that concept; anyone? Pat.

MR. KELIHER: I would recommend sending a request to the Policy Board that a letter be sent on this particular issue. It should be sent both to the Secretary of Interior and then the Secretary of Commerce. Governor LePage recently met with the Secretary of Interior; and actually brought this particular issue up. It is not included in the list that is being reviewed now, but a letter from this body, I think would be appropriate.

CHAIRMAN BORDEN: Comments to Pat's suggestion. Eric.

MR. REID: Obviously I support Commissioner Keliher's advice, but in this press release the Atlantic Monument is clearly outlined as one that is under consideration. If you please, Mr. Chairman, I have a motion.

CHAIRMAN BORDEN: All right, let me just see if anyone has another suggestion. Anyone here uncomfortable with us restating our position? I don't see any hands up. Yes, Sarah.

REPRESENTATIVE SARAH K. PEAKE: I was in support of the first letter that we sent. I had at that time objections to the fact that I felt there wasn't an adequate public comment period; that the New England Council had already taken some measures regarding fishing moratoriums. What my concern is now, is an outright lifting of the Monument status could open up this area around canyons and seamounts to activity that would have a great detrimental effect to the fishing industry, i.e. offshore drilling or other sorts of mining and resource-taking activities.

My issue isn't so much with the repeal of the Monument status, but that an outright appeal without some sort of replacement to ensure that the habitat remain a healthy one for fishing endeavors and fishing industry, without activity

that would degrade that. That is where my level of discomfort is today; as we sit here in May.

CHAIRMAN BORDEN: Let me ask Doug and Bob Beal whether or not they have a preference for how we handle this. It seems to me, just looking at the reading the tea leaves around the table what people want to comment. It seems to me that we need to perfect a letter that people would be comfortable with.

I guess my question to the Chair and the Executive Director is should we pass a motion and then ask staff to draft a letter and circulate it; so that people get a chance to look at the letter and be a little bit more comfortable with it? Would that make more sense? Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: What if we distributed the letter that we sent about a year ago, I guess it was; to the Full Commission, Policy Board, people will have 48 hours to look at it before Thursday, and see if that still is your position, if everyone is comfortable with that position still.

We can put a cover letter on that stating why we're sending it in; maybe in response to this comment opportunity. If that is not the position, we can sort out the position at the Policy Board in a couple days. But we'll send around that previously submitted letter, and folks can look at it and then come to the Policy Board ready to comment; whether it is or is not our position.

CHAIRMAN BORDEN: Does anyone object to that? Let's follow that process. We'll circulate the letter. I just point out from a personal perspective. I agree with Sarah's comments completely. But I also point out that it is a little bit concerning that we've got a position on the Coral Amendment, which is basically endorsing 600 meters; and the original position that we endorsed was 900 meters with the Monument. I think if we're going to circulate the letters, we should think about whether or not we want to standardize those two positions; which I think

would be better if we linked one to a regulatory vision since it is trying to deal with this.

We'll circulate the letters and then we'll see what the reaction to it is, and maybe discuss it at the Policy Board. Are there any objections to doing that; anything else on corals? Before we move off corals, I would just like to take the opportunity to thank Michelle for all her work on this. She is a fabulous staffer.

The New England Council should be extraordinarily pleased with her performance. She has done a tremendous job working on this issue in the absence of a lot of information. She has really pushed people and she has pushed the whole envelope, and I think we should be thankful for all of her efforts; so thank you very much.

**AMERICAN LOBSTER GULF OF  
MAINE/GEORGES BANK  
SUBCOMMITTEE REPORT**

CHAIRMAN BORDEN: Next item here we're going to take on, the Georges Bank, Gulf of Maine Subcommittee; I'm going to turn it right over to Megan.

MS. MEGAN WARE: I am going to be reviewing the Gulf of Maine/Georges Bank Lobster Subcommittee report today. Just as a reminder, this Subcommittee was formed in January, in response to the Technical Committee's report on changing stock conditions in the Gulf of Maine and Georges Bank.

Just to take a step back and remind ourselves of why this subcommittee was formed, and why the TC has been looking into changing stock conditions. Looking at this slide here, and kind of taking Maine as a case study, we can see that over the past 30 to 40 years there has been really an incredible increase in the amount of landings that are coming from the Gulf of Maine; particularly in the last ten or so years there has been an exponential increase in those landings. But at the same time, we kind of have a unique dichotomy here; because we are starting to see

declines in the settlement surveys. These are the Maine settlement surveys from the various statistical areas. What you can see is over the past five or so years, we've started to see noticeable declines in those settlement surveys.

This is concerning, because if this truly does reflect a decline in settlement, then this could foreshadow decreased recruitment and landings in the future. The Subcommittee met on April 13, in Durham, New Hampshire. We had participants from Maine through Rhode Island. This included Board members, TC members, industry association leaders, and lobstermen.

There were three purposes of this meeting. The first one to discuss current and future conditions in the Gulf of Maine/Georges Bank stock, to discuss ways to promote resiliency in the stock; given changing environmental conditions. Then also to provide recommendations to the Board as to how to best proceed.

There were three questions that started off the discussion from the Subcommittee. The first question is how are we currently protecting spawning stock biomass? The Subcommittee concluded that we're currently protecting spawning stock biomass through the V-notch program, the minimum gauge size and the maximum gauge size. Many noted that that minimum gauge size may be protecting an increasing portion of spawning stock biomass; given that we're seeing an earlier size at maturity. The next question was what does the Gulf of Maine lobster fishery look like with less catch? I think the concern here is that decreased lobster catch could have rippling economic effects; even if the stock is still biologically healthy. This could be even more concerning, given the fact that many lobstermen are not diversified in their catch.

Then the third question is; are there any deficiencies in the current management plan? Many pointed to the fact that currently under our reference point's management action is not triggered until abundance falls to the 25th

percentile. Given that we're at record high landings now, this means that landings would likely have to fall by over 50 percent before any management action is triggered.

The second part of our Subcommittee discussion focused on lessons learned from southern New England. These lessons learned were provided by some of the Rhode Island and Massachusetts members of the Subcommittee. The first lesson learned was; be proactive. Many pointed to the fact that the decline in the southern New England stock happened over a relatively short period of time; particularly in Long Island Sound.

Waiting to see a couple years of decreased landings and then initiating management action may be too late. The second lesson learned was to address access in the system, so this includes things such as latent traps, unused permits, as well as a continued purchase of larger and faster boats. The third lesson learned was to standardize management measures. In southern New England many of the addenda have allowed the LCMAs to kind of tailor their own management proposal to meet a target.

While this provides flexibility, it also could create enforcement challenges and lessen the expected biological benefits of the management rules. The fourth lesson learned was 100 percent harvester reporting. Some noted that if management tools are considered which are based on historic participation in the stock, then it is going to be important to have your information as to when fishermen were harvesting.

We have preliminary recommendations from the Subcommittee. I do want to note these are preliminary; because the Subcommittee has asked for another meeting to better flush these out. But I did want to review these; in case there is any discussion on them. The first is to conduct additional research.

One of the things that kept popping up is the need for a coastwide study on growth and

maturity. The TC members noted that the data that is currently being used is over 20 years old; and this should really be updated. The second recommendation is to continue to monitor the ventless trap survey and the trawl surveys.

The Subcommittee agreed with the TC that if that settlement survey is truly reflecting a decline in settlement, this will next be seen in the ventless trap surveys and the trawl surveys. The third recommendation is to improve enforcement offshore. Many noted that we are seeing an expansion of the lobster fishery offshore.

Also with the increase in the value in Gulf of Maine, there seems to be more issues with compliance. The fourth recommendation was to develop environmental indicators. This again was an original recommendation of the TC to include some sort of model for the indicator to look at environmental anomalies such as water temperature. The fifth was to develop an economic indicator and trigger. This really developed from the fact that some of these concerns are economic; and we may see economic effects before the stock is biologically unhealthy. This indicator could look at landings over a specified period of time, and if they decrease by a certain percentage that could trigger management action.

I think this is one of the things that the Subcommittee would like to further discuss. Then the sixth recommendation was to modify the current reference points. The Subcommittee agreed with the TC that management action should be triggered at the 50th percentile of abundance rather than the 25th. It comes down to takeaways and ways to move forward here.

I think one of the largest conclusions was that economic effects will likely be felt before biological triggers are met. Therefore, there may be deficiencies in the current management plan; which may need to be addressed, in order to build resiliency in the Gulf of Maine/Georges Bank stock.

That could include changes to the reference points as well as the development of an economic indicator. There are some things that the Board is already doing that we can continue to do. Through the FMP review we do monitor e-ventless trap surveys as well as the trawl surveys; and the LEC is continuing to have a discussion on offshore enforcement. Those are two of the things that the Board is already working on. With that I will take any questions.

CHAIRMAN BORDEN: Questions for Megan; yes, Ritchie.

G. RITCHIE WHITE: Was there any suggestions as to how to improve law enforcement offshore?

MS. WARE: I believe there is a recommendation for electronic tracking on vessels; but besides that there were no other specific recommendations.

CHAIRMAN BORDEN: Just a follow up on Ritchie's question. The Enforcement Committee, as I think many of you will recall, about six months ago or maybe nine months ago. The Lobster Board kind of engaged the Enforcement Committee, and pointed out that there were problems, a number of those, Pat Keliher and myself. I know Ritchie attended the Enforcement Committee meeting.

The Enforcement Committee has been trying to develop different systems to deal with nearshore, kind of the Mid-Shelf zone and offshore. Some of that that relates to technology, other aspects relate to modifying the Joint Enforcement Agreement and so forth. That is kind of a work in progress. But it definitely needs to take place in this particular case; and it is in progress. Ritchie, you want to follow up on that?

MR. WHITE: Yes, at that meeting there was a discussion that National Marine Fisheries Service that lobster was not a priority species in their list of priorities. There was discussion at that point about how do we move it up. I don't know if

there was any decision on that; but there needs to be additional encouragement from this Board to have that happen.

MS. WARE: We did send a letter to NOAA OLE, asking that they move up the prioritization of lobster; and that was a motion that was passed at a previous Policy Board meeting. We heard that this was the appropriate time to send that. That has been sent.

MR. KELIHER: The timing here I think is good, with this Subcommittee elevating law enforcement; the Law Enforcement Committee meeting tomorrow, I think it would be really good to bring back a breakthrough of this conversation back to the Law Enforcement Committee, make sure they're prioritizing it.

Anything else that may be recognized from the Law Enforcement Committee is on a parallel track with the Subcommittee; and we can get some finalization of some really strong recommendations. Rene Cloutier; the representative here today, I would like to think he's well versed now on offshore lobster problems. It would be good if he could bring this message back to our Enforcement Committee.

CHAIRMAN BORDEN: Rene, I won't put you on the spot, but if you would like to comment please do, if not we'll move on. That's okay, no need to do it. Anyone else at the table, okay let me just add a couple of things. Oh, excuse me; Pat.

MR. KELIHER: Sorry, not to belabor this point. But because a 100 percent harvester reporting is on the table again and with the new Subcommittee, we all know how much the state of Maine loves this conversation. The fact that we have the budget being already packed, to the cost associated with this.

With the Reporting Subcommittee and the Law Enforcement component of this, I think we really need to stress the prioritization of a technical solution to reporting. If there is going to be

additional reporting needed from a tracking side of this on boats, there is no reason that that tracking component does not have a reporting side of this to make it easier and less cost coming back to the state. I think it would help offset a lot of this cost.

CHAIRMAN BORDEN: To that point, I think Megan is going to get into that under the next agenda. That is about as fast an action as I can orchestrate. Okay so anything else? There is no action required at this point. The Subcommittee is going to meet again. I think the total cost of the meeting was four pizzas and Megan's travel, but four pizzas was a fairly modest sum to invest in this.

I just make a personal comment. Having attended the TRT meeting last week, I came away from that meeting. I am always amazed when I come away from those meetings, in terms of how that process works or doesn't work. But the one thing I think this Subcommittee has to deal with is that Megan put some polite language on the board about dealing with the excesses in the system.

I would put in that category dealing with some of the latency in the system, and the number of vertical lines. We're dangerously close, and there were a number of people around this table that attended the same meeting. We're dangerously close to having a few accidental, unintended takes trigger some type of legal action.

I think we would be well served by trying to address those excesses in the system before the courts do it. I would hope that the Subcommittee will have more discussion on that subject when it comes up. Dennis, no, anyone else at the table.

#### **UPDATE ON THE DEVELOPMENT OF AMERICAN LOBSTER DRAFT ADDENDUM XXVI**

CHAIRMAN BORDEN: Okay, so we're going to move on to the next agenda item; which is an

Update on the Development of Lobster Addendum XXVI.

MS. WARE: All right, Pat. You set me up pretty well for this here. In January the Board did initiate Addendum XXVI to improve harvester reporting and biological data collection in state and federal waters. I just wanted to provide an update on that. We have also been working on XXV, so XXVI is not ready for Board consideration today.

But my hope is to get a solid draft of that perhaps by August. The TC is continuing to work on determining a statistically valid sample of reporting; and they're also looking and evaluating the current biological sampling programs offshore, to identify areas where data is either missing or potential possibilities for collaboration.

I think some of the things that are going to determine the timing of this addendum are the TCs analysis, the workload of the PDT, and also any action that happens on Addendum XXV today. But one of the things that would be really helpful in moving this process along is to get members on the PDT; who are well versed in electronic reporting and electronic tracking.

That is not an expertise I claim to have, and it would be really helpful to get someone, or a couple people on the PDT who had that information and can help provide some guidance on where to go. My ask of the Board today is if it is okay to reshuffle the PDT a bit for this addendum; to get that expertise in the group.

If people have specific individuals in mind that fit that bill and are willing to help out with this amendment, please let me know. I am happy to talk with them to let them know what the time commitment would be, and hopefully convince them that this is a good use of their time. If there are any questions, I'm happy to answer that; or if there are any concerns.

CHAIRMAN BORDEN: Questions for Megan, anybody? No hands up. Any objection to, oh excuse me, Emerson.

MR. EMERSON C. HASBROUCK: Thank you, Megan for your update. What was it that you said you wanted expertise on, electronic reporting and what else, please?

MS. WARE: Tracking, so things like VMS or other beacons that track where ships are, vessels are at certain times.

CHAIRMAN BORDEN: Any other questions? This is another issue like the prior issue; which is going to be developed and it will come back to you with more specifics. I failed to note under the prior agenda item that after we get the next report from that Subcommittee, at that point I think we've got to decide whether or not we want to proceed with an addendum to the development of an addendum; and basically task the PDT.

Just so everyone is clear on the process on that prior issue. We'll get the report. If people like what they see in general, then we'll pass a motion to initiate Addendum XXVII to do that.

#### **CONSIDER AMERICAN LOBSTER ADDENDUM XXV FOR FINAL APPROVAL**

CHAIRMAN BORDEN: Any other business under this item, if not we're going to move on to Addendum XXV, which is the main order of business for the meeting. This addendum has been under development, I think as everybody knows here, for a considerable period of time. The Board has had numerous discussions about this. We developed objectives, and so that everybody understands the process that I intend to follow on this. We're going to listen to these reports. Then once the reports are over, it is my expectation, I'm being optimistic here; that we'll have at least a half hour where we can get into some of the substance of the addendum.

What I intend to do is to try to take some of the easier issues today. I would characterize those



as the issue of how to handle the recreational fishery, the issue of standardizing the regulations, the issue of the line for Area 3, and the issue of de minimis. I think the other items in the addendum are fairly complex, and there is going to be a lot of discussion about it.

One of the things that I want to forewarn everyone that I'm going to do this before we break, I'm going to take about a two or three minute caucus; and allow all the states to caucus with your representatives. Then what I would like to do is to go around the table; and basically ask each of the jurisdictions to state what their initial position is, relative to the size of the cut and the management tools that can be used.

The reason I want to do that is that we have the benefit of a couple of dozen industry people here. I think once everyone hears everyone else's initial position, they can talk to their industry. You can talk amongst yourself tonight, and try to figure out if there is common ground on the positions; or whether or not we should consider other alternatives in the morning.

We'll do that prior to the point where we break. I would just point out; this does not obligate anybody to take that position in the morning. You have the ability to change your position between the time we recess and the time we come back. What I'm trying to do is promote a dialogue among the individuals at this table and in the audience; that's all. Let's start with a report; Megan, on the options.

#### **OVERVIEW AND TIMELINE REVIEW**

MS. WARE: The Board is scheduled to take action today. For an overview of this presentation, first I'm just going to review the timeline for this addendum, so the Board knows what to expect after today's meeting. I'll go into the public comment summary and also use that as an opportunity to review the management alternatives.

Then we have several committee reports from our Advisory Panel, our Law Enforcement

Committee, and our Technical Committee. Then we'll move into Board discussion and action. In review of the timeline, the Board did initiate Addendum XXV in May of 2016. In January, 2017 the Board approved Draft Addendum XXV for public comment.

This meant our public comment period was from mid-February to early April. The Board is scheduled to select management measures today, including a potential increase in the target egg production. In June, pending the Board's decision, we would ask LCMTs to submit final proposals on how to achieve the target increase in egg production; and this will allow the Board to hopefully review and approve these proposals at the August Board meeting.

Just to take a step back here and remind ourselves how this all began. This was prompted by the results of the 2015 stock assessment; which found that that the southern New England stock is depleted, with record low abundance, spawning stock biomass and recruitment. The figure here is showing abundance in millions of lobsters. You can see in 2013, which was the terminal year of this estimate; it was well below the target and the threshold. In our tool box for this addendum, we are considering three management tools. The first is a gauge size change. I think overall there is probably the greatest confidence in this tool to produce increases in egg production; given that it is enforceable, and provides a direct benefit of keeping lobsters in the water longer. Analysis suggests that it can achieve up to a 60 percent increase in egg production.

The second tool is trap reductions, and analysis here suggests that a 25 percent active trap reduction may result in, at most a 13.1 percent increase in egg production. However, the Technical Committee has noted that the relationship between traps fished and fishing mortality is unclear.

They've noted several caveats with the analysis; notably that current trap reductions reduce total

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allocations not active traps, that fishermen may not maintain constant soak times, that it assumes all changes in exploitation are from trap reductions, and that there is currently a trap transferability program in Areas 2 and 3; which allows active fishermen to replace cut traps with purchased traps.

The third management tool is season closures, and the intent of this is to reduce pressure of the stock at vulnerable times. Analysis suggests that a quarterly season closure can achieve up to a 21.6 percent increase in egg production; however, this assumes that fishermen don't increase effort during the open season.

#### **PUBLIC COMMENT SUMMARY**

MS. WARE: Moving into our public comment summary, seven public hearings were held in six states. In total 235 individuals attended those hearings. We also received 145 written comments from organizations and individuals; 49 of these were from a recreational form letter. I wanted to go over the general themes at the public comments, because I think there were some clear themes that emerged when reviewing them.

I think maybe this will help provide an overview of what I heard, at least. The vast majority was in support of status quo, and many commented that the Board should wait for a current management program to work. They noted the ongoing trap reductions in Areas 2 and 3, as well as the recent changes in 2014.

Others pointed to a lack of data in the southern New England stock, and recommended that the Board rectify this problem before taking further action. Many noted that natural mortality has increased, and pointed to things such as predation and water quality as the primary factors; which are contributing to the stock decline.

Others noted the economic impacts of the proposed changes, noting that it will put fishermen out of business; and there were

concerns about interstate commerce. Then at many of the public hearings I heard that there are separate areas in southern New England stock. The DelMarVa fishermen noted that that fishery is separate from southern New England, and Area 4, they said that they should be evaluated on their own.

I heard that Long Island Sound is its own area, and it is different from the ocean; and then I also had requests from Martha's Vineyard fishermen for them to be separated from the rest of Area 2. Our first issue is the target increase in egg production. The question here is what should our increase in egg production be? As previously noted, the vast majority were in favor of status quo; so that is a 0 percent increase in egg production. Many stated that predation from black sea bass, dogfish and seals, as well as shell disease and water quality issues are the source of the southern New England decline; and that the Board should address these issues before addressing fishing mortality.

Others highlighted the potential economic impacts of this draft addendum; including impacts to the commercial fishery, recreational fishery, dealers, restaurants, and dive shops. Several fishermen stated that there had already been significant reductions in effort in southern New England fishery, and further reductions are not needed. In Massachusetts and Rhode Island, many commented that their preferred management alternative is status quo.

However, if the Board feels it needs to take action, then the increase in egg production should be no more than 20 percent; and they asked that that 20 percent be implemented over two years. We did have a few individuals who supported a 20 percent increase in egg production; noting that the stock has declined, and limited action may be warranted, but no one supported a 30, 40, or 60 percent increase.

In terms of management tools, this is our second issue and it asks what tools in our toolbox can be used to achieve that target increase in egg

production. The first option is that all three tools can be used. The second option is that gauge size changes and season closures can be used, and the third option is that gauge size changes can be used with limited use of trap reductions and season closures.

The majority of comments did not support a regulatory change in the lobster fishery. They did not support any of the management tools in Issue 2. However, those that did comment on this issue, the majority supported Option A, since it provides the greatest flexibility to industry. Many commented against a minimum gauge size change, stating it disadvantages the inshore fleet; as larger lobsters move offshore, and prevent southern New England fishermen from participating in markets which prefer smaller size lobsters.

Participants in New York, Delaware, and Maryland did not support the use of trap reductions; since they commented there are few active traps in their waters. Several, particularly in Long Island Sound, recommended a V-notch program be considered as a management tool in this addendum.

Issue 3 asks how the recreational fishery should be impacted by this addendum. Our three alternatives are that the recreational fishery must abide by all management changes. The recreational fishery must only abide by season closures and gauge size changes, and then that the recreational fishery only abide by gauge size changes.

The majority of the comments supported that the recreational fishery abide by all management changes. Those in favor of Option A frequently stated that all participants in a fishery should be subject to the regulatory changes in Addendum XXV. Overall the recreational fishery supported Option C, in which they only abide by gauge size changes.

They commented that a summer closure would devastate the dive fishery, and the businesses it supports. Our fourth question is how should

season closures be implemented in this addendum? We have three options. The first is that traps must be removed from the water. The second is that traps can stay in the water, but there is no possession of lobster, and the third is that there is no possession of lobster, but the bycatch fishery can continue. The vast majority did not support the season closure. Many commented that season closures disrupt the lobster market; and decrease the efficiency of the fleet. Others commented that since the Jonah crab and lobster fisheries are now jointly managed, season closures hurt the Jonah crab fishery.

Of those that did comment on this issue, the majority stated that traps should stay in the water during a season closure. They stated that traps provide food and protection to lobsters, and they protect historic lobster grounds from mobile gear. Others commented on the safety hazard of the moving gear; particularly in the winter, and noted that there are limited places to store traps.

We also had sub-options here that asked if the most restricted rule is either applied or not applied to dual permit holders. We received few comments on this; but those who did comment did not support the application of the most restrictive rule to season closures. I did just want to kind of preview some of the questions that the Board is going to have to answer on season closures.

Some of these are, if traps can stay in the water is it just traps which are permitted for another species, or all lobster traps? Does Jonah crab count as another permitted species? Is there a way to tell the difference between those traps, which exclusively catch lobster and those which catch conch or black sea bass?

What about the of Atlantic Large Whale Take Reduction Team rule which prohibits wet storage gear for more than 30 days? Can there be a grace period during which fishermen can remove and set traps? Does the most restrictive

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rule apply? Just to preview these questions, when we get motions on season closures, we're going to have to be very specific in crafting those motions; to try and answer these questions.

Our fifth issue is standardized regulations. This asks whether management regulations have to be standardized between different LCMAs. Wave 3 options, the first is that they don't have to be standardized. The second is that Areas 4 and 5 have to be standardized, and the third option is that Areas 2, 4, 5, and 6 have to be standardized.

The majority of comments did not support the standardization of regulations. Many stated that LCMAs were created to reflect regional differences in the fishery, and that each LCMA should have the independence to make its own decision. We did have a couple that supported standardized regulations between Areas 4 and 5; and they generally noted that both of these areas span New Jersey.

Our sixth issue is in regards to the implementation of this addendum in Area 3. This question is prompted because Area 3 spans both the Gulf of Maine/Georges Bank stock as well as the southern New England stock. We had different options here. Option A was to keep Area 3 as a whole unit. Options B, C, and D were all variations on how to split Area 3.

The majority of comments did not support splitting Area 3. They cautioned the Board against unintended consequences, such as the migration of effort to the Gulf of Maine/Georges Bank stock and the devaluation of Area 3 permits. There were a couple who were in favor of splitting Area 3, and they generally stated that it is unfair to burden fishermen in the Gulf of Maine/Georges Bank stock. Then our final issue is Issue 7, which asks which management changes de minimis states have to abide by. Our first option is that de minimis states are not exempt from regulatory changes in this addendum, and Option B is that the de minimis states are exempt. Overall there was a slight

majority in favor of de minimis states being exempt; and this primarily came from DelMarVa fishermen, who supported an exemption for de minimis states; but did express concern that the language in Addendum XXV could hinder future growth of the fishery.

Some also recommended that all of Area 5 be given de minimis status. Those who oppose an exemption for the de minimis states commented that the regulatory changes should be equally applied to everyone. Then finally, just to wrap up on some of the other comments we've received.

Several people commented that there should be an increase in quota for predator species such as black sea bass, that there should be a federal buy-out program or a reinstatement of hatchery programs. Many commented that coastwide lobster landings had a record high, and so there is no need to take management action.

Others stated that there is a need for more data offshore and in the southern range of lobsters. Several people disagreed with the statement that climate change is contributing to the stock decline; and others asked that credit be given for oversized vents. That is the public comment summary, and I'll take questions or move to the committee reports.

CHAIRMAN BORDEN: Questions for Megan. No hands up. Okay.

#### **ADVISORY PANEL REPORT**

Then we'll move on to the next report, which is the Enforcement Committee report, AP, Grant and then we'll deal with the Enforcement Committee report. Just by way of introductions, Grant is the Chair of the AP. He is also the Chair of the LCMT 3 group; and he is the President of the Atlantic Offshore Lobster.

MR. GRANT MOORE: You just stole my thunder; I was going to introduce myself to everybody. I'm in these positions, I guess because I've been an active fisherman for 42 years. I think I can

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speak to these issues. The AP met on April 11. The first issue that we discussed was the increase in egg production.

Unanimously we supported a 0 percent increase in egg production, Option A; which in reality is a 13 percent increase in egg production, if you take in the current trap reductions that are taking place. Members commented that the Board should give time to the recent regulatory changes to take effect; as fishermen saw more lobsters and eggers in 2016.

Two members commented that if the Board feels the need to take action there should be no more than a 20 percent increase. Another member noted there is nothing which prohibits the Board from considering an increase that is less than 20 percent; such as 10 percent, 11 percent or whatever the Board would choose.

This AP member also commented that the Board choosing an option other than status quo on current trap measures should cover the egg production increase in LCMA 2 and 3. Another member commented that with the continuation of the current trap reductions, status quo will result in a greater than a 0 percent increase, as I stated at the start here. Moving on to Issue 2, the management tools, the AP reiterated its desire for status quo. Four members supported Option A, which allows for the gauge size changes, seasonal closures, and trap reductions; to all be used independently or in conjunction with one another. Those who supported Option A stated that it provides the greatest flexibility to the industry. Two members commented that anything other than the currently schedule trap reductions in LCMA 2 will kill the industry.

They noted that an increase in the minimum size in Area 2 will shut down the fishery; because the larger lobsters migrate offshore. Another member commented that increasing the minimum gauge size in Area 3 will prevent the offshore fishery from participating in markets which require smaller grade lobsters.

One member commented that any of the management tools proposed in this addendum will permanently shut down the LCMA 6 lobster fishery. He noted the changes to the gauge size will only further exacerbate interstate commerce issues with Maine and LCMA 6. They already have a seasonal closure in September.

He supported a V-notch program, which is interesting; as the management tool to achieve increases in egg production. I'm sorry to be lengthy, but I want to make sure that I include everybody's comments here. One member commented that if climate change is truly the cause of the southern New England stock decline, why make any management changes given that scientists are predicting continued warming in the coming years; and the Board cannot control the ocean temperatures.

The Recreational Fishery; the Advisory Panel was not unanimous in its recommendation regarding the recreational fishery. Four members supported Option A, which requires the recreational fishery to abide by any management changes in the addendum. They commented that whatever changes are applied to one portion of the fishery should be equally applied to all sectors of the fishery.

One member supported Option B, which required the recreational fishery abide by gauge size changes and seasonal closures. He commented that this option is closest to status quo. One member supported Option C, in which the recreational fishery only abides by the gauge size change. He said the summer closure would be detrimental to the recreational fishery, since they are limited to the summer months when the weather is more amendable to the diving.

Seasonal Closures; we were unanimous in its recommendation that the most restrictive rule does not apply to seasonal closures; Sub-option 2. Two members supported Option A, which allows the traps to stay in the water but prohibits the possession of lobsters during a seasonal closure. One member supported Option C,

which allows the traps to stay in the water and permits non-trap gears to continue to land lobsters under the bycatch limit.

He commented that the Option C allows Jonah crab fishery to continue while providing a small market for the bycatch of lobsters. Standardization of Regulations; five members supported the Option A, which does not require standardization of the management measures across all LCMAs. They commented that the purpose of the lobster LCMAs is to reflect regional differences in the fishery, and standardized regulations will negatively impact the industry.

One member commented that if the regulations are going to be standardized they need to be uniform along the entire coast; including Maine. One member supported Option B, which standardizes the regulations in LCMAs 4 and 5. His comment was given that New Jersey straddles two LCMAs, differences in the regulations between LCMAs 4 and 5, cause confusion in the recreational fishery. Issue 6, the Implementation of the Management Measures in LCMA 3; three members chose not to comment on this issue, stating that the LCMA 3 should be allowed to decide how to deal with this issue.

One member supported Option A, which maintains LCMA 3 is a single area. He commented that the industry is concerned about the migration of effort into the Gulf of Maine and Georges Bank stock, as well as a devaluation of an LCMA 3 permit if the area is split along the 70° West line.

Another member commented that there is no resource issue in LCMA 3 in the Gulf of Maine/Georges Bank, and there is no need to change the regulations in the offshore area. He also noted that the recent National Monument Deep Sea Coral Amendments are providing additional protection to lobster stocks in this area.

Issue 7, De Minimis; two members supported Option B, which exempts de minimis states from implementing the regulatory changes resulting from this addendum in state waters. One of these members requested that the exemption be extended into federal waters. Another member supported Option A, which requires de minimis states to implement the regulatory changes in this addendum. His comment was that any management changes should apply to all participants in the fishery.

We had some general comments. One member commented that the sport dive fishery is limited to the summer months, and asked the Board to avoid the summer season closure. He also commented that predation is the primary contributor to the lobster stock decline, and that the Board needs to pursue increases in quota for dogfish and black sea bass.

Another member stated that industry is united in its support for status quo; and the addendum should be stalled until new data is added to the addendum or the addendum is rewritten to address natural mortality. The comment was that increase in black sea bass population will hurt any progress made in this addendum; and also noted that there is no information regarding the cultural or tourism aspects of the lobster fishery nor the indirect economic consequences that could result from this addendum.

He disagreed with the natural mortality line in Figure 3 in Draft Addendum XXV; commenting that natural mortality has increased significantly in the last few years. Another member commented that the current approach to managing lobsters is just not working. He expressed concern about increase in back sea bass population in New England.

Another member reiterated his support for status quo, and commented that the industry is doing enough to protect the lobster stock. Another member commented that if the Board makes the wrong decision on Draft Addendum XXV it will finish the LCMA 2 inshore fishery;

which is the last remaining viable inshore fishery in southern New England.

Large reductions will result in the loss of the infrastructure and docks which once gone cannot be gained back due to the prevalence of coastal development; and also noted that it takes ten years to see the results of management measures that have already been put in place, due to the slow growth of lobsters. As a result he felt that the Board should give time for the benefits of the recent management changes to come to fruition. The last thing, one member commented that the Board's decision in this addendum could seriously hinder the future of the lobster fishery.

His comment was the lobster fishery is moving offshore, but commented that it is not up to ASMFC to dictate how this happens; or when fishing is no longer economically viable. He stated that industry has done a lot to protect the resource, and he questioned whether anything good will come out of this addendum.

CHAIRMAN BORDEN: Are there questions for Grant? Pete Burns.

MR. BURNS: Thank you, Grant for that report. That was really informative. I was just wondering if the AP had ever considered, they talked about the impacts of increasing the minimum size; but did they discuss the possibility of decreasing the maximum size as a conservation measure?

MR. MOORE: That was brought up, Peter. Basically with the information provided by the Technical Committee, to gain any significant percentage change in egg production we were looking at a 4.5inch maximum size in southern New England. By going to that the AP felt that we would be creating a slot fishery; which is not a viable option.

CHAIRMAN BORDEN: Any follow up, Peter?

MR. BURNS: No, thank you.

## **LAW ENFORCEMENT COMMITTEE REPORT**

CHAIRMAN BORDEN: Any other questions? For the next report we have the Enforcement Committee report; Rene.

MR. RENE CLOUTIER: The Law Enforcement Committee of the Atlantic States Marine Fisheries Commission reviewed many different options contained in the American Lobster Draft Amendment XXV, during a teleconference meeting on March 17, 2017. North Carolina, Rhode Island, Florida, Maine, New Hampshire, Pennsylvania, New Jersey, New York, Virginia, Maryland, Georgia, Delaware, U.S. Coast Guard, and NOAA OLE participated in a teleconference. A copy of this memo has been provided to the Board.

Issue 1, Target Increase in Egg Production; the LEC has no comments or recommendations on this issue. Issue 2, Management Tools; the LEC did not make a recommendation specific to the three options presented in the draft addendum. It cautions however that trap reductions as a management tool is likely to be ineffective; because of enforceability problems with offshore fisheries, with the increasing effort in the fisheries occurring.

There can be no meaningful enforcement of trap limits without electronic tracking or the development of the significant offshore enforcement platform. Other recommendations regarding gauge size changes or seasonal closures are included later in this memorandum. Issue 3, Recreational Fishery; the LEC strongly supports consistency across the Board between recreational and commercial management measures, particularly with respect to gauge size.

The LEC recommends that if a commercial season closure is implemented, at the least a strict minimum recreational bag limit be applied and enforced; because states typically allow a smaller number of recreational traps per person. Consistency with commercial trap reductions seems less critical. Issue 4, Season Closures; the

LEC supports Option A, and recommends that lobster traps be removed from the water during closed season.

The LEC supports Sub-option A, requiring the most restrictive rule to apply to season closures if a fisherman is authorized to fish in more than one LCMA. The LEC recognized the potential impact this would have on Jonah crab and whelk harvest, but believes that leaving traps in the water will reduce the effectiveness of a seasonal closure to continue trapping and mortality of lobsters.

Economic incentives to retrieve inland lobsters illegally during the closed season, increased number of lost and derelict traps, and increased likelihood of whale entanglements, are some of the LECs concerns. Issue 5, Uniform Regulations; the LEC strongly reaffirms its longstanding recommendations for consistency, and uniform regulations.

Inconsistent regulations for the most restrictive requirement may be of some help, but once the product leaves the dock the least restrictive regulation becomes the enforceable standard. Regulatory inconsistencies decrease the likelihood of successful prosecutions. Issue 6, Management Measures in LCMA 3; the LEC recommends Option A, status quo, in light of the significant existing problems with offshore enforcement.

Until enforcement tools for monitoring and checking the offshore lobster trap fishery are enhanced, adopting a zone split in LCMA 3, with tending trap-tag-in-transit complications will depend most entirely on voluntary compliance. Issue 7, De Minimis States; the LEC did not comment on this issue. The LEC appreciates the opportunity to provide enforcement advice to the American Lobster Management Board during the time of drafting Addendum XXV.

## **TECHNICAL COMMITTEE REPORT**

CHAIRMAN BORDEN: Can I have questions for Rene? No hands up. Now we're into the, excuse me. I missed a report; the TC report. Kathleen.

MS. KATHLEEN REARDON: We didn't necessarily meet on the addendum; but we did want to respond to comments from the January 4 meeting, and some of the public comments. We wrote a memo that is included in the materials; restating our previous analyses. First we wanted to confirm that the trap reduction analysis was based on the number of active traps; and that was estimated by the 2015 stock assessment.

Second, due to a number of uncertainties, we would like to reiterate that the analysis predicts the trap reduction. Analysis predicts at most a 13 percent increase in egg production in response to a 25 percent active trap reduction. With that said we have the greatest confidence in predicted egg production increases from a gauge size change.

We also wanted to note that the benefit of these management actions may be less if there are disparate regulations across management areas. The analyses were done on the stock level, not on the LCMA level. Different actions implemented to reach the target percentage may not be realistic; based on smaller spatial resolutions and different management types. Thank you.

## **CONSIDER FINAL APPROVAL OF ADDENDUM XXV**

CHAIRMAN BORDEN: All right, questions for Kathleen, if not; Pete Burns.

MR. BURNS: Kathleen thanks a lot for the report. Just to touch on the trap reduction issue. It is clear then that the way that we're reducing traps now would apply to both latent and active effort, because it is being applied across every fisherman's allocation. In that case you wouldn't expect to get any reduction in fishing mortality; based on removing latent effort. Is that true?



MS. REARDON: Yes that is true.

CHAIRMAN BORDEN: Any other questions, no hands up, do we have any more reports that I've missed? Okay so we're through our reports. At this juncture I think we need to get into the actual addendum. What I indicated before, I think Bob Beal recommended that we break about five, is that correct, Bob; 5:15, so we've got 35 minutes or 40 minutes to get into some of these issues.

My suggestion is that we take up some of the issues that at least in my own case; I view as a low hanging fruit on the tree, the less difficult issues. What I would like to do is start off with the issue of the recreational fishery, and basically deal with the options. Megan, can you put the options up on the screen? Have we got time? Put the options up.

What I would like to do is open up for discussion after we have a little bit of discussion I would ask for a motion. Does anyone care to discuss recreational options? If you have your addendum, these are on Page 25; and you basically have three options in the addendum. Discussion, you heard the Enforcement Committee report that dealt with this issue directly. Does anyone want to make a comment? No comments, does anyone want to make a motion on this? Mark.

MR. MARK ALEXANDER: I just have a question. It says recreational fishery under Option A, must abide by the trap reduction stated in this Addendum XXV, but there are no trap reductions.

CHAIRMAN BORDEN: Megan, to that point.

MS. WARE: Yes, it would be any additional trap reductions that are implemented as a result of this. For example, if trap reductions are one of the tools that remain in the toolbox, and Area 6 wanted to pursue trap reductions, then your recreational fishermen would also have to abide by those. I don't think all states have trap

numbers. I think some of them are lobster bag limits; another thing to think about.

CHAIRMAN BORDEN: That was going to be my question. Do all states have trap limits on the recreational fishery? I see a number of heads saying no. Dan.

MR. McKIERNAN: I believe we all do have trap limits among the states. Do you want to poll the states on that issue now?

CHAIRMAN BORDEN: Well, I think that is a good suggestion. How many states have trap limits, limits on the recreational fishery? Just raise your hand. If I understand it there are a number of Mid-Atlantic States that do not have trap limits, which raises an interesting question. If they don't have a trap limit, how do you reduce? This problem, I think is going to come up a couple of times during the discussions today and tomorrow. I think there are a couple of other instances where, depending upon the options that get selected, some aspects of the fishery essentially will be held harmless. This may be one of the cases. Dan.

MR. McKIERNAN: To me this is where the de minimis proposal really missed the mark; because I'm guessing that the states that don't have trap limits don't have fisheries in their state waters. I'm sure if the states, New Jersey or south or wherever the fishery doesn't exist anymore to any degree in state waters, and they ask for de minimis status for their recreational fishery. We would all give it to them; because what we all know about the lobster stock for the south is that it has moved offshore. I think it is kind of a nonissue.

CHAIRMAN BORDEN: Okay, which raised the question, how do we want to handle this? I mean we've only got three options in the document. Comments, Dan.

MR. McKIERNAN: I would say go with Option A, with a sub-option or an option for de minimis status that states could request de minimis

status on aspects of this. If Delaware says I need de minimis status on my inshore lobster fishery; which doesn't exist for recreational fishermen, we could.

CHAIRMAN BORDEN: Okay you've heard that suggestion; comments to that suggestion.

MR. ERIC REID: You should have picked de minimis first, Mr. Chairman. I want to know what the legal advice is on de minimis. Has NOAA General Counsel looked at de minimis status?

CHAIRMAN BORDEN: De minimis in the case, to be blunt, there is no dialogue in the document about de minimis for recreational fisheries; although it is probably within the purview of the Board if there is no recreational fisheries, but de minimis was discussed in the document as it pertained to the Mid-Atlantic proposal. I mean Peter, if you want to comment on that. It is not necessary if you don't want to, but if you want to go ahead.

MR. BURNS: I can't speak for General Counsel, and I'm not an attorney certainly, but I think you're right. I think that within the context of this addendum it was really only talked about within a proposal that came up for Sections under what's in Addendum XXV, the regular fishery. I'm not quite sure how it would pertain here. I know that de minimis is a state issue really, not necessarily a federal one.

CHAIRMAN BORDEN: My suggestion here is we deal with the options on the table, and then depending upon which option gets approved, and then we can have some dialogue and discussion. I'll just follow Dan's suggestion. If the Mid-Atlantic states don't have a recreational fishery in their waters, there is no possibility for having them reduce a trap limit. That concept may have merit. Further discussion on it, it is always nice to have the wheels fall off the cart on the first issue. Doug.

MR. GROUT: Well I'm not southern New England, but I ask the states that would have to implement this, what are their recreational trap restrictions? Think about if they're anything similar to what's in New Hampshire, what are you really going to gain in egg production by having a reduction of the relatively small amount of traps? Maybe some states have recreational trap limits that are quite sizeable. But I would be surprised at that. From my perspective, if it was happening in New Hampshire I would say, stick with gauge size and season closures; because you're not going to gain anything from trap reductions in increasing your egg productions. Again, I offer that up to Rhode Island and Connecticut, Massachusetts and the states to the south of us that don't have traps set.

CHAIRMAN BORDEN: Just to follow up on that. I just remind everybody, as I said when we started to open a dialogue. When we met in Connecticut, we actually discussed certain aspects of this. The consensus was that all groups within the southern New England stock area should contribute something. I'm not saying that to disagree with the Chairman of the Commission. I think that was the context for putting these options in the document. If the commercial fishermen have to give up traps then maybe the recreational fishermen should give up some.

MR. MCKIERNAN: Is it too early for a motion?

CHAIRMAN BORDEN: Yes, I'm ready for a motion.

**MR. MCKIERNAN: Move to adopt Option B; which is the recreational fishery must abide by gauge sizes and season closures.**

CHAIRMAN BORDEN: All right is there a second; seconded by Mark Gibson, discussion on the motion. I've got Adam, then Pat, and Tom Fote.

MR. ADAM NOWALSKY: Our recreational lobster fishery, if you will, in New Jersey is essentially limited almost exclusively to our diving

community. We do have a recreational trap limit of 10 pots per person. I could go every day that I fished and never see a recreational trap all year. It is very, very limited.

To have a seasonal closure during our prime diving seasons would be devastating to the diving community; quite frankly. **It is the one issue at our public hearing that the recreational interest came out and spoke out passionately to limit the changes to gauge size only. For that reason I would move to amend to remove the seasonal closures, Mr. Chairman.**

CHAIRMAN BORDEN: Is there a second to the motion to amend? **No second. The motion dies due to a lack of a second.** Tom Fote.

MR. FOTE: I was just going to say the same thing Adam said. Our fishery is July to August, and it is mostly a dive fishery. I didn't even know how many pots. For the first time I realized that we were able to have 10 recreational pots. But that is not really a big fishery. What we have is the dive fishery. It's something when they go out and dive the wreck and they want to grab a lobster in that. You have a season closure in July and August that puts all those people out of business. I'm not about to do that when it makes no difference to the stock.

CHAIRMAN BORDEN: I would like to go back to Adam's point and just make sure that everyone understands the issue. The intent of the motion, at least the intent of the option in the document, is not to pick other gauge sizes or season closures. That is yet to be decided, and it will probably be decided on an area-by-area basis. All this basically says is that if that option is selected then they have to abide by it, but for instance, if New Jersey chose a gauge size then there would be no season closure; other discussion on the motion on the floor? Yes, Roy.

MR. ROY MILLER: Mr. Chairman, I think I would offer a second to the motion proposed by New Jersey; just for voting purposes.

CHAIRMAN BORDEN: Too late. If somebody wants to make that motion again they can do that. But you're a little too late; further discussion. Tom Fote.

**MR. FOTE: I'll make Adam's motion again.**

CHAIRMAN BORDEN: Okay so we have a motion by Tom Fote, seconded by Roy Miller, and the motion specifically, Tom?

MR. FOTE: Is to remove the season closures, it's up there.

CHAIRMAN BORDEN: All right, does everybody understand the motion on the table? Discussion, any discussion? Yes, it's a second by Roy. Any discussion, Pete Burns.

MR. BURNS: I am just curious what the impact would be. How big is the recreational-dive fishery in New Jersey, and when does it operate?

CHAIRMAN BORDEN: Does someone want to comment on that? Tom.

MR. TOM BAUM: I don't know how large it is, but folks from Cape May, Point Pleasant, even up to Sandy Hook there is usually dive boats like a charter operation. I don't have the numbers in front of me. But it will affect them severely. The main seasons of business are during the summer months, June through September, probably. It is a popular sport. As evidenced by our public hearing, the New Jersey Dive Council was represented there. I'm not sure of their numbers, but it is quite significant.

MR. FOTE: Can I follow up?

CHAIRMAN BORDEN: Tom.

MR. BAUM: I'm going to finish up. One of the other issues we'll deal with later is the management tools. As I understand it, if there is a gauge size increase, could there also be a season closure? You can use them together. That would affect our recreational fishery.

CHAIRMAN BORDEN: That was the point that I was making. It may or may not be needed is the reality of it. Tom Fote.

MR. FOTE: Yes, and most dive boats are mainly going out to wrecks and just diving; and some of the guys like to get lobsters while they're down there. But I don't think that is really what the dive trips sell for. They are not sold for that harvest, but they are going to a particular wreck and observe and everything else. It's just a bycatch of the operation that they can come up with a lobster or so. I don't know what the triggers are and basically trying to figure that out. But it's difficult.

CHAIRMAN BORDEN: All right, anyone on the motion to amend; which basically removes the seasonal closure? Yes, Steve.

MR. STEPHEN TRAIN: If the divers are primarily diving in July and August and they don't want to lose that would they be open to a seasonal closure at the opposite times of the year? You know sometimes we have to balance these things out somewhat.

CHAIRMAN BORDEN: Anyone in the New Jersey delegation want to respond? Adam.

MR. NOWALSKY: Sure, it's great to go ahead and just look at the sea life on the bottom and then decompress, hang out for a while and swim back to the surface. But how can that opportunity to harvest a plug or two, take home that lobster, people want that opportunity. The dive boats need that opportunity. Sure, January, February, March is there less diving activity due to water temperature; absolutely. But it doesn't go completely to zero. I'm not sure those months could even provide much in the way of benefit at that time.

CHAIRMAN BORDEN: Anyone else at the table, does anyone want to caucus on that? A one minute caucus and then I can call the vote. Pete Burns.

MR. BURNS: I am thinking about how this would translate sort of north to south, because even though New Jersey's recreational fishery is mostly rooted in the dive fishery; how would it translate in some of the New England states that have those recreational fisheries? Then you would potentially be allowing fishermen to fish and have lobsters landed during the seasonal closure. I think those would be my concerns. I'm not sure if Rene on the Law Enforcement Committee wants to make a comment.

MR. MICHAEL LUISI: I was also thinking kind of the same way that Pete is, just as far as we're speaking of our recreational fishery down in DelMarVa, and ours is even smaller than what New Jersey has, a handful of boats that do a little diving, catch a few lobster. I'm going to support the motion to amend here; because we haven't made the decisions that we're going to be making tomorrow, to understand where we might be as far as is Area 4 going to be linked to go with Area 5?

Are we going to have management tools that are going to be linked together with mandatory seasonal closures? Without knowing all of that I think this is the least amount of impact to those very, very small fisheries in the southern extent of southern New England. I will support the motion to amend.

CHAIRMAN BORDEN: Anyone else? A one minute caucus and then I'll call the vote. I'm going to call the vote, is everybody ready? I don't want to rush this. **All those in favor signify by raising your right hand; and hold your hands up, please. Six in favor, opposed, 4 opposed, any abstentions, 2 abstentions, null votes, okay the motion passes. You have an amended motion on the floor;** any further discussion on the amended motion? Yes, Mark.

MR. ALEXANDER: Question, if Option B is selected that wouldn't preclude a state from considering trap reductions and the recreational fishery take the credit for it, would it?

CHAIRMAN BORDEN: I think the state could, and Megan, correct this if this is wrong, I think under conservation equivalency you could certainly propose that.

MR. WARE: I would say the state can always be more conservative than what the plan specifies. I would have to think that that could count towards your egg production target or not. I need to think about that. I don't want to give an answer right now.

CHAIRMAN BORDEN: Okay other questions, yes, John.

MR. JOHN CLARK: I'm just looking at the options. By taking out the season, isn't this now Option C, the motion?

CHAIRMAN BORDEN: Yes that is correct. Thank you for that observation. Not only did the wheels fall off. I won't go there. **All those in favor of the amended motion signify by raising your right hand, we've got 9 in favor, opposed, 1 opposed, abstentions, 2 abstentions, no null votes; motion passes.** Congratulations, first issue down.

You can take a deep breath; it will go a lot easier, until we get to the next item on the agenda, which is standardizing regulations. This is Item Number 5, on Page 26. Megan, if you've got the options. We have three different options here. I just remind everybody that the overwhelming public comment in the public hearing for Option A, the Advisory Committee recommended Option A. Discussion on this, any discussion, no discussion, does someone want to make a motion? Mark Gibson.

**MR. MARK GIBSON: Yes, I would move the Issue 5 uniform regulations, the Board adopt Option A, regulations are not uniform across all LCMA's, status quo.**

CHAIRMAN BORDEN: A second to the motion, John Clark. Discussion on the motion, any discussion, no hands up, do you need a caucus

on this? Does anyone need a caucus, no caucus? **Okay, all those in favor of the motion on the board signify by raising your hand; 11 in favor, 0 no any abstentions, any null votes? Motion carries.** Just get right in the swing of things here.

MS. TONI KERNS: David, can we pause for one second? We had a technical difficulty. We just want to catch up with you on the screen. Two seconds.

CHAIRMAN BORDEN: All right the next issue we're going to deal with is the line in LCMA 3. This is the 70° line. Just probably a background, I was going to say this before, and I'm not trying to convince anybody to follow one path or another path. I just think it's useful to reflect on the history here.

When we got involved in this addendum, the industry some segments of the Area 3 industry basically came forward and said, this will be a disaster for the offshore boats that fish out on Georges and in the Gulf of Maine; if there isn't a line. They voiced their concern, they also voiced their concern that there was a substantial tendency among the offshore boats in Area 3 to fish both west of that line for Jonah crab fishing purposes; primarily I think in February and March, and then move to the east.

The impact, I want everybody to clearly understand this that the impact of no line, you have two stocks that are harvested in Area 3. You have the Georges Bank/Gulf of Maine stock, and the southern New England stock. The southern New England stock is west of 70°. The Georges Bank stock is east of 70°. If the line exists, everybody should be clear on this; if the line exists then you can propose restrictions on the southern New England portion of the stock; without negatively affecting the Georges Bank stock. If the line doesn't exist, then all Area 3 fishermen have to abide by whatever restrictions the Board adopts. The second issue that came up clearly in the public hearings was there was a lot of concern about the accumulation of gear in proximity to the line; and the potential impacts

that this might have on whales, particularly south of like Martha's Vineyard, and what they've referred to as schooner lands.

I've heard a number of fishermen raise this, and voice that term. I want everybody to just understand. There are pros and cons of the line, and depending upon the decision that gets made on the line, either you end up extending the regulations just in one portion of Area 3, or you extend it to the other portion of Area 3.

Just so everyone is clear, advice from the public hearings was no line; was the advice. It is kind of a ticklish issue. Let me ask for any discussion. Are there any other points that people want to make on this? If they don't want to make points, does somebody want to make a motion? Jim.

MR. JAMES GILMORE, JR.: Just a question for the LEC again. What was their take on this, so I can add this to the report?

MR. CLOUTIER: The LEC said until enforcement tools for monitoring and checking the offshore lobster trap fishery are in hand, adopting the zone split in LCMA 3, would depend almost entirely on voluntary compliance.

CHAIRMAN BORDEN: Let me reiterate. The AP recommended against the line, and the Enforcement Committee basically is recommending against the line. Any advice we got at public hearings was against the line. Does someone care to make a motion on this issue? Dan.

**MR. MCKIERNAN: I move to adopt Option A; Maintain LCMA 3 as a single area.**

CHAIRMAN BORDEN: Is there a second to that; seconded by Eric Reid. Discussion, Jim did you have your hand up, no? Does anyone here want to speak to this point? Since we have the benefit of Grant in the audience, Grant, are there any other considerations which the Board should know of that you can think of at this point? You don't have to speak, but if it is something you

think the Board should know about this issue then I'll give you an opportunity to comment.

MR. MOORE: The only thing I would like to reiterate to the Board is that maintaining one area will put Georges Bank/Gulf of Maine stock under the same type of restrictions that would be imposed on the southern New England. If this Board decides to adopt any measures other than the status quo, it is going to affect a perfectly healthy stock; it is at record abundance at this time. I would advise that people keep that in mind.

MR. GROUT: I will oppose this motion for that very reason; that I think we would be implementing restrictions on a perfectly healthy stock, and I would support a motion to have, approve and land it. I'll be voting against this.

CHAIRMAN BORDEN: Back to Emerson and then John Clark, I think you raised your hand.

MR. HASBROUCK: I kind of missed it in your opening remarks here a couple minutes ago, my position. Did you say that establishing this line was brought by industry; and if so, then I'm wondering why either in the AP or in the public comments the issue wasn't supported right along?

CHAIRMAN BORDEN: I did say that. This issue was originally supported, because there were a few individuals in the Area 3 industry that basically submitted it. But clearly when we went to public hearing, I attended a number of the public hearings, the Area 3 industry is almost unanimously opposed to the line; for some of the reasons that I cited.

MR. CLARK: I just had the same question pretty much. I was just curious as to why at this point now they're against it; when it sounds like this would almost be a poison pill for this whole addendum; because as was just stated if this is approved, and then there is any type of reduction at all in this plan, it will apply to

fishermen fishing Georges Bank/Gulf of Maine, correct?

CHAIRMAN BORDEN: The only other reason I heard at public hearings, John that came up repeatedly was there is this concern that if you establish a line at some point that line and whatever qualifying entry requirements are would be used to clear, basically break Area 3 into two areas. There is a lot of concern about that and the issue of devaluing permits.

The other related issue that came up was if you have a line, everyone knows the best fishing is east of the line, but generally the guys that are fishing west of the line don't take advantage of that; because they're also doing a lot of crabbing west of the line. The line will force a number of fishermen in southern New England to redirect into north of there. That was another issue that came up at the hearing. I agree. Having been involved in the early discussions on establishing a line, then I went to the public hearings and scratched my head a bit myself; someone else?

MR. TRAIN: This motion now, I do not see how I can support this. We're taking a very healthy stock in the Gulf of Maine and Georges Bank, and forcing management measures on the participants in that; maybe not Area 1, but Area 3. But it is the same stock as Area 1 that doesn't need to be there by not putting them on.

It makes absolutely no sense to me, and I wonder is this how we submarine the whole plan and do nothing? I can't see forcing time out of the fishery or a larger measure or anything else at this point, further trap reductions on the healthiest fishery we have in these LCMAs.

CHAIRMAN BORDEN: Any other comments; Peter Burns.

MR. BURNS: I was just wondering I'm trying to remember back on what the TC recommendation was on this; whether they recommended management by stock area or by the whole area.

CHAIRMAN BORDEN: Kathleen.

MS. REARDON: We were only looking at southern New England as a stock area; we were not looking at Georges Bank.

MR. LUISI: Would it be safe to say that in considering this issue that the Area 3 fishermen are willing to deal with what may end up being a small reduction; rather than the complications that come with the line? It kind of sounds like to me, I'm not quite clear on how the industry brought it up; but then once it was analyzed they've now decided that they don't want it anymore. But I wonder if they're just willing to accept the southern New England management, because that's less impactful than what they think might happen as a result of the line? Is that a fair?

CHAIRMAN BORDEN: That actually has been the way that a couple of individuals in Area 3 have characterized exactly. I think those individuals that support that position, basically they think that it would be better off, complications that come with the line are more damaging than just slight changes in the regulations.

To some extent, all these issues are linked. That is one of the reasons that I avoided not getting into Issue 1 and 2; because the way you decide on some of these issues now, will have major impact on the decisions that get made before. In other words, you don't really know what you're voting on with Issue 1 and 2; unless you flesh out some of these other details. Further discussion on this, Eric.

MR. REID: I'll paraphrase Mike Luisi. It would be safe to say that if I hadn't seconded this motion, I wouldn't have wasted the Board's time. It is my understanding that this motion was conditional on status quo being adopted; it is cart before the horse, and obviously we do a lot more damage than good to support it now. I'm going to oppose my second to the motion.

CHAIRMAN BORDEN: Okay, any other discussion? Do you need to caucus? This is probably an issue where we need to caucus; a couple of minutes. All right, are you ready or do you need more time? Mike asked for a little bit more time. Then I'll recognize Craig. Are you ready for the question here, and I'm going to take the extra step.

I want you to hold your hands up for a lengthy period of time here, so that we can write down who is voting which way. Given the way this dialogue has gone, I can envision after tonight's discussion somebody wanting to go back and reconsidering it. I think it's important to know who's voting what. Dennis.

MR. DENNIS ABBOT: I request a roll call.

CHAIRMAN BORDEN: Craig.

SENATOR CRAIG A. MINER: That was going to be my question. Depending on what happens, I guess today, and then what might happen tomorrow, would it be within our rules to reconsider this question; depending on the outcome?

CHAIRMAN BORDEN: Absolutely. While staff is getting this, after this I'm going to take a couple of minute break and then this will conclude our business for the day. But I want to do what I indicated before. I want to afford every jurisdiction here to provide us with an initial indication of what their position is on Item 1 and Item 2.

We'll take a short break, just a couple minutes after this motion gets dealt with. Then we're going to go right around the table and that will conclude the business of the day.

MS. WARE: For the reconsidering, if the Board would like to reconsider this vote tomorrow, someone from the prevailing side will have to bring forward that motion for reconsideration. I just wanted to let everyone know how that works.

CHAIRMAN BORDEN: All right Mike and then Roy.

MR. MILLER: First of all, if it is reconsidered tomorrow, wouldn't that require a two-thirds vote?

MS. WARE: I think we're saying it's the same meeting.

MR. MILLER: Would you also consider at this point a motion to table this until tomorrow?

CHAIRMAN BORDEN: That is certainly appropriate. That is certainly within the purview of the Committee. It might generate a stronger discussion tonight if we actually voted on it, and then let the record be the record. If somebody comes up with a very convincing argument overnight on why the position should change; or if in fact we do something tomorrow that dictates that the position should change. Then we would just follow the rules and reconsider.

MR. LUISI: I was going to ask the same question about postponing until the morning, but if you're not inclined to go down that path, we'll just go ahead and vote.

CHAIRMAN BORDEN: Are you ready for the question here? All those in favor, oh no we're doing a roll call, excuse me. Megan, would you call the roll please?

MS. WARE: Maine.

MR. KELIHER: No.

MS. WARE: New Hampshire.

MR. WHITE: No.

MS. WARE: Massachusetts.

MR. McKIERNAN: Yes.

MS. WARE: Rhode Island.



MR. GIBSON: Yes.

MS. WARE: Connecticut.

MR. ALEXANDER: Yes.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. BAUM: Yes.

MS. WARE: Delaware.

MR. CLARK: Yes.

MS. WARE: Maryland.

MR. LUISI: Yes.

MS. WARE: Virginia.

MR. JOE CIMINO: Yes.

MS. WARE: NOAA Fisheries.

MR. BURNS: No.

MS. WARE: New England Council.

MR. TERRY STOCKWELL: Abstain.

**CHAIRMAN BORDEN: All right, did we have any null votes? The vote on it is 8 to 3 with 1 abstention and 0 null votes. The motion passes.**

I urge members of the committee to continue to dialogue on this, because obviously there are different circumstances that would undoubtedly change the motion.

The next thing and this is a final action today. As I announced earlier, I would like to take a short caucus, a couple minutes, have each jurisdiction be able to basically talk to the fellow commissioners, and then go around the room and basically ask each jurisdiction to tell all of us

which options you prefer on Issue 1, which is the egg production target.

The range of options here is basically status quo, all the way up to 60 percent increase. Then I would like when you have the floor, to also comment on which of the management tool options you prefer. As I indicated before, the reason I'm doing this is I'm trying to give individuals around the table some sense of how other jurisdictions are looking at this issue.

Nothing is binding, there is no commitment. If you want to change your position tomorrow you can. But by doing this, what I'm trying to do is promote a dialogue of the group here overnight. Tomorrow at breakfast, or whenever, if a majority all fall on one particular point I think this strategy will make the going easier tomorrow.

What I would like to do is to start north to south and have Megan call off each jurisdiction, and basically have them comment. Let's take a two minute or three minute caucus break, and then we'll go north to south. Then when we get into the actual vote we go south to north. As I indicated before, and I just want to make sure the record is absolutely clear on this. This is not a vote, number one. Number two, it does not bind any jurisdictions to what they say here; it is a preliminary indication of what you are thinking. If you want to change your position in the morning, you can change your position in the morning. This is nonbinding. If we have any members of the press in the room, do not publicize this; because it is a nonbinding activity. Megan, will you call the states and we'll go around? Given the time, we are not going to have any debate. Whatever you say is your position, and then we'll adjourn when we're finished.

MS. WARE: Maine.

MR. KELIHER: Status quo.

MS. WARE: New Hampshire.

CHAIRMAN BORDEN: Pat, can I just for clarification, do you have any position on the second item?

MR. KELIHER: No, I'm sorry, I was being inclusive. Status quo on Item 1, Item 2 would be, take no management action.

MS. WARE: New Hampshire.

MR. GROUT: Mr. Chairman, based on the last vote, we would support status quo. We came here prepared to support reductions of 20 to 40 percent using gauge size preferably. But given the fact that we're now going to, at least if the prior vote after the last vote where we implemented management measures that would bring it back to a fully rebuilt stock in the Gulf of Maine where the fishery takes place up there. We support 0.

MS. WARE: Massachusetts.

MR. MCKIERNAN: Status quo.

MS. WARE: Rhode Island.

MR. REID: Status quo.

MS. WARE: Connecticut.

MR. ALEXANDER: Status quo.

MS. WARE: New York.

MR. GILMORE: Well let me split this with this new approach here with, you show your hand then to bed. For Area 6, status quo, because of its uniqueness, whatever, then for Area 4 it will likely need more discussion; maybe select discussion.

MS. WARE: New Jersey.

MR. BAUM: Status quo.

MS. WARE: Delaware.

MR. CLARK: Given that de minimis, which is something that our states from Delaware, Maryland, and Virginia were looking for, it won't really be effective for federal waters. We prefer status quo, but we will consider a reduction.

MS. WARE: Maryland.

MR. LUISI: We would support status quo, but we could consider a reduction up to Option B, but not any further than Option B; which is 20 percent. But we support status quo.

MS. WARE: Virginia.

MR. CIMINO: In this case last certainly is least.

CHAIRMAN BORDEN: Joe was it a contentious sub-caucus?

MR. CIMINO: I would like to go on record as other Board members from the Mid-Atlantic region have. It would be great to have more information on what's happening in the Mid-Atlantic, and I hope going forward that someday we do see that. But for right now I think status quo makes more sense for us.

MS. WARE: NOAA.

MR. BURNS: You spoke too soon, Joe. I guess last is least, right? I'll say that the one thing we won't support is status quo. What the Technical Committee has shown us, and what the stock assessment has shown is that even though a lot of the stock decline is due to climatic factors, and an inhospitable habitat.

We know that fishing mortality is still the largest source of mortality for this stock. We know in this document that some management measures could be useful, and could help if we do optimize our egg production and we get some cooperation from Mother Nature. We don't want to go with status quo.

We certainly can't support any types of trap reductions that have already taken place. We

know that those trap reductions aren't targeted solely on active traps, and they don't permanently remove traps from the water. We know that over the last two years our trap transfer program has allowed the fleet to buy back 30 percent of the traps that we've cut, and activate them back into the fishery.

I think we're fooling ourselves if we think that we're getting all the reductions that we think we're getting for traps reductions. Because most of that is not from active and permanent effort being removed, we're not getting the egg production benefits that we think we're getting; so I'll leave it at that for now.

CHAIRMAN BORDEN: All right that concludes our business for today. We'll resume the fun tomorrow.

(Whereupon the meeting was adjourned at 5:15 o'clock p.m. on May 8, 2017.)

MAY 9, 2017

TUESDAY MORNING SESSION

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission reconvened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia; May 9, 2017 and was called to order at 8:05 o'clock a.m. by Chairman Dave Borden.

CHAIRMAN BORDEN: In terms of process, let me just outline so everybody is clear what I intend to do. If anyone disagrees with it, I urge you to speak up. I've talked to a number of the states in the Mid-Atlantic states about dealing with the next issue; which is the issue of de minimis.

What I would like to do; the sequence of the discussion this morning, I would like to have a discussion of de minimis; resolve that issue, and then move to Item Issue 1, which is goals of the action, and then deal with Issue 2. Then following that if we can manage to get through that then I'm going to deal with Issue 4.

As I indicated yesterday, I want to package Issue 4 with the concerns that were voiced by, particularly Area 4 about the closed season. I think these are all the same issues in the discussion. Resolution on Issue 4 hopefully will resolve the issue that concerns the Area 4 and 5. Any concerns about that strategy? If not, Megan, I see no hands up so Megan could you outline the issue on Issue 7.

MS. WARE: Good morning everyone. Just a reminder for the de minimis issue, the question here is whether de minimis states, which are currently Virginia, Maryland, and Delaware, have to implement the management measures in this addendum. Option A, de minimis states must implement all management measures adopted under Addendum XXV.

Option B, the de minimis states are exempt from the Addendum XXV management measures if they meet certain criteria. The intent of this is to try and make sure that effort from non de minimis states doesn't move into these de minimis states.

CHAIRMAN BORDEN: Any questions on that? Yes, John.

MR. CLARK: Not so much a question as a comment. When our states proposed this, we expected that de minimis would apply to our lobstermen fishing in federal waters also; which is pretty much where all our landings come from. I had extensive e-mail question and answer with Peter Burns and Megan since the last meeting; and realized that that is not the case that these de minimis provisions would not apply to our fishermen fishing in federal waters. In that case de minimis really is not going to be much of a help in our state. I just wanted to clarify that for the Board.

CHAIRMAN BORDEN: John, are you saying you support Option 1?

MR. CLARK: Given the status right now, I would say that there is not really any difference, so Option 1 would probably work, Option A.

CHAIRMAN BORDEN: Mike, did you have your hand up and want to speak to that? No. Any other Mid-Atlantic states that want to speak to this? Mike.

MR. LUISI: Well I just agree with John. There was a lot of work that went into crafting this, but through the conversations we realized this really can't offset or help us in any way; given that we don't have state waters fisheries. John, I don't know, was that in the form of a motion? I would second it for you.

**MR. CLARK: In that case, yes I would move that the Board accept Option A for de minimis.**

CHAIRMAN BORDEN: Seconded by Mike. Let me suggest so the record is clear, the motion I think should be to approve Option 1 in Issue 7. Is that correct? That was your intent; Option 1 under Issue 7.

MR. CLARK: Option A.

CHAIRMAN BORDEN: It was the last issue.

MS. WARE: I'll just interject. This is my fault. It says Option A on the presentation and Option 1 in the document; they are the same thing, my apologies.

MR. CLARK: Yes 1A that one.

CHAIRMAN BORDEN: Now I understand why I'm confused. Okay so discussion on the motion. Is everyone clear on what the motion is? Does anyone at the table care to speak on the motion? No hands up, I think this is a pretty clear issue, fairly easy to resolve. Do the members need a caucus on this? No hands up.

**Let me ask, since we had no one speak to it other than the proposers; are there any objections to approving this motion as it**

**stands? No objections, motion stands approved as submitted.** Next issue, which we're going to move back into the targeted increase in egg production, and what I would like to do is having served as Board Chair here for a while and I've agonized over this issue.

In particular I would say listen to people like Dennis Abbot and others, and Ritchie White on this issue. I would like to kind of frame, and this will take me about four or five minutes. I would like to frame what I think the issue is in terms of southern New England. What I'm about to say basically comes out of almost all of the technical documents. In other words, if I voice my own opinion I'll say so.

There is no question, if you look at all the technical documents; there is no question that the southern New England stock is overfished, according to our current definition. But I would note that the current fishing reference point is 35 percent below the threshold; and it is 27 percent below the target. To me this is really important, because older fish, in terms of the Plan, includes a timeframe when the Long Island stock was extraordinarily healthy. The Long Island stock, as Mark and Jim are painfully aware, used to contribute almost 9 million pounds of landings to the southern New England portion of the population. That portion of the population currently or that fishery in that area currently contributes, according to the most recent statistics, about 250,000 pounds.

In terms of dealing with overfished, to me, and this is where you'll get into some personal opinions. I think we're dealing with an obsolete reference here. In other words, I went out of my way to talk to the state directors; who I have great respect for, and asked them very pointedly. Do you think it is possible for us to rebuild the Long Island stock?

I got almost unanimously, no. Let me ask this as a question, so that the record is clear. Does anyone around the table think that we have the ability to rebuild the Long Island stock? If a hand

goes up I'll recognize you, and ask you to say why. Does anyone believe that we can rebuild the population of Long Island Sound?

There are no hands up. Essentially we're dealing with a situation where we have a definition that is based on, I think a 20 year time period, where the environmental conditions have totally changed; and everyone is painfully aware of this. If we can't get back to – this is not a traditional type fishery management issue, normally you deal with these things where the population is overfished, it's formulaic.

You look at the current fishing mortality rates, you reduce the fishing mortality rates over a fixed period of time; and rebuild the population. That is the way we normally do that. But in this case, because you've had a complete decoupling; and that is what the technical people have indicated.

The stock recruitment relationship for the southern New England portion of the population has decoupled. I note that I was a bit alarmed when I went to the northern New England meeting, and some of the technical people started talking about the same thing manifesting itself in northern New England.

To me the technical advice has been clear on this. I think it's important so the record is clear. The stock has been in recruitment failure since 2011. We've had the SSB in recruitment, essentially decoupled. No one in this room I think has any control of that nor do we have a really good understanding of why that has taken place.

According to the technical people, the poor stock conditions are due to environmental conditions that have increased M, and specifically they reference water temperature, larval survival and predation all having major negative impacts on the stock. All of the technical projections indicate that if we were to handle this the way we normally handle all of our other fishery management issues, you would have to have a

75 to 90 percent reduction in fishing mortality; in order to stabilize the stock under current environmental conditions.

What we would be talking about with that; that is straight out of the technical report. What we would be talking about is for a complete fishery closure. We shouldn't try to sugar coat that and factor in that southern New England lobster is at the fringe of it's ideal habitat; and everybody knows that. The ideal habitat for lobsters now is in the Gulf of Maine. Who knows how long that condition will persist? Further complicating this whole situation we're in is that all of the projections that I've seen by the Center staff basically indicate that the environment that the southern New England lobster is in has been a change, and it's going to get worse. We have two papers by very distinguished NOAA scientists, Doctor's Hare and Saba. Both of those indicate the water temperatures are going to continue to increase.

The point in all of this is we're trying to manage a stock that really is at the fringe of its resource, and there is no assurance; no matter what strategy the commission follows on this, so we can rebuild the stock. I think personally, this is a personal opinion; I think it is important for us to simply recognize that and state that in the record, and essentially state that we don't have expectations that we can rebuild the stock.

Given the environmental changes that we're all confronting at this point, we just can't do this on a formulaic basis. Further complicating our life, we have major disconnects, not only in the system itself but in the science. I for one, and I've said this repeatedly. I started out as a lobster biologist. I for one think that the science, the work by our Technical Committee, the work by the NOAA Science Center, particularly the projections that individuals like Burton Shank and others has done.

The science as far as I'm concerned is the best science we've ever had on the lobsters; as long as I've been in the process. Unfortunately we

have a situation where bad science is pretty much associated with the fringe of the lobster population. The lobster population historically, 87 percent of the lobsters were caught inshore; and that is straight out of the technical report.

Now we have a situation where about 65 or 70 percent of the fishery is taking place offshore. If you compare that to the actual science, the science is taking place, according to the technical memorandums, within 200 feet of water; from shore out to 200 feet. The fishery is taking place primarily in Area 3, according to the addendum, and I can point out the section; and from basically 300 feet of water out.

If you look at the science, the science extending from inshore, there is almost no sampling that is taking place in the deep areas. This isn't a criticism of NOAA, it's a fact. To quote the technical memos, the Technical Committee has repeatedly noted the deficiencies in the offshore sampling program. I think I found at least three or four references to it.

There are not larval surveys. There are no settlement surveys. There is limited benthos data. There is little current data on growth, movement, or survival. Each one of those parameters is absolutely a key if you want to do a lobster assessment or any other assessment. I mean where we sit with this is the science is really good, close to the coast, and it is not adequate off the coast.

The Technical Committee has repeatedly pointed out the need to do this. That is one of the reasons the Lobster Board agrees to Addendum XXVI, was to fill some of our holes in the science. I'm almost done. In terms of the federal sampling program and some of the federal employees here can correct me if I misspeak.

But when I served on the New England Council, I think it was somewhere between 15,000 and 17,000 observer days totally for Mid-Atlantic and New England. About 32 of those days are being

spent on lobster in the offshore areas. We have a major disconnect, and I think we've got a disconnect in terms of the science and our FMP, in terms of the overfished definition. Personally, this is another personal opinion; I think that two years from now we're going to do another benchmark stock assessment. I have every confidence that our understanding of old fish will change; when the scientists look at that.

I mean there may be ways to petition the southern New England stock and assess it in different ways than we have historically done. That would shed some light on what the possibilities are. I would like to go back to one of the first points that I made. We're fishing this stock way below the reference target and threshold.

If we compared this it would be a really interesting analytical exercise, to compare this to how we are treating some of our other overfished stocks like winter flounder, and Gulf of Maine cod. I think Gulf of Maine cod is at 5 percent of the biomass; but lobster is about 45 to 50 percent of the biomass. I mean we have all these disconnects, so my conclusion is this is not formulaic. I think we should essentially acknowledge our situation that we can't rebuild the stock; and be right up front with members of the public, members of the industry.

The Board said when we set out the goals; we said we wanted to do something. Now we went around the table yesterday, and I know I probably offended some people when I did that. But I wanted everybody to have a sense of how everybody was kind of viewing this. The consensus that I heard was do nothing. I'll be candid. I don't think that is appropriate strategy.

I would also note that the Board has said we don't want to put the industry out of business. What this means to me is that we need to do something. We need to do something that isn't too radical; that is incremental that essentially moves the process forward in a short term basis, and doesn't put a lot of people out of business.

We're not going to rebuild this stock. I think that should be the driver.

You've heard my comments. I open the floor, before we actually get into a discussion of what is the target, and let anybody comment as you see fit. If you disagree with what I just said, please speak up. I'm not going to be the least bit offended. I've developed a really thick hide over the years for this type of stuff. Let me open it up. Does anybody want to comment? Doug Grout.

MR. GROUT: Yes this is a very challenging situation that we're in here. From my perspective it is too bad that this Board didn't recognize that they didn't think they were going to be able to rebuild this stock before they started down this road with this amendment. We've been trying to, in our Climate Change Working Group, come up with a variety of options how the Commission can adapt the management; in light of climate change that we see occurring, and that we have science that is backing this up that it is affecting the stocks.

One of the things that I think when we're talking management plans, if we have science that says that we're not going to be able to rebuild because of climate change, we need to change the goals and objective. We need to make a policy decision here to change the goals and objective. The goals and objective that we're working on right now is from Amendment III, and that was developed back in the nineties.

Right now the Goals and Objective Peer Management Plan is that the Atlantic states will have a healthy American lobster resource, and a management regime which provides for sustained harvest, maintain appropriate opportunities for participation, and provides for cooperative development of conservation measures by all stockholders. Then probably the most pertinent objective is to protect, increase, or maintain as appropriate for brood stock at levels that will minimize the risk of stock depletion and recruitment failure.

I think it's time that we changed the goals and objectives with this. I mean we can recognize and move forward with an action, and recognize that this is what we're thinking; that we can't rebuild it. But I think we need to put that in our plans in the future. I hope that this Board will take that measure forward, and start working on this and get a follow up amendment that will recognize that southern New England is not going to rebuild.

CHAIRMAN BORDEN: Other comments, Tom Fote and then Peter Burns.

MR. FOTE: I appreciate this understanding of we're not God; we can't do certain things. When we thought by restricting commercial and recreational catch and doing management, we could basically bring back any stock. My biggest disappointment after sitting around this table for 27 years is weakfish.

You think about it, weakfish was basically responsible for the Atlantic Coastal Conservation Act, because if it wasn't for Copper basically tackling weakfish, we wouldn't have this access. He talked him into doing the Atlantic Coastal Conservation Act. We did everything right. We put in strong commercial regulations for all the recreational regulations.

We went from 6 inch to a fish that was sexually mature by the time we harvested at least once, and the stocks collapsed. We did everything we could, and we couldn't stop them from doing that. The same thing with winter flounder, we've had moratoriums for years. These are both species that spawn the first year. It's not like they have to wait like sturgeon and the climate changes, where they have to wait 25 or 30 years.

These are fish that should be caught in a couple years and we put a moratorium; which we basically did on weakfish and winter flounder. I realized this a couple years ago with lobster. We keep spinning our wheels and saying we're going to do something to rebuild the stocks, and we

can't do it. It is frustrating. It is hard to say you can't do something, because that is what we're not designed to do. But I think I am happy that the Board has finally realized that some things we just can't correct.

I'm looking at this; we have to do it the least painfully as possible to the people that depend on this for a living and basically do that. If we're not going to have any of the stocks and it ain't going to accomplish what we're doing, why are we doing it? The same thing could be said for summer flounder; but that's another day. Thank you for kind of considering us, and Dave, I appreciate your comments.

MR. BURNS: David, I appreciate you prefacing the issue with going through everything that you've done and what the science has done. I agree, I think the stock assessment information, the technical information we have now is better than it has probably ever been. I feel fortunate that we have that to be able to guide us. As far as rebuilding the stock, I think we all knew that we weren't going to be able to rebuild it when we started this addendum. We knew that we weren't even going to even try to stabilize it; because it was going to take an 80 to 85 percent reduction exploitation to get there. We knew that that was a nonstarter. That's why we went this route, and the purpose and need of this addendum really is still before us here. I think it is still attainable; and it is to improve egg production while maintaining some functional portion of the industry, and I think we can do that. I am very hopeful, despite all the disconnects and things like that that we've been talking about.

I think we're really poised as a Board to really move forward and take some action here that could really make a difference. We've got some disconnects in place, but you know we've got a good stock assessment. It is still going to be two years before we get to the next assessment. I think to wait would be kind of slaughtering an opportunity.

I had the opportunity to talk to, I don't know how many fishermen from southern New England last night, and I learned a lot. They are saying that there are good signs that there are egg bearing lobsters, there are small lobsters that are coming through some of these ventless trap surveys, and larval settlement is showing improvement; even in places like Buzzards Bay and Narragansett Bay, which have been virtual deserts in the last few years.

Those kinds of things don't make me think that we shouldn't do anything because it's getting better. Those are the kinds of things that make me think, great. Now we have an opportunity to take advantage of that; ride that wave. If we do something now to help increase egg production, then we'll be all better off probably if climatic conditions cooperate.

Then we have another stock assessment in two years that we can reassess this. We've got a lot of things that are happening here. We've got the Gulf of Maine issue looming over us right now, one of the things that we as a working group came forward with, one of the goals and objectives there listed; be proactive.

I think even though we've been dealing with recruitment failure in southern New England here since 2011, we still have the opportunity to try to do something. We can still stay within the purpose and need of this addendum and come out with some action that can meet that goal. I'll stop there.

CHAIRMAN BORDEN: Okay, Ritchie White then Emerson; anyone else?

MR. WHITE: I commend you for turning the ship, finally. This has been long in coming and overdue. We had started the process in northern shrimp. We've heard from the public in dealing with northern shrimp, how come northern shrimp gets a moratorium and southern New England lobster doesn't? We've been hearing that for some time.



We tasked the Technical Committee this year to develop new reference points to a level of biomass that is approximately what we now have, a mere fraction of what rebuilding would be; because we believe from a policy standpoint, not a technical standpoint that the shrimp will never recover due to the climate change.

I think that is the direction that this Board needs to do. I think we need to have new reference points so that when we take an action it is based on science from the Technical Committee. Not going to rebuild lobster to what it was. But there is a level of which you can have a harvest and probably maintain a much smaller population like what we have now. I think this clearly was an important moment. I applaud you for doing it. I hope we continue to go down this road.

CHAIRMAN BORDEN: Let me just follow up on one of the points that Ritchie made. I've got four people on the list, but I neglected to mention this, it's really an important point. Lobster fishery in southern New England is now a mixed crustacean fishery; and all you have to do is look at the values of it. At this point, lobster landings basically worth about \$18 million, crab landings are worth even more than that. It is about a \$36 million fishery that is operating.

But what you really need to look at is how the crab landings and the effort going into crabs. The effort is moving out of lobsters and it's moving into crabs, because the price of crabs, just since we adopted the FMP, for a whole variety of reasons related to the market. The price of crabs has basically gone from 0.75 up to a \$1.00.

There was a boat in New Bedford in the past six months that landed 100,000 pounds of crabs. To be blunt, those people don't even want to bother trying to sell lobsters. They are making sufficient money fishing on crabs. The effort is moved already, just due to the economic forces that are in place. The effort is moving out of the lobster fishery.

One of the keys here is to not export the southern New England problem into the Gulf of Maine; which will be easy to do. If we impose really severe restrictions in southern New England, all those Area 3 boats have the permits already, they have landing licenses in most of the states. They simply shift their effort up in the Gulf of Maine, and you'll just accelerate the problems in the Gulf of Maine.

We need to do something reasonable here, and as Ritchie points out, develop some new reference points and a process to deal with this situation where it exists. We should be managing this as a mixed crustacean fishery and not as just a lobster fishery. But back, I've got Emerson, Sarah, Mark then Eric.

MR. HASBROUCK: Thank you for your overview and assessments of where we are and where we might go. I agree with what you had said, what your assessment is and your overview; particularly relative to Area 6, as you pointed out. When you asked the question, no one on this Board disagreed with your assessment of what's taking place in Area 6. To highlight what you said, landings in Area 6 have already been reduced by 97 percent. Active permits have been reduced by about 85 percent in Area 6.

Active traps fished have also been reduced by just over 90 percent. There has been a significant reduction in Area 6; no matter what metric you want to work out. Additionally, working with the few remaining lobster fishermen that are still working in Long Island Sound, we've removed 16,000 derelict and abandoned pots that continue to fish. I just wanted to highlight those metrics relative to Area 6.

CHAIRMAN BORDEN: Sarah and then Mark Alexander.

REPRESENTATIVE PEAKE: Thank you for your leadership and really setting the table this morning for us. As we move forward I think it is very helpful in getting through a very difficult

topic. I just wanted to address the Board to say, join in the chorus of people who really feel, and I see this as a watershed moment. With all due respect to a previous speaker, doing that if climatic conditions cooperate within the next couple of years, maybe we can make different management decisions. It's taken us generations to get to where we are. This isn't a nimble day that we can turn quickly. It doesn't mean we should turn our back on addressing the underlying climatic conditions, but it may take a generation or more to turn those around.

I think what we're tasked with today is making appropriate management decisions; but as we are doing that to be as humane as possible to the human beings, the people, the men and women who are still in this fishery. I will certainly use that as my guiding principal as we move forward today.

MR. ALEXANDER: I appreciate your comments earlier, and your touching move to for Long Island Sound. As Emerson pointed out, the lobster population of Long Island Sound is a vestige of where it once was the fishing industry, is a vestige of what it once was. It was 18 years ago that we processed clipping from an open area of high productivity to the fringe of the range.

I don't think it's too farfetched to assume that in the not too different future we're going to pass beyond the range. Taking Doug's comments to heart, because I think we need to think about this precedented occurrence, and how do we manage a fishery that is eventually going to disappear? I think that conversation is important and I think we need to have it. That would help us figure out where we put our priorities in this situation.

CHAIRMAN BORDEN: I've got Eric and then Mark Gibson, and then Tom. Mark, if you want to go.

MR. GIBSON: Thank you, Mr. Chairman for framing the issue for us this morning. That was helpful. I agree with a bunch of what you said. I

might differ a bit on the implications of Long Island Sound, a failure frankly that fishery independent data there isn't much different than it does for Narragansett Bay or Massachusetts out in the Cape and their larval surveys.

It doesn't look much different than our settlement surveys. I favor a broad inshore. They do look different than the federal survey offshore, which hasn't declined nearly as much as the inshore area. There is a disconnect between, as you pointed out, inshore science and management considerations and offshore.

It is clear to me that Option A is not a place we want to end up, I think that would be bad optics for the Commission to have an addendum that frankly doesn't do anything more than all the other addendums that are in place right now. I don't think that would be a good look. I could support a modest increase in egg production, reading some of the arguments that made me favor that.

I fear though that given the projection in the stock recruitment relationship, decoupling that you have pointed out, which is scientifically interesting, but it really hampers our management ability. I'm afraid that a modest increase in egg production is going to be for naught. I will support it, because Option A just doesn't look like to me a place the Commission wants to end up.

CHAIRMAN BORDEN: Eric, I was going to call on you next but I'm going to take Pat Keliher.

MR. KELIHER: Coming down this morning a few of us were wondering if this might be a ten minute meeting, based on the way the meeting ended yesterday afternoon with the poll vote. I do commend you for framing it the way you have done. This is obviously a serious issue. But I can't get over the issues related to the environmental factors associated with this for southern New England.

I think you're right. I think Ritchie White and Doug are also right regarding policy guidance when it comes to environmental changes related to these fisheries, southern New England lobster and shrimp being the two primaries. We need better policy guidance on how we're going to deal with fisheries that look like they will not recover.

We cannot engineer our way out of this problem in southern New England, it can't be done. That is why I have stated what I did yesterday; as far as status quo associated with the fisheries in southern New England. I completely agree with Representative Peake that we're in a situation that took a long time to get here.

The conversations that are now starting to happen related to the Gulf of Maine and Georges Bank are all about resiliency going forward. Could we put resiliency in place in what is nearly a collapsed or a collapsed fishery in southern New England? I don't know if we can. I think we have to take into account the industry, the industry members going forward; and we need to base decisions, whether it is a small, as Mark said, whether it is such a small increase in egg production or no increase in egg production.

I think going forward we need to make sure that is clear, why we are doing it that it is a policy call from this Board and from the Policy Committee; that we're not saying no, and giving up on the fishery or on the industry. We're recognizing the fact that again we can't engineer our way out of a problem that probably should have been dealt with 10 or 12 years ago, when there was a chance for resiliency. With that I'll end my comments.

CHAIRMAN BORDEN: All right does anyone else want to comment?

MR. BAUM: There is some quality discussion today, but I still go back and every week we get calls from our constituents. New Jersey has Areas 4 and 5 and some of 3; extended to a few permit holders for LCMA 3. I think the annual

harvest in New Jersey is about 500,000 pounds. I believe there are 10 to 15 fulltime lobster harvesters from New Jersey, and they're all saying the same thing.

We have a 32 day season closure in Area 4, which really equates to a three month season closure; based on the restrictions of keep having to remove the traps from the water, you know hundreds of traps. It takes them weeks if not close to a month, to remove those traps; and then put them back in.

They can't fit 800, 1200 pots on one 40 foot boat in one trip, plus we have to deal with the weather. The other issue is the attrition. I say 10 to 15; I do know someone said 15. I don't even think it's that anymore and every year just one or two of the buoys fall out, so soon we'll be in single digits. Anymore reductions or restrictions that are placed on them as far as season closure goes. They are already taking a three month season closure, so anything additional to that season closure will put them out of business. As far as taking the traps out of the water, it's not only the efforts and the fine involved, it's they need to store them somewhere. New Jersey waterfront property is quite expensive; even to rent. They are finding it more and more difficult for that. I think I've suggested, lease a barge and anchor it somewhere with all the traps on it. I don't even know if that's legal, to tell you the truth. But I am standing firm to what I quoted yesterday, as far as status quo goes.

CHAIRMAN BORDEN: Okay, anyone that hasn't had the opportunity to comment here? Yes, Craig.

SENATOR MINER: I am struggling to find a place between zero and something. I attended the public hearings and listened to many conversations from not only fishermen but politicians, which is kind of a tough spot to be in. We've received plenty of correspondence; I think the Commission has as well, from our

Congressional delegation about the implications of doing almost anything.

Having said that my fear is that there is still a lot of effort. There is still the price of fuel with the amount of traps that are still out there that even if we view this as a moment where we're not going to rebuild the stock. What is the message of doing nothing? What does that send out to the public? What does that send the fishermen?

I was just saying to Mark. You know when we go back, what is the likelihood that we could develop a regulatory change of any kind to restrict effort? That is the part that I think I'm struggling with. I think 20 percent certainly creates such an economic hardship in the Sound that it would be impossible to imagine a fishery at that level.

But we had a good conversation last night based on that straw poll that I wasn't necessarily a fan of. To the extent that that did provide us an opportunity, maybe to communicate, I don't know where we go from here or how we go there; but I do think that there is some room for improvement, even if it's state-by-state voluntarily. I don't know how that would wash with Option A.

CHAIRMAN BORDEN: Let me just follow up on Craig's point; so that everyone's clear. Grant Moore made this point yesterday, so I'm just repeating it. Status quo is kind of a misnomer. The Commission has already promulgated regulations for two areas, Area 3 and Area 2. Those two areas contribute three-quarters of the landings of the stock.

Both of those areas have already promulgated regulations to cut traps down. You can get into a policy debate about how much credit should be given to that. But those, so the Technical Committee basically said that with a whole group of caveats, you may get as much as – let me rephrase this so somebody doesn't take offense.

You may get somewhere between 0 and 13 percent increase in egg production from the existing trap cuts. You can argue where you are on that continuum, but the fact of the matter is those have already been promulgated, they're going to be implemented in those two areas. There are going to be changes that reduce exploitation on them, on the stock.

We can get into the policy and say is it enough? Should we do more and those types of things? But there is some action now. I'm not suggesting, so everyone is clear that we just rely on that. I think we need to do something other than that to supplement that. But I also agree with this strategy of doing something that doesn't put a whole bunch of people out of business. The other point I would quickly make is that if you look at the offshore lobster landings, as the technical people have said and as the staff includes in the document. The landings offshore are stable. They are not going down. They haven't gone down to 80 percent.

They're fairly stable. This is what I struggle with. We have this disconnect between the inshore and offshore areas. They are sending us two entirely different signals, not that everything offshore is great; but it is a mixed crustacean fishery offshore now. Let me go back to my list, and I have Dan. Then what I would like to get into is a specific option to move forward. I'm probably going to look for a motion.

MR. McKIERNAN: You just said a lot of the things that I wanted to say that status quo is not the equivalent of doing nothing. In Massachusetts we have our Area 2 fishermen, and we are in the middle of this trap allocation reduction schedule. Based on the analysis that I've done, and I know I pledged at the last meeting that I would come forward with some data; but I wasn't able to get the data completed until last Friday, and we could comprised a little bit of an audit.

But I can tell you the first 25 percent cut did not necessarily cut active traps, but I believe the next 25 percent will. We're really in the middle of a

major management scheme. What is interesting if you look at the guys behind us who have come up from Massachusetts; they're all pretty young.

It really isn't a dying fishery, but this is a fishery where young guys are diversifying into the crab fishery and the whelk fishery and the fish pot fishery, and the lobster fishery as well. I am not going to sit by, and even though we aren't going to be able to rebuild the stock to historic levels; we're not done managing this fishery.

As we cut these trap applications to fairly draconian levels, we're going to need compliance checks, and we're going to need enforcement to make those regulations real. I pledge to do that and work with the fishermen. We also have our V-notching requirement; we kind of forget that. All Area 2 lobstermen are supposed to V-notch all legal size eggers.

We need to sort of double up on our efforts to make sure there is compliance with that. Doing nothing to me is kind of a misnomer, because we're in the middle of a very massive administrative exercise of reducing trap allocations that are going to reduce traps in the water by the time we're done in five years.

The other thing I would like to mention is it's really difficult when you sit down and try to document the net effects of some of these rules; because there is so much leakage. I can't look at my Massachusetts only data, and show the effect that I hope to show; because I have some permits coming from the west jointing the Massachusetts fleet, which is perfectly legal.

A federal permit can be sold to Massachusetts fishermen fishing in Area 2 or Area 3. I have trouble teasing that out. I have Area 3 fishermen who can go back and forth. I have the effort attributable to the Jonah crab fishery, which is almost impossible to tease out; in terms of whether it's, as you pointed out, a lobster trap or a crab trap. I also have some Area 2 fishermen fishing east of Nantucket, which is a section of the Georges/Gulf of Maine stock. That's all legal.

It's fairly difficult to actually nail down a net effect, but I think you've seen, not to be redundant, but the trends here are that it's a bunch of young guys that diversified that are ready to accept a lot of the ongoing trap cuts. They are ready to make a go of it. That is a very conservative point. Status quo is not doing nothing.

MR. LUISI: I know that you had asked for a motion on how we are going to move forward as a Board here. But I would like to just ask a question of you first for your guidance; as to whether or not we must select Option A, B, C, D or E here or is there an opportunity, based on the fact that we had a range of alternatives that went from 0 to 60. Is there a potential here for something in between 0 and 20, such as a 10 percent reduction?

The reason why I ask is you know I mentioned yesterday that we would support status quo, then the overwhelming majority of folks who offered public comment felt that way. But then there was a group of people who said in their testimony that while we agree with status quo, however we might be able to stretch and reach to something like 20 percent. But I do believe that 20 percent is a stretch. Maryland's fisherman, (with an a – that's man with an a) is here representing himself today.

You know he and I have spoken about how far of a stretch that he could make in order to have a viable business continue. While I do agree with other Board members that maybe 0, doing nothing, even though there is the trap reduction happening as we speak. Doing nothing might not be where this Board wants to be. But we can support a very modest increase, potentially at 10 percent. I'm not making that as a motion. I'm looking around the table to first of all ask if that's appropriate, and then I guess we can go from there.

CHAIRMAN BORDEN: I would defer to the staff, particularly the Executive Director, but from my perspective the Commission always has a right to

do something between the options. Bob, if you disagree with that please speak up.

EXECUTIVE DIRECTOR BEAL: I will speak up to agree with you, not disagree with you. You're right, 10 percent or other numbers within the range as taken out to public comment is definitely in bounds for the Board to consider.

CHAIRMAN BORDEN: What that will mean is we'll have to recalculate the table, so that's not a difficult task. Eric Reid, I'm looking for a motion on that.

**MR. REID: I am not going to waste any more time. I don't know whether or not it would be Option F or some other letter or number from everyone. But I move that we support a 10 percent increase in egg production over two years.**

CHAIRMAN BORDEN: All right we have a motion; do we have a second for that motion? Mark, you can't get a second from the same state. Does somebody want to second the motion? Mike. Discussion on the motion. Peter Burns.

MR. BURNS: I am glad we're moving forward with getting down to business here about increasing egg production. I think that the one thing I do like about this is the opportunity to spread this out over two years. I think 10 percent is a start. I'm hopeful that there is a silver lining in there somewhere, where we can find a way to credit trap reductions that have already taken place or that are scheduled to take place. You know that we have the Area 3 trap caps that have yet to be implemented yet. I'm going to talk about that later today. I think there is some room to move here a little bit, and in consideration of stretching this out over two years; I think that's a good opportunity, and that gets us to our next stock assessment. **I'm going to make a motion to amend this to 20 percent increase over two years.**

CHAIRMAN BORDEN: Okay so we have a motion to amend. Is there a second on the motion to

amend? Any second, any second? **Motion dies due to lack of a second;** further discussion on the original motion, Emerson?

MR. HASBROUCK: I would like to make a motion to amend that motion. My amendment would be move to implement a 10 percent increase in egg production, except in Area 6, which would remain at status quo.

CHAIRMAN BORDEN: Emerson, maybe my hearing is a mistake, 10 percent; they put 20 percent up there.

MR. HASBROUCK: Ten percent.

CHAIRMAN BORDEN: Is there a second?

MR. HASBROUCK: Move to implement a 10 percent increase in egg production, except for Area 6; which would remain at status quo.

CHAIRMAN BORDEN: Okay, do we have a second for that. No second, motion dies to lack of a second. Mark Alexander.

**MR. ALEXANDER: I would like to offer the same motion, except that Area 6 be 5 percent.**

CHAIRMAN BORDEN: All right, we're going to have to let the staff catch up here. That's a motion to amend, interest in increased egg production except in Area 6, which would achieve a 5 percent reduction. Is that correct, Mark.

MR. ALEXANDER: Yes, I would like to add one thing that it be over two years.

MS. WARE: For both Area 6 and everyone else would be two years?

CHAIRMAN BORDEN: We need to add the two-year provision for the motion. Okay, is everyone clear on this? Discussion on the motion to amend.

MR. HASBROUCK: Second, I'll second that motion.

CHAIRMAN BORDEN: Made and seconded discussion on the motion. Any discussion? Tom Fote.

MR. FOTE: Again I'm looking at what we're doing here, we're splitting hairs again. We're basically talking about 5 percent or 10 percent reduction; knowing that climate change is not going to turn around in a couple of years or as Sarah pointed out, it will be decades maybe before we basically see turn around and we actually admit there is a climate change. Just to say we're doing something, I don't see this. I mean the number of pots has been reduced in New Jersey, the number of fishermen that's been reduced in New Jersey, the lobstermen; the lack of effort that is going out there compared to what it was 15 years ago. We've done those types of reduction and we're just not seeing any increase because of that. I have a hard time supporting any of these motions.

CHAIRMAN BORDEN: Anyone else? Emerson, then Craig and then Mark Gibson.

MR. HASBOUCK: Relative to this motion to amend, I would just like to reiterate some of the metrics that I've pointed out before that in Area 6; we've already seen a 97 percent reduction in the landings. We've seen an 82 percent reduction in active permits, and we've seen a 91 percent reduction in active traps fished. That has already occurred in Long Island Sound, Area 6.

CHAIRMAN BORDEN: All right as I said, I'm going to go right up the table. Craig then Mark, and then I'm going to go over to Doug Grout.

MR. MINER: We're dealing with a couple of things in Connecticut, for those of you that get the newspaper out of Connecticut. We're still in the midst of a very significant deficit this year and forecasting another half a billion, next year; and somewhere around 200 million beyond the

deficit that was paid back in January. It approaches \$2 billion.

One of the concerns that I have about not having some number out there in terms of increased egg production is I have a heck of a time trying to advocate for money; staff, hard hiring freeze, doesn't really even allow us to put somebody on a boat. I think any number up there beyond zero is going to cause me a fair amount of ojida when I go back and talk to the fishermen, because they would have loved to, I think, have gotten out of this with zero.

It doesn't put me in a comfortable place, but I think it puts me in a place where I could continue with the conversation. I would hope that there would be a fair amount of support for this motion. It's not perfect. I think it gives us a platform to talk about a future, whatever size that might be.

We still have a lot of traps in Connecticut that we need to work on. We still need to work on licensing, and as I said we still need to work on trying to provide resources for an agency that absent resources will have no scientists and no enforcement, if some people have their way. This I think is a helpful thing.

CHAIRMAN BORDEN: Mark and then Doug Grout.

MR. GIBSON: I would just like to ask the maker of the motion what the biological rationale is for nuancing between Area 6 and the areas in southern New England. I previously stated that what they can see on Long Island Sound is not very different than what's happening in Narragansett Bay or Buzzards Bay or places like that. I would like to hear more about the rationale for nuancing this in this manner.

CHAIRMAN BORDEN: Mark, do you want to respond?

MR. ALEXANDER: Yes, Mr. Chairman. The decline in the Long Island Sound happened

earlier, it probably has, I would say to a larger degree than it has anywhere else. We've been struggling with this for years. We've reached the point where our industry is on the verge of extinction. Trying to achieve 10 percent increase in egg production will pretty much kill the entire industry. I know maybe this comes down to a choice of what goes first, the fish or the fishermen. But we do want to do something, because we don't want to kill the industry either.

CHAIRMAN BORDEN: I've have Doug Grout, Dan and Jim Gilmore.

MR. GROUT: I do appreciate the efforts of this Board in trying to accomplish something here with this addendum. The vote that we took yesterday, which in retrospect I wish we had waited until after this. I still have concerns about having this apply throughout the range of Area 3. I still think that we need to add a line, despite the difficulties and the problems that that may cause; because you're implementing changes in management on a fishery at a resource that is at record levels out on the Georges Bank area.

If this does pass, I would appreciate it if we could get either some indication of how we might address this where it wouldn't apply to the actual Georges Bank area, either by reconsidering the motion or some other mechanism where there could be a line drawn where it would be implemented or restricted management measures on a resource that is fully developed.

CHAIRMAN BORDEN: Dan passed, we've got Jim Gilmore.

MR. GILMORE: Just in terms of the difference between maybe a little further north from us versus Long Island Sound. If you go to our public hearing, we had a packed room, and it was very different. If you look over at the New England side, you've got a lot of young guys coming up. No offense, John, but I've got John German here.

He kind of represented the demographic in the room. A lot of guys that have watched this fishery die, and essentially are to the point where maybe it was more like a wake that meeting than anything else. Sort of in that respect, maybe give them a respectful death of this fishery as opposed to like trying to impose some limits that really don't mean much.

That is really why it almost had to be a separate issue on this, because it is very different. We don't have a bunch of young guys coming up in the fishery. We have a lot of historic folks that have a difficult time that they've had for many years now and watched this thing go away. For Long Island Sound, I really wish we could go with 0 percent, because I think we should let them hold onto this.

On the 10 percent, I'll just make one comment on that. As you saw before, David did a great job of bringing this all together is that 10 percent is, it's like a great New York philosopher said, you know déjà vu all over again. We went through this a few years ago and we got to 10 percent and then got another stock assessment and then we're right back to where we are again.

If we do go with the 10 percent, we clearly need to take what your leadership suggested, and come up with a new approach to this; because I really don't want to go through another few years and get the 10 percent again and just watch more and more wasted effort on something that we can't fix.

CHAIRMAN BORDEN: I've got a personal comment that the thing I much appreciate about the motion and the amended motion is that it gets us to the next stock assessment that I indicated before, I think things are going to change. Okay so are we ready for the motion to amend? Peter Burns.

MR. BURNS: I just wanted to address Doug Grout's comment about a line in Area 3. Well first of all, I'll start it off and say that I think you already know that NOAA Fisheries is very



concerned about the condition of the stock, and concerned about making sure that we do something meaningful here within our charge here; the purpose and need of this addendum to improve egg production and preserve some level of the fishery.

I think we're moving in that direction, but keep in mind that this fishery is moving into federal waters. Most of it is in federal waters. I know Area 6; we don't really have a dog in the fight there. But most of the fishery in southern New England is in federal waters. We strive as an agency here to be cooperative partners with lobster management since 1998, and we transferred management authority from the Magnuson-Stevens Act over to the Atlantic Coastal Act.

I think we've done a good job of that being good partners, with the exception of a few disconnects we're going to talk about later on. But I think we're hopeful that there is still some room to be able to decrease fishing mortality here, and be able to get an upswing in egg production if we can. I think one thing we don't want to do is unnecessarily impact the Georges Bank portion of the Area 3 stock. We can certainly, I heard about yesterday there wasn't a lot of movement on the industry or the states to go forward with a line to split the stocks.

But that is something we could certainly consider as part of any kind of management strategy moving forward; to make sure that the Georges Bank stock doesn't get unnecessarily burdened by any management measures that go forward here. I think that is something to keep in mind. I think that with that I would like to try again to make a motion to change the 10 percent to 15 percent.

CHAIRMAN BORDEN: Peter, let's deal with the motion on the table. After we deal with that if you want to make another motion to amend, you are free to do that. But that way we won't have three motions on the table at the same time. Let me ask everyone to take a one minute caucus,

and then we'll call the question on the motion to amend. All right we're going to come back into session.

I apologize, but a lot of questions were raised, and most of them relate to what might happen in a subsequent motion. I'll put on my Carnac the Magnificent hat to be able to tell the future. Okay so on a motion to amend. Are you ready for the question? **All those in favor of the motion to amend signify by raising your right hand, 4 in favor, opposed, 6 opposed. Let's do opposed one more time, because I had some of these. Six opposed any abstentions, any null votes? Motion fails, with two abstentions.**

**Okay so you're back on the main motion.** Are you ready for the question on the main motion? Okay Pete Burns, and just so everyone is clear here; Peter made a motion before which failed to request 20 percent. Now, I understand he wants to make a motion to do 15 percent, which is entirely appropriate.

MR. BURNS: That's right, Mr. Chairman. Thank you and I'm sorry that my lapse in judgment over the last motion there. **I forgot that there was a motion to amend on the table, so yes a motion to substitute 10 percent for 15 percent.**

CHAIRMAN BORDEN: **All right we have a motion to substitute, is there a second?** Second by Doug Grout, discussion. Mark Gibson.

MR. GIBSON: If it's just in the process we're following here, is it your intention to have a discussion about the Area 3 line matter, pending the outcome of these?

CHAIRMAN BORDEN: I'm a little reluctant to comment, and I totally understand the issues are intertwined. But I'm a little reluctant to combine those two, because we can't make a commitment to change the motion from yesterday without another motion, which could get complicated. To some extent I envision getting into that issue when we get into Issue Number 2.

In other words, when we get into the second aspect of the management tools, I mean the concern that was voiced around the break here is if a line exists, is that going to force individuals to relocate into the Gulf of Maine and drive effort into the Gulf of Maine. Actually, while I'm saying this, Grant Moore, the Chair of the AP asked to just make a brief comment on that. Grant, do you want to do that?

MR. MOORE: I just would like to reiterate what I spoke about yesterday, and this is from industry. If that line is instituted, depending upon what percentage is chosen by the Commission. If the percentage is so high, you will see a total shift in effort. That line, the fishermen are already going east of the line, but this underlying motion at the 10 percent.

Again I am going to say that zero is not a realistic number, 10 percent is, we're going to achieve over 10 percent with trap reductions that are already in place; and that's from the TC. This industry, Area 3 fishermen have already gone through the 32 percent reduction in effort in the early 2000s, with no credit there.

Gauge increases were up to 3 and 17/32. No credit there. Industry has been very proactive. This motion here, if there is a line drawn and we try to put separate regulations on part of Area 3, it is going to affect Gulf of Maine/Georges Bank slots. There will be a huge shift in effort. Thank you.

CHAIRMAN BORDEN: All right so the motion on the board is substitute. Actually, Peter what you said is 15 percent to 10 percent. We've got it reversed up here. Is that correct? Is the motion correct, Peter?

MR. BURNS: Yes, substitute 10 with 15 percent. As long as we end up with 15 at the end that is the intent.

CHAIRMAN BORDEN: Fifteen percent. Is there any discussion on the substitute motion? Eric Reid.

MR. REID: I hope that if this motion fails we don't have another motion of 14 percent or 13 percent or do that game all over again, which is a sad thing. It was the overwhelming consensus yesterday that status quo was acceptable. Of course smarter people than I spoke this morning, and Mr. Chairman, you framed the discussion very well. I don't think status quo is anywhere near what, the perception of status quo I should say, 10 percent is enough to keep these guys fishing, and 15 percent is too much. I hope this motion fails and we get back to business at 10 percent over two years.

MR. HASBROUCK: Yes, I cannot support this motion. A 15 percent increase in egg production, what that would precipitate, in terms of additional restrictions on the industry, is going to be devastating to Area 6.

CHAIRMAN BORDEN: Anyone other than the maker of the motion or the seconder want to speak in favor of this motion? Anyone? All right, Peter, you get the last bite of the apple; then I'm going to call the motion.

MR. BURNS: I appreciate the Board's indulgence as I try to find the sweet spot here as we move forward. But I think we're looking in the right direction. I think 15 is reasonable. We've even heard Grant from the Area 3 industry say that they've already think they've got 10 percent just with the trap reductions that are in place.

I'm confident that over a two year period we could certainly have something reasonable that could be implemented by the industry. Keep in mind that we started this as a range between 20 and 60 percent, and that we had status quo as a default. You know we've gotten guidance from our staff here that these lower percentages are okay; but I think that is something to keep in mind. We know that status quo is a nonstarter for us, and I think 15 makes sense.

CHAIRMAN BORDEN: All right, anyone want to offer something totally new here? If not I'm going to call the question. Does anyone need a

caucus? Are you ready for the question? All in favor of the motion signify by raising your hand. **This is a motion to substitute. I've got 2 in favor, opposed same sign, 8 opposed, any abstentions, any null votes? Motion fails.** Okay, **you're back on the original motion.** Are you ready for the question? All in favor signify by raising your right hand.

MR. HASBROUCK: Point of order, Mr. Chairman.

CHAIRMAN BORDEN: Voting on the underlying motion, move to implement a 10 percent increase in egg production to Issue 1 over a two-year; is that worded correctly? Oh, in Issue 1 over two years. Does everyone understand the motion? Mark.

MR. ALEXANDER: I just want to clarify one thing. When I made my motion to amend and added a two-year period, a two-year period got added initially to the underlying motion before it got added to mine. I don't think the two-year period was in there when the original motion was made.

CHAIRMAN BORDEN: Eric Reid, was that what you intended?

MR. REID: It's what I intended, it is what I said.

CHAIRMAN BORDEN: All right, Emerson Hasbrouck.

MR. HASBROUCK: I am just wondering if we're going to take any other comments before we end up voting on what our increase in egg production is going to be.

CHAIRMAN BORDEN: Good thought. I'm willing to take a few comments from any of the leadership of the association. But I have to ask you, the industry reps, to be very brief at this point. Sarah.

REPRESENTATIVE PEAKE: If I could take a moment to speak to the underlying motion. I think there was a lot of discussion around the

amended emotions, emotions right, motions; it is emotional. I am not in favor of the underlying motion. I'm not really sure why it's up there, when we have just heard from Mr. Grant that 10 percent is probably already going to happen with trap reductions.

Are we engaging in management or is this theatre that we're engaging in? Because we have a difficult time going home to say we supported status quo. If status quo is going to get us to the 10 percent increase in egg production, I would think that we should vote this down and vote for status quo, and an additional concern of mine is the uncertainty with Issue 2, what the management tools are going to be.

I know in a brief offline discussion with my colleagues here from Massachusetts, there is one of those options that we feel that we can live with, and the other two are somewhat draconian. I think given the uncertainty of Issue 2, plus the information we've received already that status quo will get us to the 10 percent increase in egg production; we should just defeat this and move forward with what is forthright and transparent and better the way it is.

CHAIRMAN BORDEN: All right let me take a couple of comments from the audience. Jarrett, you had your hand up, Greg Mataronas, yes, John.

MR. JARRETT DRAKE: All right, now I'm getting nervous. I thought through this before, I had a written speech. I don't want to be boring and just read something that I had written, but I can't remember this all so I'm going to read out part of it, because I really need to keep your attention. My name is Jarrett Drake. I am an Area 2 lobsterman for the past 33 years, currently the Vice-President of the Massachusetts Lobstermen's Association, an LCMT 2 member, and generally a guy who's a pretty decent guy.

I would like to thank you for this opportunity to speak, because it is important to me, and also the New England fishermen. Actually eight of us Area 2 lobstermen here today, forfeiting two days of fishing and \$30.00 in our pockets and yesterday I spent my birthday here; it was status quo. We've been hearing that a lot today.

I would like to remind you, as has been said many times that status quo is not actually status quo, but in fact a 50 percent reduction in traps started in 2016 that is taking place entirely after the 2011-'13 stock assessment; which is why we're here. We are not greedy fishermen who don't want to do anything.

Actually, it is in our best interest to maintain a healthy population. A few of us lobstermen just want time to reflect these current actions; as a result the next stock assessment will be positive. As a lobsterman and ventless survey captain, I am personally seeing lobsters now in volumes and locations that have been quiet for years and am sure you will too. Anecdotally we are seeing it, now we'll just wait for the data to catch up. The current plan will have a dramatic impact on fishermen and their efforts. There is absolutely no need for gauge increases or seasonal closures in Area 2. A gauge increase will simply shift efforts further offshore in unsafe waters and designate the inshore areas as mere nurseries; without a fishery at all.

Lobster is also the only fishery you can do year round, and seasonal closures will have a severe impact on the fishermen's livelihoods. Right now there are only about 18 full-time in Mass for each new lobster pot, and very few of them have actually taken their trap licenses. Most of us have a lot less. I am not one of the lucky ones. You see, I have to buy a state license and a federal license to make one and fill it tonight.

The ability for me to build back up to a full 800 traps is extremely difficult today. There is just no TAC available; there is no latent effort to buy into. In closing, the most prudent thing to do would be to delay any further management

actions until 2014-'16 stock assessment. There is a lot of optimism surrounding the data, and we're looking forward to positive results. A little more time won't hurt, especially since the fishermen aren't to blame here. Thank you very much.

CHAIRMAN BORDEN: Thanks, Jarrett, Greg Mataronas, and then I'm going to go to John German. Is there any other leadership in the industry that wants to speak to this Board? If not, we're going to go back to the motion after those two. Greg. Greg is the President of the Rhode Island Lobster Association.

MR. GREGORY MATARONAS: I would like to thank the Board for the opportunity to be here and speaking in front of you. As Dave mentioned, I am the President of the Rhode Island Lobstermen's Association. I have been lobstering for over 25 years, and involved in all aspects of research, involved in the management of this fishery as much as possible for almost two decades; which is hard to believe right now.

I think for the most part this motion for 10 percent is very reasonable to the industry, especially considering that we've got 50 percent trap cuts for Area 2. I've heard that the first 25 percent is only cutting into latent effort. As Jarrett just mentioned, it's actually cutting almost to the bone already, where trap tags, you can't find trap tags right now.

Another indication of the trap cuts was Area 2 and Area 3 traps got coupled together. Area 3 tags are worth much more, so those are being bought off of Area 2 boats, going out to Area 3 and will never be brought back into Area 2 again. That is something that is not captured in the database. It is something that has not been talked about.

In addition, there were coupled to Area 1 permits, so if there is someone qualified for 800 Area 1 traps, and they also have Area 2 or Area 3 allocations, as soon as they sell one trap off of that permit the Area 1 permit goes away. The

incentive is there to not sell any traps off of that. Those tags are also tied up, and will not be reentering our fishery.

The bottom line is that first 25 percent did much more than get rid of latent effort; and with that in mind, I would also like to for the next issue. Industry really needs Option A to move forward on Issue 2, because we need the flexibility. The Board has been very gracious to this point in building flexibility into this addendum. If anything other than Option A is selected in Issue 2, I think the flexibility will be completely gone and as Representative Sarah just said, it will be quite draconian and will force our hand into something where we will be out of business. The Board has stated that we want a functional portion of the lobster fishery. At this point we are at the basis of a functional portion of the lobster fishery. After this big dealers go away, lobster shops go away, trap shops go away; any associated businesses go away, tourism, if we get any more cuts than what we have on the table right now. Thank you.

CHAIRMAN BORDEN: John, if you would like to come up. Why don't you use that microphone right next to Emerson? Then we're going to go back to the Board.

MR. JOHN GERMAN: My name is John German; I'm the President of Long Island Sound Lobstermen's Association. I would like to say I've been fishing all of my life, but really that's not true yet. I fished in Long Island Sound for 51 years. Right now I've got approximately 10 guys on the New York side fishing in Long Island Sound.

We have probably about the same amount, maybe less in Connecticut side. It comes to less than 20 guys. I notice in this room there are probably about 75 people in this room, so that is almost four times as many people sitting in this room that fish the entire Long Island Sound. I've been involved in this process, and sitting in front of this Board, since Amendment III.

I've seen, now we're up to Addendum XXV on Amendment III, which probably equates to about 50 or 60, 50 restrictions on lobsters through all those addendums. I find it hard to believe that somebody in this room thinks that by adding two or three more restrictions in this species is going to change something; after if you want to call it failure of 50 restrictions, two or three more are going to help something.

Right now we're just in survival mode. I agree with the Chairman that we're probably not going to change anything by these addendums. Maybe we should reassess the way the stock is assessed in Area 6, but so be it. I would like to see status quo, just so the rest of us can just live out our lives and die and catch lobsters, the little bit that we can; because as Jim stated, there is no young fishery in our addendum. We haven't had any new licenses given out since 1994.

We've reduced our harvest; our initial allocation was 360,000 in the New York side of Area 6. I think last year there was probably in Area 6 on the New York side, about 5,000 tags bought, not all were fished but they were bought. Like I said, I would like to see status quo, and I will leave you with the thought that if I may quote Sir Walter Scott, he said, "That's not fishery that's men's lives." It's the same thing with these laws. That's men's lives you're fooling with here right now. Thank you very much for the opportunity to speak.

CHAIRMAN BORDEN: Back to the Board. Does anyone have a new thought that they had not offered? Mike. It's always nice to have someone volunteer a new thought.

MR. LUISI: This isn't necessarily a new thought, and I'm sorry about that. But if Mr. Reid and my motion hadn't been on the board long enough for me to, well I wanted to just go on the record that I supported the motion for the discussion purposes; and that I'm not necessarily sold on the 10 percent. I feel for Long Island Sound and the issue that you guys have, and seeing 10 percent is maybe just too much. I'm hearing that

anything more than the 10 percent is just too much for the guys I represent. I just wanted that to be on the record, and I'll leave it with that; if anyone else has any additional thoughts.

CHAIRMAN BORDEN: Anyone else? One minute caucus and then we'll vote. As I announced, we're going to vote on the motion on the board. Motion is to implement a 10 percent increase in egg production in Issue 1 over two years. **All those in favor of the motion, signify by raising a hand; 5 in favor, opposed 6, motion fails, any abstentions or null votes? Okay so the motion fails.** Where we are is essentially at status quo. Does anyone have another motion? Sarah.

**REPRESENTATIVE PEAKE: I would move for Issue 1, Option A; 0 percent increase in egg production, status quo.**

CHAIRMAN BORDEN: Is there a second; seconded by Emerson Hasbrouck, discussion on the motion. Peter.

MR. BURNS: I was really optimistic coming into this meeting after your initial comments that we were really going to stay away from status quo, knowing that it was really a nonstarter for all of us; that we're going to try to do what we can to try to help the stock to survive and help this fishery to survive too.

I certainly hear the comments of the fishermen, and I take those to heart, but I still think that there is some room here that we can do something; and to walk away from it right now, I think would really be a failure of this Board after the past year that we spent trying to get the best science available to make these decisions.

It is unfortunate, because as I said before our agency is looking at this very, very closely; and to walk away from this without doing anything is not going to be taken very lightly. As I said, we've been cooperative partners in state and federal lobster management now for two decades. This would be unfortunate if it had to go to the feds

to have to take some kind of action, if the Board themselves decided not to do anything today.

CHAIRMAN BORDEN: Any other comments on the motion on the board? No comments, one minute caucus. Mike have you got a question?

MR. LUISI: I really appreciate all the discussion around the table. I very much listened to your comments, Mr. Chairman at the beginning of the meeting. If I had thought that we would find ourselves in a position to be taking some action. That action obviously is not going to be a significant action, but some action I thought was appropriate.

I know that we already caucused, and I guess you're planning to call the question. But I'm thinking here that this is like menhaden all over again, but perhaps we should consider 5 percent; that way we show signs of forward progress, yet we don't walk away from the table without doing anything. **If you're willing to accept it, Mr. Chairman, I would move to substitute for Option A, and replace it with 5 percent increase in egg production.**

CHAIRMAN BORDEN: It is certainly within your right to make a motion to substitute. Is there a second to that; seconded by Eric Reid, discussion on the motion to substitute? Actually, what I think I would like to do here is we have very limited time to get through the rest of this. But I would point out to you as the young lady to my right just pointed out to me that if we vote for 0 this entire addendum dies. I'm going to take a five minute break. What I would encourage people to do is talk among yourself, and then we'll come back and take up the substitute motion.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: Everybody have a seat please. Let me just say that there has been a lot of good discussion that's going on. I've heard kind of two views, one is to vote and approve the substitute motion; and then there is another

body that's all around the table, maybe we might have to reconsider the 10 percent position. I'm just going to deal with these things mechanically. On the motion to substitute, any further discussion on that? Doug.

MR. GROUT: I have concern with this, because it accomplishes so little, yet there is going to be a lot of administrative work that would result. Essentially this is a form of status quo, but with this you would have to go to each of the LCMTs, each of the states would have to develop some rules. A status quo would accomplish just the same thing as 5 percent; from my perspective.

CHAIRMAN BORDEN: Doug, you fall in the camp, not trying to put words in your mouth, of want it going back to 10 percent. You were more comfortable with 10 percent.

MR. GROUT: We were more comfortable with 10 percent, yes.

CHAIRMAN BORDEN: Any other comments here? Pete Burns.

MR. BURNS: Well, I appreciate Mike Luisi's flexibility here to help us move the ball forward. I think this is a step in the right direction. Do I think 5 percent is enough? No. I think even 10 percent is not really hitting the mark. But I would vote in favor of this, just because it is moving in the right direction.

But I would expect that this isn't the last of the issue; and I think that we're going to have to look at this, reevaluate it when I get back and brief the folks back home about this, and see whether or not additional action needs to be made. Maybe make recommendations for the Board to reconsider additional motions, once the impacts of whatever happens with this are realized.

CHAIRMAN BORDEN: Anyone else around the table? All right, so does anyone need a caucus, we already had a caucus, a motion to substitute. Are you ready for the question? **All those in favor raise your right hand, wait, I had a couple**

**of hands go up and down, raise your hands again, please, 6 in favor, opposed, 5 opposed, any abstentions, any null votes?** The motion carries. **We now have a main motion which is constituted by the substitute motion;** further discussion on this, any discussion, Emerson and then Sarah.

MR. HASBROUCK: If you recall yesterday, when you did a general canvas of all the states. We said in New York that we supported status quo for Area 6, and that we might consider an increase in egg production for other areas in Southern New England. Now, there was no support among the Board to exempt Area 6 from a couple of different actions that we took earlier, or proposed to take earlier. Now it is 5 percent reduction, and depending on what we do with management measures to get to that 5 percent, it is my understanding that for Areas 2 and 3, they may accomplish this 5 percent reduction without any additional action. In Area 6, where we've already reduced by 95 percent, landings and effort and so forth, we're going to go back and tell our Area 6 fishermen they're going to have to take a further reduction here to meet a 5 percent increase in egg production; and in Areas 2 and 3 they may not have to take any additional action. I can't support this.

CHAIRMAN BORDEN: Emerson, let me just comment on that and this is not a rebuttal by any way, shape or form; but that coin has two sides. What I heard when I went to the public hearings, particularly from the Area 3 fishermen and Area 2 fishermen. Area 3 fishermen have implemented restrictions that require, I think a 55 percent cut in traps.

The Area 2 fishermen have also instituted a cut of 50 percent. Area 6 did not institute any of those cuts; Area 4 did not institute any of those cuts. Area 5 did not institute any of those cuts. I agree with your statement, but I think this is the opposite of the circumstances just played out over the past few years. You had two areas instituting cuts, where three other areas did not institute cuts. This is just the opposite; further

discussion on this. Are you ready? Sarah, excuse me.

REPRESENTATIVE PEAKE: I guess I feel like today what I'm focused on, sort of the big picture. What I hear us discussing here, whether we're at 0 percent, 5 percent, 10, what I sense in this Board is that we are struggling as managers to work in this new world of our acknowledgement of climate change and the impact that that has on this particular fishery.

I guess moving forward, what we have to think about is, are our goals and objectives in line with what the reality of the water is today? Are our reference points the appropriate reference points? I know that there is a Climate Change Working Group that is putting together a report, and looking at these various issues.

Maybe this is something that we could discuss further at the November annual meeting, maybe the Climate Change Working Group will have something for us to work over; and perhaps this is going to lead to a new addendum as we think about what the management practices are specifically, with the southern New England lobster stock.

But for me, one of the reasons I am supporting now the lowest increase in egg production that we've talked about, is because we're using old management tools inside of a new world. As I spoke about earlier, I think we have to act with the science that we have, but also as humanely as possible to protect the human beings who are still working inside of this fishery.

CHAIRMAN BORDEN: Are you ready for the question? **All those in favor of the motion; which is to move to implement a 5 percent increase in egg production for Issue 1, all those in favor signify by raising your hand, 7 in favor, opposed, 4 opposed, any null votes, motion carries.**

Okay so you've decided the Issue 1, we're going to move immediately because of timing issue

into Issue 2; which is the management tools. There is already a lot of discussion on the management tools. A lot of discussion has taken place on this. Megan, could you just quickly outline this via options, and then what I will do is seek a motion on this.

MS. WARE: The question here is kind of what tools in the toolbox can be used to achieve that 5 percent increase in egg production. Under Option A, gauge size changes, season closures and trap reductions can all be used independently or in conjunction with one another to achieve that increase in egg production.

Under Option B, only gauge size changes and season closures can be used, so this means trap reductions cannot be used. Then under Option C, gauge size changes can be used; but trap reductions and season closures can only be used in a limited fashion and they must be used in conjunction with gauge size changes.

CHAIRMAN BORDEN: All right, so you heard Megan. You've basically got three options here, do I have a motion? Mark Gibson.

**MR. GIBSON: I would move that under Issue 2, Management Tools, the Board adopt Option A; management tools can be used independently.**

CHAIRMAN BORDEN: Is there a second; seconded by Sarah, discussion, any discussion? Pat.

MR. KELIHER: I would just caution the Board. I know this is a "tools in the toolbox," but gauge size increases and the continuation of expanding the gauge size differences between the Gulf of Maine and these areas continues to create additional market problems. I think we're starting this tread on issues with commerce laws.

CHAIRMAN BORDEN: Any other comments? Pete.



MR. BURNS: This wouldn't be my preferred option, but it does give some flexibility to the industry, and so I guess I would say that the backstop is that the Technical Committee is going to be looking at whatever the LCMTs come up with to attain the egg production goal. In the event that the trap reductions are used, we're not against giving credit for it.

But it is going to be up to the Technical Committee to tease out what the active effort is that is going to add up to this 5 percent; or whatever measures that they use for trap reductions. Keep that in mind. I think that I don't want us to be in the position as in the federal government, of getting a proposal from the LCMTs that we can't implement.

I think if these trap reductions aren't shown to be active and permanent then that might be a nonstarter for us. The other thing too is something that I haven't brought up yet today. With trap transferability, over the first two years of our trap cuts, due to the trap transfer program, 30 percent of those traps have been reactivated and put into the water. I want LCMTs to keep that in mind when they're going back, if they use trap reductions as a way to achieve these egg production goals.

CHAIRMAN BORDEN: Peter, one observation interesting thing about that statistic is 70 percent of them can't.

MR. McKIERNAN: Just a point of clarification relative to this and the previous motion that passed. What would be the deadline for implementation of the new rules?

MS WARE: It is kind of up to the Board. We need to set a date, hopefully sometime in June when LCMTs would send final proposals to the Commission, so that we can get those reviewed by the TC in time for the August Board meeting. At that August Board meeting the Board would review, and hopefully approve those LCMT proposals. In August we'll have to set an

implementation deadline for the states, so that is where it is.

CHAIRMAN BORDEN: Further discussion on this, the motion is to adopt Option A. Tom Fote.

MR. FOTE: Following on Pat Keliher's question about basically importing lobsters. I would really like the Law Enforcement Committee to take a look at this, because we need lobsters in New Jersey. If the only place we can get them is Maine, we have to look at the gauge size, and there has been a lot of talk about that going on; so I wish we could run that by the Law Enforcement Committee. Years ago when he looked at it he says no, created all kinds of problems. But we need a vehicle to adapt to that situation.

CHAIRMAN BORDEN: Any other discussion? Are you ready for the question: **All those in favor of the motion raise your right hand, 10 in favor, opposed, no opposition, null votes, any abstentions; 1 abstention? The motion carries.** Okay, so we're through the bulk of the issues. Now we need to deal with closed seasons.

As I indicated before, the Option 4 is very analogous to the request by Area 4. I would like Megan to kind of flesh out both issues and I would afford an opportunity for Area 4 or 5, or 6 for that matter to offer any comments. Then I think we need to deal with this. But I also think we need to have consistent regulations in place. Megan.

MS. WARE: The question here is how should season closures be implemented? This is prompted by the fact that lobster is now jointly managed with Jonah crab. The answers to this question would pertain if an LCMT comes back with a proposal that includes a season closure. Under Option A, lobster traps must be removed from the water.

Under Option B lobster traps could stay in the water, but there would be no possession of lobsters while fishing. Then under Option C,

traps again could stay in the water. There would be no possession of lobsters for lobster permit holders; but those who fish under the non-trap bycatch limit would be allowed to continue under that bycatch limit, which is 100 lobsters per day up to 500 lobsters per trip.

You also notice that there are sub-options under each of these; which asks whether the most restrictive rule applies. That would be for if a fisherman is permitted to fish in two areas, and if both of those areas implement a season closure, whether that fisherman would have to abide by both season closures or just one.

As the Chairman alluded to, Area 4 did submit a letter that was included in your meeting materials that highlighted some of the discrepancies between state and federal regulations in regard to their current LCMA 4 closure. That was a result of Addendum XVII. Some of those inconsistencies are with the application of the most restrictive rule, so that it is applied in state waters. That was not applied in federal waters for season closures. We also had inconsistency with regards to traps out of the water. In state waters if the trap is permitted to fish for another species, it can stay in the water. However, in federal waters all lobster traps have to be removed from the water. We can look at some of the motions that the Board made in 2012 to try and reconsider some of those. But I just wanted to kind of foreshadow those issues; so that we can hopefully come up with a consistent method for the implementation of season closures.

CHAIRMAN BORDEN: Any questions? Does someone in Area 4, 5, and 6 want to comment on this?

MR. BAUM: Yes we've had a lot of public comment on this, a lot of confusion with the federal regulations and with our state regulations. Our lobster harvesters, if they really want to be able to harvest Jonah crab during these closed lobster seasons, obviously that

would be Option B, the no possessions of lobsters while fishing.

Also in New Jersey there are the two areas, Area 4 and Area 5; and their season closures are different. There are some lobster harvesters that do possess both those permits for those areas. Obviously we would favor that Sub-Option 2, the most restrictive rule does not apply. But again, as I mentioned earlier, removing these traps from the water is just putting them out of business.

CHAIRMAN BORDEN: Tom, just so I'm clear. Of the options in Issue 4, which of those would you prefer if you had a personal preference for an option to solve, to put in the addendum and also solve your problems. Which of those options would you prefer?

MR. BAUM: I would make a motion, and when that's appropriate. I would favor Option B, Sub-Option Roman Numeral two.

CHAIRMAN BORDEN: Okay that is very helpful, thank you; any other comments, Mike.

MR. LUISI: Yes, I'll just add to what was already said. I think we've heard Option A is just not reasonable to expect with the amount of effort that has to go into removing the traps. We heard from stakeholders earlier that that shouldn't be in consideration.

Also, looking at Option C, I think it would be tough for me going back home and telling your lobster permit holders that they can't have lobster; but somebody else that's dragging a bottom trawler using conch pots, or somebody else is able to harvest lobster. I would support where Tom is going with Option B; Sub-Option II.

CHAIRMAN BORDEN: All right, so I have Megan, Ritchie and then Mark.

MS. WARE: I just wanted to quickly provide some food for thought for the Board. There are a couple things that we need to think about, or

these are some of the questions that the Board needs to answer in regards to this. Some of these things I want to point out. There is the Atlantic Large Whale Take Reduction Team rule that prohibits the wet storage of gear for more than 30 days; so I did want to point that out.

That is something the Board needs to consider here. Also the other thing I wanted to point out was that kind of note at the bottom that this is not from the Law Enforcement Committee, this is just from staff discussions. But there may be some enforcement challenges for dual permit holders, if traps can stay in the water and the most restrictive rule does not apply. It might be hard to tell which area those lobsters are coming from, if someone is permitted for two areas only one of them has a closure; just food for thought.

MR. WHITE: I was just thinking, and I am not knowledgeable on the fishery in that area, but I was assuming, which may be incorrect that there is a depth that these lobsters maintain, and would it be possible to have, if that's correct, would it be possible to have instead of taking them out of the water, bringing them into shallower water; if there are no lobsters there, so they're stored. You don't have the problem, not able to take them out of the water, take them where there are no lobsters if that would be an option.

MR. ALEXANDER: Long Island Sound already has a season, and Option B, Sub-Option B is the most consistent with the present rules that we have.

CHAIRMAN BORDEN: Other comments, suggestions. Pete Burns, and then I'm headed back to Tom for a motion.

MR. BURNS: Yes I am familiar with the Area 4 issue; I've spoken to quite a few Area 4 fishermen during the course of this closure and beforehand and also with Tom's staff in New Jersey about this. We implemented the closure based on what was in the addendum, to have the traps taken out of the water.

I think that a lot of that was based on, and I would have to go back to the minutes of the meeting, but I think that the Board decided to go that way because there was a Technical Committee document that said that leaving the traps in the water could still be catching lobsters, and it could cause mortality because of the handling pressure on that.

However we move forward, I would like to ensure that we work closely with the states so that everyone is clear on what the federal regulations say and what the state regulations say. I think that that is really important. But I think our preferred alternative here would be A-2, so that would be traps are removed but they can fish in other areas during the closure; and that's been another inconsistency with what has happened between ours and the state regulations.

If we went forward with something that allowed traps to stay in the water, I think it would be good to get it on some clarification from the Technical Committee about how much less conservation or what the difference in the conservation or other concerns that would be regarding that.

CHAIRMAN BORDEN: Tom, motion.

**MR. BAUM: I move to approve Option B, Sub-Option Roman Numeral II for Issue 4.**

CHAIRMAN BORDEN: All right is there a second? Mike. Tom, are you finished?

MR. BAUM: Does that capture, do you need me to put more wording there or did that capture it?

CHAIRMAN BORDEN: Is there a second on the motion. Anyone second? Mike. Discussion on the motion, we've already had some of the discussion. Tom.

MR. BAUM: Just another issue. We're basically keeping these pots in the water. At public hearings several lobster harvesters commented

that as soon as they take these pots out of the water, the mobile fishing fleet will come in and just take advantage of the pots not being there. The pots over these years have been basically; I don't even want to use the term artificial reef.

But providing habitat and protecting the bottom. Even a comment was made by a lobster harvester that does have a mobile gear permit, and he says I can't wait for these pots to come out so I can go in and start dragging. There is a lot of concern that the mobile gear will cause more mortality, when they come in after those pots are removed, and more mortality there on the lobster population there.

MR. BURNS: I think it comes down to enforcement. I think I would ask Tom. I don't know what level of enforcement the states are doing down there. I know our NOAA Fisheries agents have been out there and trying to understand what the regulations are, and trying to enforce that.

But I think allowing these traps to stay in the water is going to require that we've got a strong enforcement presence to ensure that no lobsters are being harvested. When you've got closure, you've got closure with no traps in the water; it is a lot easier than when you have traps in the water. I just thought maybe Tom could address that.

CHAIRMAN BORDEN: Megan.

MS. WARE: Just to clarify the motion in the addendum is Sub-Option B, so Tom, if you're okay clarifying that.

CHAIRMAN BORDEN: Steve Train.

MR. TRAIN: As a fisherman I like this motion. I don't fish there of course, but I have one problem with it. I don't think there is any problem enforcing the no possession of lobsters. To say that that's hard to enforce would be saying it is hard to enforce oversize, undersize and v-tail, so all you've got to do is wander on

the boat and see a lobster. I don't think that's a problem. But I think it is intended for people that are going to be fishing on Jonah crab or something else. I don't want to support this motion if it's intended for wet storage during the closed period.

MR. BAUM: Just I'll go one, two. I can't speak a lot for enforcement. I think that they're having their own committee meeting right now. I know the Division is under contract with the builder up in, I believe Maine for a larger ocean-going vessel, enforcement vessel. They are deputized by NOAA OLE.

They do some enforcement under where the enforcement, more in the fall for Large Whale Take Reduction issues, and trap or line and break points in the line. But that is as much as our law enforcement for Mr. Train. This is for to be able to harvest Jonah crab, to be able to fish for soft crabs.

CHAIRMAN BORDEN: I've got Dan and then Mark Alexander.

MR. McKIERNAN: That's good to hear and I want to reinforce Steve Train's comments that with the 30 day requirement to haul the gear, clearly this can't be an option for wet storage; it has to be because of the Jonah crab fishery.

MR. ALEXANDER: Yes I just want to point out Long Island Sound, when I said this is consistent with our present rules. The reason for that is not because of the Jonah crab fishery, but because of the whelk fishery. We made that accommodation years ago when the season was implemented. That rule has worked; it would be good to us, and certainly like to see it in our venue.

MR. BURNS: I have a question now. It seems like if this passed this would take effect for any future closures that are considered under Addendum XXV. But that leaves the question of what happens to the current closure that is

happening in Area 4 and Area 5; and whether or not this would change that.

I guess I'm assuming that if this went forward and the LCMTs decided to look at seasonal closures as part of their 5 percent egg production goal; that they could use the existing closure, or somehow amend the current closures, and include something else to achieve the goals under Addendum XXV. Somehow there would still have to be a justification that they meet the 10 percent decrease in exploitation that was required when that closure initially went in place. Am I right in assuming that?

CHAIRMAN BORDEN: Megan, do you want to comment on that?

MS. WARE: Sure. Yes, it occurs that this motion only applies for future season closures that might be implemented as a result of this. To address the Area 4 issue that is our next item on the agenda. If either of you are looking for motions to reconsider previous motions to amend or change that issue; should the Board like to do that.

CHAIRMAN BORDEN: I guess my question I ask out of ignorance is let's for the question, assume that this motion passes. Do states have the right under conservation equivalency to submit alternative proposals to change the existing plans that have been implemented? If the answer is yes, then I would suggest they take advantage of that. Megan or Toni.

MS. KERNS: I think the Board would have to, you should make a decision of whether or not conservation equivalency can apply to the most restrictive rule or not. I need to do a quick check of the FMP. But I believe in the past, I'm not sure if the most restrictive rule is a coastwide measure than those do not apply to adapt to the conservation equivalency issues.

CHAIRMAN BORDEN: I guess my question may be the step off the edge of the world here. Let's deal with the motion on the table. If the motion

passes, then I'll go back to the issue of how we revise the process we use to revise the existing regulations. My whole purpose in combining these two was to have consistent policies applied to Addendum XXV and any of the season closures.

We don't need two different policies on those. Let's deal with the motion. Are you ready for the vote on the motion? All right, I see no hands up. **All those in favor of the motion on the board, please signify by raising your hand, 11 in favor, any no votes? Zero no votes, any abstentions, and any null votes? Motion carries.** Let's go back to the point that was just raised, and maybe I'll get Toni. What is your preference for a process to modify the existing regulations? I think it's highly desirable to have all of these regulations be in place.

MS. KERNS: I want to clarify, when I was talking about whether or not conservation equivalency could apply. I think you can apply the conservation of equivalency to the number of days that the closure needs to be, or the time period. But I don't think that you can apply conservation equivalency to the traps in or out of the water part, or the most restrictive rule part. You would have to pick one and stick with that.

In terms of if this can apply to the previous actions of the Board, I guess that is the will of the Chairman; if he wanted to and no one disagrees, then that would work. But in order to change an action that we previously agreed to, we would need a two-thirds majority vote to make that change.

CHAIRMAN BORDEN: Okay, so with that guidance, and that's helpful. Let me suggest this that rather than dealing, if it's acceptable to the area's most affected, let me suggest that between now and the next meeting, the states that are negatively affected by this submit proposals, written proposals. I ask you to try to consolidate it into a single proposal on a way to handle this that is consistent with the motion

that just passed; and we'll add it to the agenda for the next Board meeting.

If the consensus is that they want to accept that they won't have to go through the process that Toni just articulated, which is to reconsider the motion. Does that sound fair enough to the states most negatively affected by this? I'm not trying to postpone this. I'm just thinking we're already over our time limit.

We've got other issues we have to deal with, and unless this is a matter of urgency that needs to be resolved today that gives us a timeline and a process to do it, any objections to doing that? Okay, so the state's most negatively affected, please get together and craft a proposal and submit it for consideration at the next board meeting; any objections? No objections.

#### **INCONSISTENCIES IN FEDERAL REGULATIONS**

CHAIRMAN BORDEN: We're going to move on to the next agenda item, which is the Inconsistencies in Federal Regulations. Megan.

MS. WARE: We kind of just talked about one of them, but there is one other that we need to wrap up here; and that is in regards to Addenda XXI and XXII. Just to refresh the Board on what happened in those addenda, we had active trap cap, and that's the number of traps that can be fished.

Then we had an individual ownership cap that is the number of traps someone could own. You'll notice that that individual cap is higher than the active cap, and this allows for trap banking. The intent of these addenda was to modify the trap transfer program to address latent effort and scale the southern New England fishery to the diminished size of the resource.

In July 2016, NOAA suspended their rule making process for federal trap caps and banking. This was due to uncertainty surrounding the Board's response to the southern New England stock condition, as well as concern that trap caps and banking could encourage fishermen to invest in

funds in a fishery, which could be severely restricted in the future. In October, the Board agreed to revisit the issue after action on Addendum XXV. We have now taken that action. The question before the Board is, would the Board like to provide a recommendation to NOAA regarding implementation of Addenda XXI and XXII.

CHAIRMAN BORDEN: I'm sorry, I was talking to Toni. We had industry recommendations on this. I'm probably repeating it to say, Megan my understanding is both the Area 2 Industry and the Area 3 Industry both recommended that the Board forward a recommendation to NOAA to implement these provisions.

MS. WARE: That's correct, yes.

CHAIRMAN BORDEN: Comments on that issue. Questions. The recommendation from the industry and having been part of some of those discussions, both at public hearings, one of the concerns came up at a couple of different meetings was the lack of federal action on this is allowing individuals, particularly in Area 3 to increase the number of traps they're fishing; which is I think counter to the whole strategy.

In other words, when the strategy was put in place, the assumption was that after X number of years we would be at 15,040 I think was the number. Yes, 15,048 and because of the delay I had Heidi, who works with me, go through the NOAA database. I think there are 27 vessels that have increased, or 17 maybe, one of the two numbers.

They have increased their trap cap above the cap that was proposed; actually more effort is coming into the fishery because of the lack of action on this. Well, my recommendation is for somebody to make a motion to reiterate our position that basically we recommend to NOAA that they institute the proposal as provided through our various addendum. Comments on that. Adam.

MR. NOWALSKY: Just procedurally, before I wasn't prepared to make a motion on that; but with this comment we need to revisit the issue after action. Do we want to have this discussion? Is it relevant before we take the roll call vote on final action on Addendum XXV, or should we have that final action first before we move into this issue?

CHAIRMAN BORDEN: I'm actually glad you asked that because Toni, the discussion I was having with Toni there was whether or not we actually need to take final action here. I mean there is kind of two ways forward with this addendum. The intent is to pass the LCMTs now and the states to basically put together plans consistent with the provisions that we've developed.

But we could take that final vote at the next meeting. In other words, there wouldn't be anything lost. I asked Toni to speak to this directly. I mean if the staff is recommending we take a final vote, I'll put it to a final vote. I'm not trying to avoid that. But if we can do that at the next meeting that is also fine with me. Toni, what's your guidance?

MS. KERNS: David, I suggest just guidance that you can go down two paths. If we wait to approve it in August, then what we're essentially doing is including the LCMT plans or proposals after you approve them, as part of the document itself; and so those will be solidified in to the document. If you approve the document today then the LCMT plans would not become part of the document, and they would just be side proposals down the line. It is up to the Board of how you, or the Chair.

CHAIRMAN BORDEN: This follows up on Adam's point. We want the LCMT proposals to be integrated into the addendum. What would happen there is the process would be they would prepare the plans, the plans would undergo a technical analysis; and then we would vote on those plans and finalize the addendum at the next meeting. In other words, we've set all the rules for the addendum, but we haven't allowed

the LCMTs. Is there a preference around the table? Either path works. It is a question of what your preference is. Adam.

MR. NOWALSKY: Since you've asked for a preference, I'll state mine and that is to take final action today. Given the debate we had around the table, very contentious discussions. I think we need to walk out of here and say, we did what we did and it's done.

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: I respect Adam's view on that but for posterity and for transparency and long term documentation, it seems like we're better off having a document that captures the actions. But I can go either way.

CHAIRMAN BORDEN: Any other comments, Mike. I'm going to ask for a motion.

MR. LUISI: Just another thing to keep in mind regarding a reconsideration of any of the actions we took today. Because this is a continuation of yesterday's meeting, any actions that will be up for reconsideration would require two-thirds majority vote and the person making that motion would have been on the other side. If you get to August all those rules still apply. It's just another thing to keep in mind for the Board. I can go either way as well today.

EXECUTIVE DIRECTOR BEAL: Actually, since this is at the same meeting, if somebody from the prevailing side of the motion that is potentially reconsidered that only takes a simple majority during this current meeting if somebody from the prevailing side reintroduces that. But if you go to the next meeting that is when it takes a two-thirds vote to amend or rescind a previous final action.

CHAIRMAN BORDEN: Let me try this to try to accelerate this. I know that people hate doing this. Let me just see a show of hands from each delegation on whether or not they want to vote on final action today or put it off until the next

meeting. All those in favor of voting on it today, please raise your hand, all those opposed, let me restate that. All those in favor of voting on it, finalizing it at the next meeting raise your hand. Okay, so we don't have a really convincing majority on either side. Does somebody want to make a motion here? Adam.

MR. NOWALSKY: I'll make the motion to approve Addendum XXV with the options included today.

CHAIRMAN BORDEN: Do I have a second? Is there a second? Motion dies due to lack of second. Does someone want to make a motion to approve final action at the next Board meeting? Dan.

MR. McKIERNAN: I move that we propose final action for the next Board meeting on Addendum XXV.

CHAIRMAN BORDEN: Is there a second? Seconded by Mark Gibson. Discussion. Megan, did you want to make a comment?

MS. WARE: I'm not sure we really need a motion for that. I think we can just say we'll take action, a roll call vote in August if people are comfortable with that.

MR. BURNS: Just a question. What happens if the LCMTs for some reason can't come back with proposals that meet the 5 percent goal after the Technical Committee has reviewed those? What happens at the August meeting?

CHAIRMAN BORDEN: Toni, do you want to take a shot at that? I think the head of the table is beginning to get worn out.

EXECUTIVE DIRECTOR BEAL: I'll save Toni from moving seats here. They all seem to use their Advisory Board, if they can't come up with an option then the Board has the authority and responsibility of coming up with those measures.

MS. WARE: In the addendum it does say that if we don't receive an LCMT proposal the states with fishermen in that LCMT decide the management actions. There is a bit of a backstop there.

CHAIRMAN BORDEN: Okay so we don't need a motion on this, according to the staff. Final approval will take place at the next meeting of the Board. Okay so what other issues at the meeting today?

MS. WARE: We still have the question before the Board whether someone would like to make a motion to provide a recommendation to NOAA regarding implementation of Addenda XXI and XXII.

CHAIRMAN BORDEN: Does anyone care to make that as a motion? Dan.

**MR. McKIERNAN: I will make a motion to forward to NOAA a recommendation to adopt Addendums XXI and XXII.**

CHAIRMAN BORDEN: Fully adopt.

MR. McKIERNAN: Fully adopt, thank you.

CHAIRMAN BORDEN: Is there a second? Seconded by Doug Grout. Bob Beal.

EXECUTIVE DIRECTOR BEAL: Just another technicality. I think is to recommend to the Policy Board to send a letter out to NOAA Fisheries.

CHAIRMAN BORDEN: Good point. Any objection to that perfection, Dan? Okay. It is a motion to recommend to the Policy Board to forward a recommendation to NOAA requesting full implementation of Addenda XXI and XXII. The second on the motion is Doug Grout. Okay, Pete Burns on the motion, please.

MR. BURNS: Of course I'm going to abstain on this, because it is a recommendation to the Service, but I would just recommend, you know



a lot of things have changed now since those addenda were initially put in place. Now we have an idea where Addendum XXV is going to lead us with respect to how we're going to handle southern New England moving forward. But I think it would be helpful to us, rather than just forwarding those addenda as they were approved and sending them back to us.

I don't know then we'd have to sort of tease through a bunch of different issues. It might be a good idea to either have the LCMTs or the PDT, somebody maybe take a look at those options; see what makes sense now. See how the Board would want to recommend those be applied to the current state of the fishery in the management process that we have in place. I think that will help us to fully consider those in a more comprehensive way.

CHAIRMAN BORDEN: Okay so you have a motion on the board and a second; any other discussion on this? Are you ready for the question? **All in favor raise your right hand, 10 in favor, noes, 0, any abstentions? One abstention, any null votes, no null votes; motion passes.** Is there any other business to come before the Committee? If not, Tom, excuse me.

MR. BAUM: Yes this is really just a request for the Board to send to the Policy Board to request the Law Enforcement Committee to analyze the feasibility of legal size lobsters from LCMA 1 and 6, to be shipped and sold throughout the other states with conflicting possessions and size limits. That's just a request from this Board to the Policy Board.

CHAIRMAN BORDEN: Toni, did you want to comment on that?

MS. KERNS: Tom, are you just asking the Law Enforcement Committee to comment on the enforceability or to clarify where there would be enforcement loopholes? What are you asking the Law Enforcement Committee to specifically analyze?

MR. BAUM: First, if it's feasible, if it's doable; and then obviously if it is enforceable, yes.

MS. KERNS: Under the condition rules it is allowed. Possession laws are only for harvesters, it is not for what you bring from water to land is what we put in our FMP. For what the dealers have done our FMP regulations do not apply. Some states do apply it that way, because of loopholes in possession.

They do it to make it streamline. Now, not all states do that. There are other ways to look at that. Massachusetts is an example of a state that doesn't have that possession law apply all the way around the board. I just want to clarify what exactly it is that Law Enforcement is analyzing.

CHAIRMAN BORDEN: Tom or Adam.

MR. NOWALSKY: As Chairman of the next board, I'm probably even more sensitive to time right now than you are. But if I could ask Greg DiDomenico to come to a microphone just very briefly to specify what the issue is, so we can get direction on how we can get this addressed in our state.

CHAIRMAN BORDEN: Greg was last seen running, screaming from the meeting room. Greg, would you like to come up?

MR. GREG DiDOMENICO: I was trying to run and scream as quietly as possible, sorry you noticed. I'm going to make this short and sweet. I understand everybody is running out of patience and time is running. I'll try to do my best. The reason that we're bringing this issue up today, and asking the Board to take action, you asked the Law Enforcement Committee to analyze and weigh in this issue is pretty simple. Right now this is a New Jersey problem.

I understand not every state has the same situation we do. But I heard some testimony today that really compelled me to push on this issue, and that is the Board and the way that management of lobster has continued, is gauge

increases. As gauge increases continue it exacerbates the problem of trade between states. Eventually it's going to have an impact on the fishermen and the price, and their ability to sell lobsters. That is certainly under your purview.

I think it would be extremely helpful if the Law Enforcement Committee took a look at this issue and made some finding, and compelled other states, including certainly ours, to address this issue and allow the shipping and sale of undersized lobsters or lobsters that have conflicting size and possession limits in other states. I know it's a complicated topic, but I see it very simple in the sense that we're making a legally caught product illegal in other states through different regulations.

That is a Commission issue. If the Law Enforcement folks weighed in heavily or weighed in in support of this, it would make it much easier for people in our state to continue this business within the state of New Jersey importing lobsters from areas like Maine and Massachusetts in and out of our state. I just see this as a very simple issue that is in the Commission's purview, and we would really appreciate moving this to the Law Enforcement Committee for their assistance. Thank you very much.

MR. KELIHER: So Toni, clearly lay this out from an FMP standpoint what we are putting in place is in regards to harvester and a possession limit from a harvester's standpoint. States then have different rules as they relate to the possession by a dealer or dealers. What the Law Enforcement Committee needs to look at is simply chain of custody.

Can the rules be put in place that allow chain of custody, so when it does transfer that product transfers from a harvester to a dealer; but it is now not an illegal product. We do it in Maine, Connecticut does it, I mean other states are doing it and it can be done. It needs to be resolved. Dealers in Maine clearly laid out to me that they are considering commerce clause law

suits against states, because of the lack of ability to move millions of pounds of product. Some clarity on obtaining custody I think is very important.

CHAIRMAN BORDEN: Let me make this suggestion, and I know we've got a couple other people that want to speak to this. But we're really running out of time. Let me suggest between now and next meeting we get any input. Renee has heard the discussion; we'll get a record of this.

If you get any inputs that the Enforcement Committee would like to offer on this, any guidance that they would like to offer; and we formally schedule this discussion on the next agenda. That way we'll have enforcement input and any of the states can think about this and bring whatever recommendations back to us at that meeting; and allow enough time to actually delve into the details. It's a little bit more complicated than we have time for, Ritchie.

MR. WHITE: Add it to that the existing state regulations; so I understand what the lay of the land is now.

CHAIRMAN BORDEN: I just echo what Pat said. I mean Massachusetts and a number of the states have dealt with this, and so as part of that dialogue they can bring their regulations back and at least say, this is the way we handle the problem; and we'll have a more comprehensive discussion. Does anybody object to that? If not, the staff will schedule that and I guess we're under other business.

#### **ADJOURNMENT**

CHAIRMAN BORDEN: Is there any other business to come before the Committee? If not, thank you very much; meeting adjourned.

(Whereupon the meeting was adjourned at 10:58 o'clock a.m. on May 9, 2017.)



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF FISH & WILDLIFE / MARINE FISHERIES**  
Three Fort Wetherill Road  
Jamestown, Rhode Island 02835



## **Atlantic States Marine Fisheries Commission Lobster Conservation Management Team Area 2**

The LCMT 2 met on June 7, 2017 in Providence, Rhode Island. There were ten members of the fishing industry in attendance, as well as representatives from the State Marine Fisheries agencies of Rhode Island and Massachusetts.

At the May meeting of the Atlantic States Marine Fisheries Commission, the Lobster Management Board chose a 5% increase in egg production for the Southern New England Lobster Stock as part of Addendum XXV. At this time it is the responsibility of the LCMT's for each management area to submit proposals to the Commission on how the lobster conservation management area will achieve this increase in egg production.

The following is a summary of the LCMT for Area 2 on the above issue.

### **Issue 1. Egg Production Target**

What should the target increase in egg production be for this addendum?

Option: 5% increase in egg production as proposed by the Lobster Management Board

Unanimous LCMT support

### **Issue 2. Management Tools**

What management tools can be used to achieve the target increase in egg production?

Option A: Gauge size changes, season closures, and trap reductions used independently as proposed by the Lobster Management Board

Unanimous LCMT support

### **Issue 3. Recreational Fishery**

What measures must the recreational fishery abide by this Addendum?

Option C: Recreational fishery must abide by gauge size changes as proposed by the Lobster Management Board

Unanimous LCMT support

### **Issue 4. Season Closures**

How should season closures be implemented given lobster is jointly managed with Jonah crab?

Option B: No Possession of Lobsters While Fishing

Sub-Option II: Most Restrictive Rule Does Not Apply as proposed by the Lobster Management Board

Unanimous LCMT support

Issue 5. Standardized Regulations

Should regulations be standardized across LCMAs?

Option A: Regulations not uniform across LCMAs as proposed by the Lobster Management Board

Unanimous LCMT support

Issue 6. Implementation in LCMA 3

How should regulations be implemented in LCMA 3 given it spans both the SNE and GOM/GBK stock?

Abstention by LCMT 2 on this issue.

Reasoning: The LCMT for Area 2 does not wish to provide guidance on management action in any LCMA other than Area 2.

Issue 7. De Minimis

Do de minimis states have to implement the management measures in this Addendum?

Abstention by LCMT 2 on this issue.

Reasoning: The LCMT for Area 2 does not wish to provide guidance on management action in any LCMA other than Area 2.

**Summary:** The LCMT for Lobster Conservation Management Area 2 proposes to use the current trap reduction plan as the sole management tool to achieve the 5% increase in egg production.

Unanimous LCMT support

Attendance:

Jason McNamee, Chief RI Marine Fisheries

Scott Olszewski, RI Marine Fisheries

Conor McManus, RI Marine Fisheries

Dan McKiernan, Mass DMF, Associate Director

Jarrett Drake, LCMT 2 Mass

Grant Moore, LCMT 3 Mass

Greg Mataronas, LCMT 2 RI

Tom Tomkiewicz, LCMT2 Mass

Lanny Dellinger, LCMT 2 RI, Chair

Al Eagles, LCMT 2 RI

John Moniz, Area 2 Mass

Eric Moniz, Area 2 Mass

Richard Allen

Roy Campanale, LCMT 3 RI

June 15, 2017

Megan Ware  
Fishery Management Plan Coordinator  
1050 N. Highland St, Suite 200 A-N  
Arlington, VA 22201

Dear Megan,

The Area 3 Lobster Conservation Management Team met on June 14, 2017 in person at the MADMF office in New Bedford, MA and via conference call.

The following LCMT members were in attendance: Grant Moore – Chair, Peter Brown, Marc Palombo, and Roy Campanale (phone). The following additional Area 3 lobstermen were in attendance: Dick Allen (representing Shafmaster Fishing). The following support staff were in attendance: David Borden – Atlantic Offshore Lobstermen’s Assn. (AOLA) and ASMFC, Dan McKiernan – MA Division of Marine Fisheries (MADMF) and ASMFC, Tracy Pugh – MADMF and ASMFC’s Lobster Technical Committee (phone), Heidi Henninger – AOLA (phone).

The Area 3 Lobster Conservation Management Team offers the following Addendum XXV management plan by consensus:

**Area 3 will complete a 25% trap allocation reduction as approved in Addendum XVIII.** Trap reductions of 5% per annum were taken in fishing years 2016 and 2017. As currently scheduled, there will be three more years (2018, 2019, 2020) of 5% annual reductions. The Technical Committee’s analysis indicates that these trap reductions will exceed the 5% increased egg production target (Addendum XXV for Public Comment, page 17).

Related to the concern that this trap reduction plan, in combination with transferability, does not effectively remove active effort, we note that there are complexities with multi-area permits, the market for traps, and operational constraints that all serve to draw down the amount of potential fishing effort inherent in shelved permits and traps. The Rhode Island Lobstermen’s Association’s Addendum XXV comment letter provide a series of insightful examples.

Further, we strongly urge NOAA Fisheries to complete their Addendum XXI rulemaking, to align the federal trap cap with the ASMFC’s plan. The federal cap is currently static, whereas the ASMFC’s plan reduces the maximum permit and ownership trap caps annually. For further description, we have attached a letter that the Atlantic Offshore Lobstermen’s Association submitted to NOAA NMFS GARFO on this issue.

The LCMT also discussed the provisions approved at the last Board meeting and resolved by consensus the following:

**Issue 1 – Target Increase in Egg Production:** The LCMT supports the Board’s decision to pursue a 5% increase in egg production.

**Issue 2 – Management Tools:** As noted in our April comments, the LCMT continues to support “Option A, Management Tools Can Be Used Independently”. This option allows for much needed management flexibility to craft area specific plans that will meet the goals of this Addendum.

**Issue 3 – Recreational Fishery:** The LCMT does not have a preference on this issue.

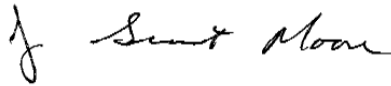
**Issue 4 – Season Closures:** The LCMT supports Option B with Sub-Option B, No Possession of Lobsters while fishing, most restrictive rule does not apply, with the addition of a bycatch allowance in the trap fisheries of 100 lobsters per day/500 lobsters per trip by count. This will create equitability between the trap and mobile gear fisheries.

**Issue 5 – Uniform Regulations:** As noted in our April comments, the LCMT continues to support “Option A, Regulations Are Not Uniform Across LCMA3s”.

**Issue 6 – Implementation of Management Measures in LCMA 3:** As noted in our April comments, the LCMT continues to support “Option A: Maintain LCMA 3 as a Single Area (Status Quo)”.

**Issue 7 - Management Action in De Minimis States:** The LCMT does not have a preference on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Grant Moore". The signature is written in a cursive style with a large initial "J".

J. Grant Moore  
LCMT Area 3 Chair



## ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President  
[exec@offshorelobster.org](mailto:exec@offshorelobster.org)

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January 13, 2017

John Bullard  
Regional Administrator  
NOAA NMFS GARFO  
55 Great Republic Drive  
Gloucester, MA 01930

Dear John,

I'm writing as representative of the Atlantic Offshore Lobstermen's Association to urge NOAA NMFS GARFO to promulgate rules in response to the American lobster trap reduction provisions approved by the Atlantic States Marine Fisheries Commission in 2013 (ASMFC, Addenda XXI and XXII). In particular, the Agency's inaction on the LCMA 3 trap cap is resulting in traps being fished in Area 3 in excess of what the Commission intended. This is counter to the best interests of the lobster resource, especially in overfished Southern New England. It also harms protected species and marine mammals, as it results in more vertical lines being set in Area 3.

In terms of the history of this issue, the LCMA 3's trap transfer program and 5-year trap reduction strategy were approved by the Commission via a series of Addenda, the last being in 2013, and implemented in Fishing Year (FY) 2016. According to ASMFC's plan, the Area's trap cap should be reduced 5% each year in concert with allocation reductions. The Commission's plan proscribes the following annual active trap caps: 1900, 1805, 1715, 1629, 1548, for FYs 2016 to 2020, respectively. The federal cap is currently static at 1945 traps.

The Area 3 LCMT proposed the trap reduction plan outlined in Addenda XVIII, XXI and XXII specifically because it would remove all latent effort and afford those left in the industry an even playing field, with everyone fishing close to the same number of traps after consolidation. Business plans were made and permits and traps purchased with the 1548 ending trap cap in mind, however the higher federal cap allows those with means, to make additional trap purchases. There are not enough traps available under a higher trap cap scenario to realize the equity envisioned in the ASMFC plan and the traps still available are selling at rates 50-70% more than in years' past. The Agency's inaction on the trap cap provisions has undermined the equitability designed into the ASMFC Addenda, has caused confusion amongst many in the industry, and has allowed more traps in the water.

For example, multiplying the difference between federal and interstate trap caps by the number of Area 3 permit holders, there is the potential for ~6,000 extra traps in Area 3 this fishing year. Since the transfer process has already commenced for FY 2017, we can take this calculation one year further, which results in ~18,500 extra traps allowed because of the higher federal cap. Of course,

only a portion of Area 3 permits are active, and not all permit holders have the means to purchase and transfer traps, but enough do to make this a real concern.

I also have concerns that the lack of federal action on this issue could be further delayed into 2018 or 2019, if combined into one rulemaking process with Addendum XXV. I note that the agenda for the ASMFC winter meeting includes discussion of initiation of a new data collection Addendum, which might also require changes in the federal program. These delays cause a major disconnect between State and Federal rules and are not in the best interest of the SNE lobster resource.

Not only does this delay in rulemaking cause conservation concerns with the SNE lobster stock, there are also logistical and economic concerns. How, for instance, will your Agency reconcile the disparate trap caps? I assume NOAA will not take traps in excess of the ASMFC cap away from permit holders. I suggest that GARFO set up a dialog with ASMFC and Area 3 permit holders on the development of a strategy to reconcile these differences and do so as soon as possible, in order to take advantage of the remaining years of scheduled trap cuts.

In conclusion, I implore you to correct the trap cap disparity before FY 2018 transfer applications are accepted. If not, your agency won't be able to address the active trap cap until FY 2019, at which point the federal cap will be 1945 and the ASMFC cap will be 1629. The Agency will also have the added complication of combining this rulemaking with Addendum XXV and, possibly, Addendum XXVI.

Thank you for consideration of the Association's concerns.

Sincerely,

A handwritten signature in cursive script that reads "J. Grant Moore".

J. Grant Moore  
President

cc Robert Beal, ASMFC





NEW JERSEY DIVISION OF  
**Fish and Wildlife**

P.O. Box 400

Trenton, NJ 08625-0400

David Chanda, Director



**Department of  
Environmental  
Conservation**

Division of Marine Resources  
205 N. Belle Mead Rd, Suite 1  
East Setauket, NY 11733  
James Gilmore, Director

**To:** American Lobster Technical Committee  
**From:** Peter Clark (NJF&W) and Kim McKown (NYDEC)  
**Date:** June 23, 2017  
**Subject:** Lobster Conservation Management Team 4 Proposal for Addendum XXV

Addendum XXV of the ASMFC Lobster Fishery Management Plan was developed in response to record low abundance of the Southern New England (SNE) lobster stock and the concern that it is experiencing recruitment failure. The goal of the Addendum is to increase egg production of the SNE lobster stock by 5%. The increase in egg production can be achieved through one or more of the following management tools which must be implemented by January 2018.

1. **Gauge size change:** Increase the minimum size above 3 3/8 "and/or decrease the maximum size below 5 1/4 ".
2. **Trap reductions:** Decrease in the number of traps. Table 12 of the Addendum is based on the relationship of actively fished traps and egg production.
3. **Season closures:** During the season closure lobsters cannot be possessed on board or landed. Lobster traps may remain in the water and Jonah crab and whelk may be harvested. The most restrictive rule does not apply to season closures. Table 13 of the Addendum contains information on the increase in egg production resulting from quarterly season closures.

The options in the tables of Addendum XXV are based on increase in egg production ranging from 20% to 60%. At the spring 2017 the Lobster Board chose a target increase of 5%, which is considerably less than the options in the Addendum. Most of the management options developed for Addendum XXV are much larger than 5%. This made it challenging to develop a proposal which didn't exceed the 5% increase in egg production goal of the Addendum.

The Lobster Conservation Management Team (LCMT) 4 met on May 18, 2017 in Belmar, New Jersey to determine management measures for compliance with Addendum XXV.

### **Trap Reduction**

The LCMT 4 proposes to implement a 10% decrease in Lobster Conservation Management Area (LCMA) 4 trap allocation for New Jersey and New York permit holders. A proportional relationship was used to determine the proportion of traps that would need to be decreased to achieve a 5% increase in eggs based on the recent year's information included in Table 12 of the relationship

between trap reductions and egg production (Table 1).

**Table 1. Proportional determination of trap reduction which would achieve a 5% increase in egg production.**

Years	Trap Reduction	Egg Production
recent (1999-2013)	25%	13.10%
Proportion	10%	5%

LCMA 4 lobstermen state that the active lobstermen are fishing their full trap allocations, so a 10% decrease in allocation should decrease actively fished pots by a similar amount. The number of NJ and NY lobstermen who have been actively fishing has been relatively stable since 2012 (13 – 21 for NJ and 9 – 13 for NY). Trap allocations and the number of traps fished have also been fairly stable over the same time period (Table 2). A 10% decrease in trap allocation will decrease traps in NJ to 32,861 and in NY to 34,034.

**Table 2. Lobster Permits and LCMA 4 Trap Tags**

**NY**

Year	All NY Lobster - Resident	All NY Lobster NonResident		# NY Permits w LCMA 4 trap allocation	NY LCMA 4 trap allocation		# LCMA active trap permit holder	# NY LCMA 4 traps fished	% Allocation Actively Fished
2012	27	334		94	39,700		13	10,783	27%
2013	23	326		91	38,525		8	7,890	20%
2014	20	309		90	38,515		9	11,221	29%
2015	18	293		87	38,165		12	9,966	26%
2016	18	280		83	37,815		9	8,842	23%
10% decrease					34,034				

**CT**

Year	All NJ Federal Lobster Permits			# NJ Boats w LCMA 4 trap allocation	NJ LCMA 4 trap allocation		# LCMA active boat permits	# NJ LCMA 4 traps fished	% Allocation Actively Fished
2012	199			42	47,326		21	17,905	38%
2013	184			38	41,636		14	13,540	33%
2014	188			35	40,236		16	15,518	39%
2015	188			33	37,596		13	13,158	35%
2016	48			32	36,512		15	13,773	38%
10% decrease					32,861				

Maryland-Delaware-Virginia  
Lobster Conservation Management Team  
LCMA5

Chair-Sonny Gwin  
Townsend

Vice-Chair-Wes

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June 15, 2017

Dear Ms. Megan Ware,

Thank you for providing the options for meeting Addendum XXV egg production requirements to the LCMT. Please ensure this letter is received by the ASMFC American Lobster Board.

We conducted the second official meeting of the Lobster Conservation Management Team (LCMT) for LCMA5 to address Addendum XXV on June 7, 2017. We are proposing to use the 88 mm -133 mm gauge change to meet the requirement in LCMA 5.

Thank you.

Sincerely,

*Sonny Gwin*

Sonny Gwin



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**



To: American Lobster Technical Committee  
From: Kim McKown, NY DEC  
Colleen Giannini, CT DEEP  
Date: June 16, 2017  
RE: Lobster Conservation Management Area 6 Compliance Proposal for Addendum XXV

Addendum XXV to the Fishery Management Plan for American Lobster calls for a 5% increase in egg production for the Southern New England lobster stock to address continued stock decline while preserving a functional portion of the lobster fishery. The Addendum lists three compliance options that can be implemented by all LCMAs within the Southern New England (SNE) stock area, namely 2, 3, 4, 5, and 6. One or more of these options are to be implemented effective January 2018.

- a. **Gauge Size Changes:** Increases in the minimum legal size (currently 3 3/8" in LCMA6) or decreases in the maximum legal size (currently 5 1/4" for LCMA6);
- b. **Trap Reductions:** Decrease in the number of actively fished traps;
- c. **Closed season:** Each LCMA could choose one of four quarterly closed seasons to achieve the 5% increase in egg production. For the purposes of meeting the criteria of this option, landings are directly equated to exploitation of non-egg bearing females and recoument is not considered.

The option tables presented in Addendum XXV were developed in anticipation that the target increase in egg production would range from 20% to 60%. The target increase adopted by the Board was 5%, a value considerably lower than anticipated and outside the range of most of the egg production increases specified in tables 11, 12, and 13 in the main document and Tables 1 and 2 in Appendix 5. This presented a challenge in developing measures that did not grossly and unnecessarily exceed the 5% threshold.

### **LCMA 6 Compliance Proposal**

Based on comments received at three public meetings (two in Connecticut and one in New York), and two meetings of the Area 6 Lobster Conservation Management Team (LCMT 6), two options are proposed below.

Option 1: Status Quo. The LCMT 6 had lengthy discussion surrounding the substantial decrease in effort and landings already observed in LCMA6. The team feels strongly that any additional restrictions would jeopardize the continued operation and the future of the commercial lobster fishery in Long Island Sound. The team feels the continued issue of latency in LCMA6 needs to be addressed and would like to develop and implement measures to further reduce the number of latent traps (Appendix 1).

Option 2: This option combines a decrease in the current maximum legal size from 5 ¾" (133mm) to 4 17/32" (115mm) (option A) in combination with an institution of nine Sunday closures in July and August (option C) and are being proposed to achieve a total 5.3% increase in egg production.

*Reduction in the maximum legal length in LCMA 6.*

The benefit of a decrease in the maximum size to 4 17/32" (115mm) was taken from Table 2 of Appendix 5 in Addendum XXV. Table 2 indicates the resultant increase in egg production at a given minimum legal length for a series of 10mm maximum length intervals. Selecting the current minimum legal size of 86mm (3 3/8") in LCMA 6 from the table, a decrease in the current maximum size from 133 (5 ¼") to 115m (4 17/32") achieved an increase of 1% in egg production. This reduction in the maximum size provides permanent protection from harvest.

*Institution of Sunday closures in June and July in LCMA 6.*

The institution of Sunday closures in July and August is in addition to the current season closure in place in LCMA 6 from September 8 through November 28.

Although there was some discussion of extending the current season closure on the front and/or back end, the strongest support emerged for closing harvest on Sundays in July and August. The team felt strongly that restricting any level of harvest during the summer months allows additional time for females to extrude eggs, protecting them from harvest. They also felt the additional soak time would allow lobsters to continue to exit traps through the escape vents, protecting them from harvest and the additional stress of being hauled to the surface.

The effect of Sunday closures was calculated using the monthly pattern for commercial (all gear types) landings reported for Connecticut and New York from LCMA 6 (Table 1) between 2013 and 2015. This time period was selected as the fishery has adjusted to the current fall closure (Sept 8 through November 28) which began in 2013. The monthly proportion of LCMA6 landings from 2013-2015 was used to determine the benefit to egg production (Table 2).

**Table 1. Monthly and Total Area 6 Commercial Landings (pounds) for New York and Connecticut, 2013-2015. Commercial data taken from SAFIS.**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CT 2013 - 2015 sum	14,868	7,762	7,153	12,704	39,469	56,109	102,804	81,438	8,550	0	4,492	29,029	364,377
NY 2013 - 2015 sum	1,425	539	108	2,233	4,440	10,465	17,653	16,139	3,023	0	1,740	8,715	66,479
Totals	16,293	8,301	7,261	14,937	43,909	66,574	120,457	97,577	11,573	0	6,232	37,744	430,857

**Table 2. Proportion of Total Landings for Area 6 by Month, 2013 - 2015.**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
LMA6 2013 - 2015 prop	0.04	0.02	0.02	0.03	0.10	0.15	0.28	0.23	0.03	0.00	0.01	0.09	1.00

The quarterly proportion of legal sized (86mm – 133mm) non egg-bearing females observed from 2001-2016 was calculated using a combination of CT and NY sea sampling data, NY port and market sampling data and NMFS observer data from NY for LCMA6. Monthly sample sizes of marketable females were sparse in some years, therefore quarterly proportions were computed (Table 3).

**Table 3. Quarterly proportion of legal non egg-bearing females for Area 6, 2001-2016.**

	Quarter			
	1	2	3	4
<b>01 - 16 prop</b>	<b>0.40</b>	<b>0.44</b>	<b>0.58</b>	<b>0.35</b>

Daily landings percentages of females were computed by dividing the monthly landings proportion by the number of days in the month and multiplying that product by the corresponding quarterly proportion of fishery dependent observations of legal non egg-bearing females. Entering the number of days in the month that would be closed then yielded the percent decrease in the landings, reasoning that a reduction in the harvest of non-egg bearing females is suitable proxy for an increase in egg production. The institution of Sunday closures in July and August is proposed (Table 4) gaining a 4.3% increase in egg production.

**Table 4. Sunday closure days in June and July that achieve a 4.3% increase in egg production, based on a reduction in the total commercial female landings for Area 6.**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
days	31	28	31	30	31	30	31	31	30	31	30	31	365
%/day	0.000516	0.000286	0.000258	0.00044	0.001419	0.0022	0.005239	0.004303	0.00058	0	0.000117	0.001016	
days closed	0	0	0	0	0	0	5	4	0	0	0	0	9
% reduction	0	0	0	0	0	0	0.026194	0.017213	0	0	0	0	0.043406

The combination of the increase in egg production by the reduction of the maximum legal size to 4 17/32" (1%) and Sunday closures in July and August (4.3%) results in a calculated increase in egg production for LCMA 6 of 5.3%.

*Overlap of Measures*

Lobsters between 116 and 132 mm in size are being returned to the water throughout the year due to the implementation of the maximum size, so they need to be accounted for during the season closure to ensure they aren't double counted. To do this the percent increase from the change in the maximum size (1%) was multiplied by the percent increase from the season closure (4.341%) to estimate the percent overlap (0.043%). This value was subtracted from the sum of the maximum size and season closure percentages. The Final percentage increase in potential egg production is 5.297%.

**Table 5. Accounting for overlap of management measures.**

% Increase	
Max Size %	1.000%
Seasonal Closure %	4.341%
subtotal	5.341%
decrease due to overlap	0.043%
Final % increase	5.297%

The decrease in maximum gauge to 115 mm (4 17/32") will be implemented in both the commercial and recreational fisheries in LCMA 6. During the Sunday season closure in July and August, there will be no possession of lobsters by commercial permit holders while fishing. Lobster traps, as well as other gears which harvest lobster, may remain in the water during the season closure and Jonah crab and whelk

may be harvested during the closure period. The most restrictive rule does not apply to the closed season. In addition, the closed season may only apply to the commercial lobster fishery.

Appendix 1. Connecticut and New York LCMA 6 Lobster Effort

NY

Year	All NY Lobster - Resident	All NY Lobster NonResident		# Res Permits w LCMA 6 trap allocation	Res LCMA 6 trap allocation		# LCMA6 who ordered trap tags	# of LCMA 6 trap tags ordered		# LCMA active trap permit holder	# LCMA 6 traps fished	% Allocation Actively Fished
2008	384	30		236	184,019		133	94,051		52	39,825	22%
2009	375	30		222	170,298		119	85,439		38	29,501	17%
2010	360	30		216	166,419		106	69,129		42	34,617	21%
2011	344	28		192	151,008		74	44,665		38	29,645	20%
2012	334	27		184	130,062		65	31,840		30	9,936	8%
2013	326	23		181	127,652		53	22,554		23	12,024	9%
2014	309	20		167	117,924		NA*	NA*		14	8,075	7%
2015	293	18		159	111,108		44	14,401		21	11,148	10%
2016	280	18		155	110,208		51	15,973		29	9,132	8%

CT

Year	All CT Lobster - Resident	All CT Lobster NonResident		# Res Permits w LCMA 6 trap allocation	Res LCMA 6 trap allocation		# LCMA6 who ordered trap tags	# of LCMA 6 trap tags ordered		# LCMA active permit holder	# LCMA 6 traps fished	% Allocation Actively Fished
2008	228	34		471	301,430		173	99,728		162	56,355	19%
2009	220	26		461	293,910		160	83,883		139	63,824	22%
2010	206	26		456	296,970		147	83,846		129	53,516	18%
2011	180	19		452	296,220		124	60,434		98	39,518	13%
2012	161	14		451	296,800		103	47,807		94	29,353	10%
2013	142	12		453	294,200		83	37,625		70	19,165	7%
2014	131	9		451	293,480		71	31,040		63	19,000	6%
2015	143	17		448	290,030		84	44,940		71	21,660	7%
2016	184	35		179	124,898		95	46,238		83	30,188	24%

NA\* - not available





# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** American Lobster Management Board  
**FROM:** American Lobster Technical Committee  
**DATE:** July 12, 2017  
**SUBJECT:** Review of LCMT Proposals for Addendum XXV

The American Lobster Technical Committee (TC) met via conference call on June 28<sup>th</sup> to review the Addendum XXV proposals submitted by LCMTs 2, 3, 4, 5, and 6 to achieve a 5% increase in egg production. Overall, the TC continues to assert that trap allocation reductions do not result in a meaningful increase in egg production given there is a large amount of latent effort in the Southern New England (SNE) fishery and fishermen can compensate by increasing their number of trap hauls (refer to the TC memo to the Board dated July 15, 2016 for a full description of caveats associated with trap reductions). This is supported by an analysis of the 25% trap allocation reduction in 2016 for Massachusetts LCMA 2 permit holders which shows that trap hauls and landings increased despite the trap allocation reduction. Additionally, the TC notes that it is difficult to determine the success or failure of Addendum XXV, given a 5% increase in egg production falls within the error bars of the previous analyses conducted by the TC.

Below is a summary of the TC's evaluation of each LCMT proposal, including a determination by the TC as to whether the proposal is sufficient to achieve a 5% increase in egg production.

### **Area 2 Proposal**

*LCMT 2 is proposing that the current trap reduction plan specified in Addendum XVIII (25% trap allocation reduction in year 1 followed by a series of 5% trap allocation reductions in years 2-6) be used to achieve the 5% increase in egg production.*

The TC does not find the LCMT 2 proposal sufficient to achieve a 5% increase in egg production given uncertainty in the relationship between trap allocations, exploitation, and resulting egg production. As previously stated in their July 2016 memo to the Board, the relationship between traps fished and exploitation is highly uncertain, particularly given there is little data on what level of exploitation results from low trap allocations. As a result, the TC used a bootstrap analysis to estimate the relationship between actively fished traps in the SNE stock (MA, RI, CT, and NY) and exploitation. This analysis predicted, at most, a 13.1% increase in egg production from a 25% reduction in actively fished traps.

A key difference between the TC's analysis and the on-going trap reductions in LCMA 2 is that Addendum XVIII reduces total trap allocations rather than actively fished traps. Thus, these reductions are expected to primarily reduce latent effort. The efficacy of trap allocation

reductions is further reduced given there is a trap transferability program in Areas 2 and 3 which allows active fishermen to replace cut traps with purchased traps.

In order to understand the potential impacts of the 25% trap allocation reduction which took place in LCMA 2 during 2016, Massachusetts reviewed its trap allocation and landings data for 2015 and 2016. While the total number of traps allocated to Massachusetts fishermen (including active and inactive traps) declined, the number of trap hauls and the pounds landed increased. The TC noted some caveats to this analysis, primarily that some LCMA 2 permits can be transferred between fishermen from different states and that the expansion of the Jonah crab fishery could be contributing to an increase in the number of trap hauls. To address these potential caveats, the TC looked solely at information from Massachusetts-only permit holders who fish in state waters and generally do not participate in the Jonah crab fishery (which primarily occurs in Federal waters). This analysis showed that while there was a 13% reduction in traps fished, trap hauls increased by 45% and pounds landed increased by 63%. This analysis illustrates that there is not a straight-forward relationship between trap allocation and traps fished, nor between traps fished and exploitation. Rhode Island Area 2, state-only information was also reviewed to assess how representative Massachusetts trends are of Area 2. These data indicated similar changes, with landings, pot-hauls, participants, and maximum traps fished all increased modestly from 2015 to 2016. Based on these results, the TC reiterates that trap allocation reductions alone should not be used to achieve the goal of Addendum XXV, especially if there is significant latent effort.

One TC member did note that the Board approved trap reductions as a management tool in Addendum XXV and the LCMTs have met the criteria specified by the Board. This individual recommended the TC review in the LCMT proposals based on the parameters set by the Board.

### **Area 3 Proposal**

*LCMT 3 is proposing that the current trap reduction plan specified in Addendum XVIII (5% trap allocation reduction for 5 years) be used to achieve the 5% increase in egg production.*

The TC does not find the LCMT 3 proposal sufficient to achieve a 5% increase in egg production given uncertainty in the relationship between trap allocations, exploitation, and resulting egg production. Similar to the comments given in the review of the LCMT 2 proposal, the TC does not support the use of trap allocation reductions alone to achieve an increase in egg production. The TC does note that Area 3 may have lower levels of latent effort; however, it is still unclear if the on-going trap reductions will reduce active effort, or just latent effort. The expansion of the Jonah crab fishery offshore may complicate analyses of effort directed towards lobsters vs crabs; however, it is important to remember that effort currently directed towards the Jonah crab fishery can re-enter the lobster fishery given participation in both fisheries requires a single lobster permit.

#### **Area 4 Proposal**

*LCMT 4 is proposing a 10% trap allocation reduction to achieve the 5% increase in egg production.*

The TC does not find the LCMT 4 proposal sufficient to achieve a 5% increase in egg production given uncertainty in the relationship between trap allocations, exploitation, and resulting egg production. Similar to the comments given in the review of the LCMT 2 and 3 proposals, the TC does not support the use of trap allocation reductions alone to achieve an increase in egg production. While there is no trap transferability program in Area 4, trap allocation reductions still rely on the underlying assumption that the number of traps in the water correlates to the exploitation rate. Furthermore, LCMA 4 permit information for New York and New Jersey fishermen indicate a large percentage of latent effort in the fishery (roughly two-thirds of trap allocations are not fished). Therefore, this proposal assumes that latent effort does not re-enter the fishery at some future date.

#### **Area 5 Proposal**

*LCMT 5 is proposing a minimum gauge size increase from 86mm to 88mm to achieve the 5% increase in egg production.*

The TC finds the LCMT 5 proposal is sufficient to achieve a 5% increase in egg production. Table 2 in Appendix 5 of Draft Addendum XXV indicates that a 2mm increase in the minimum gauge size will result in a 6% increase in egg production. The TC does note that the gauge size analysis presented in Addendum XXV was conducted on a stock-wide scale and it would be ideal to have length information for lobsters harvested in LCMA 5 in order to validate this result. That said, the TC does support the use of a minimum gauge size change as this measure is enforceable, keeps lobsters in the water longer, and provides direct benefits in terms of fitness and egg production.

#### **Area 6 Proposal**

*LCMT 6's preferred option is status quo. Their non-preferred option is a maximum gauge size decrease from 133mm to 115mm in combination with nine Sunday closures in July and August.*

The TC does not find the LCMT 6 proposal sufficient to achieve a 5% increase in egg production given traps are still able to catch lobsters during a Sunday closure. The TC does support the use of a maximum gauge size decrease to achieve a 1% increase in egg production.

Table 2 in Appendix 5 of Draft Addendum XXV indicates that a maximum gauge size change from 133mm to 115mm results in a 1% increase in egg production. The TC supports the use of a gauge size change as this management tool is enforceable and provides permanent protection to larger lobsters. As noted above in the review of the Area 5 proposal, the gauge size analysis for Draft Addendum XXV was conducted on a stock-wide scale and it would be ideal to have length information for lobsters harvested in LCMA 6 in order to validate this result. Nonetheless, the TC supports the use of a maximum gauge size change.

The TC does not support the use of nine Sunday closures in July and August to achieve a 4% increase in egg production. The TC highlights that while the landing of lobsters may be prohibited on Sunday, traps still remain in the water and continue to fish for lobsters. As a result, unless the traps are disabled so they cannot catch lobster, a Sunday closure is more akin to a one day delay in harvest. The TC also notes that with such a short closure, it is easy for fishermen to recoup losses by harvesting on different days of the week. The TC does support the analytical methods used in the proposal to estimate LCMA-specific egg production increases from a season closure but notes that consecutive season closure days are more effective and traps must be disabled in order to prevent them from fishing.

The TC applauds LCMT 6 for noting the high level of latent effort in Long Island Sound and encourages the reduction of this latent effort through subsequent management action.



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James Gilmore, Director

## Memorandum

April 3, 2017

**TO:** ASMFC American Lobster Management Board

**FROM:** Peter Clarke (NJDEP) and Kim McKown (NYDEC)

**SUBJECT:** LCMA 4 Proposal State and Federal Regulatory Consistency for Closed Seasons

This memo addresses two state – federal consistency concerns that have developed through the implementation of the 10% reduction requirement of Addendum XVII. These items relate to trap removal and implementation of the most restrictive rule during the closed season. These concerns are discussed below.

### **Trap Removal:**

#### **Background**

In order to accomplish a required 10% reduction in harvest as outlined by ASMFC Addendum XVII, Lobster Conservation Management Area (LCMA) 4 implemented rules requiring v-notch all egg bearing females coupled with a seasonal closure from February 1 to March 31. During the Winter 2012 American Lobster Board (Board) meeting, the Board decided that all directed fishery lobster traps must be removed from the water. The Board also decided that if a closed season extended four weeks or longer, a two-week grace period for removal of lobster traps and a one-week grace period for setting un-baited lobster traps would be allowed. In accordance with these determinations, NJ Division of Fish and Wildlife (DFW) and NY Department of Environmental Conservation (DEC) developed closed regulations that required trap removal with the appropriate grace period, but also allowed for the traps to remain in the water if they were being legally fished for other species (non-lobster directed traps). NY DEC and CT Department of Environment and Energy (DEEP) adopted similar rules for LCMA 6 (see Appendix 1).

Upon evaluation in 2014, the ASMFC Lobster Management Board determined that LCMA 4 did not reach the required 10% reduction in landings for fishing year 2013. Due to the reduction not being met with the combined v-notching and seasonal closure a seasonal closure from April 30-May 31 was applied alone for the 2015 fishing year as approved by the Board. The NJ DFW and NY DEC closed season rules were revised to

implement the new closure dates and new removal grace period, but the allowance for traps to remain in the water to allow fishermen to continue to legally fish for other species remained (see below).

In December 2014, the NJ DFW and NY DEC applied the seasonal closure with the following regulatory language:

**For NJ;** “A person fishing in ASMFC Lobster Management Area (LMA) 4 and/or 5 or that has designated LMA 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of April 30 through May 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 4 and/or 5. During the closed season, all lobster traps in LMA 4 and/or 5 must be removed from the water. However, a licensee shall have a two-week period from when the season closes to accomplish removal of all lobster traps. In addition, unbaited lobster traps may be set one week prior to the season reopening. *If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.*”

**For NY;** “The harvest and landing of lobsters from LMA 4 is prohibited from April 30th through May 31st. *During the April 30th through May 31st closure, lobster permit holders who use lobster traps or pots may set un-baited lobster traps or pots one week prior to the end of the closed season. No lobster trap or pot may be in the water from April 30th to May 24th, unless the lobster permit holder also holds appropriate license(s) to harvest other species from his or her traps or pots.*”

The key wording for both statutory regulations is the ability of lobster pot fishermen to continue harvesting other species, particularly Jonah crabs during the closed period.

### **Current Issue**

In 2015, a Federal Registry Notice was released stating that all lobster gear needed to be removed from the water for extent of the closed period. This places an unfair burden on fishermen to remove gear for a 32 day closure. It takes a fisherman with a 1200 trap allocation in LCMA 4 approximately 12 days to remove all his gear. Coupled with poor weather during April, the removal of gear could take up to 4 weeks to accomplish effectively phasing in the seasonal closure over the course of a month instead of the required 32 days.

For the last 45 years, the Area 4 lobster grounds which are soft bottom have been protected from mobile gear (scallop dredge and otter trawl) creating an effective sanctuary for lobsters and other marine fish. With the opening of this ground, the mobile fleet will move in and fish heavily upon the resources there. Lobster mortality will increase by up to 15 percent and the mobile gear will cause significant damage to previously protected habitat.

Because of these reasons, we urge the ASMFC Lobster Management Board to adopt one of the following options for trap removal for Area 4 fishermen in both State and Federal waters

Option 1 (preferred):

Allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species (Jonah crab) during the closed period.

Option 2:

Allow LCMA 4 fishermen to keep traps in the water that have been disabled by removing the escape panel or permanently opening the top of the trap so that any animal that entered the trap could escape.

If approved, we ask the ASMFC to forward the Board findings to NMFS for an immediate retraction to the current Registry to allow these changes to take place for the 2017 fishing season.

### **Most Restrictive Rule:**

#### **Background:**

LCMA's 4 and 6 both implemented closed seasons to accomplish the required 10% reduction in harvest of Addendum XVII, but during different times of the year. The LCMA 6 closed season is from September 8 through November 28, while the LCMA 4 closed season was originally from February 1 through March 31 and was revised to April 30 through May 31. Since there are NY lobstermen with joint LCMA 4 and 6 trap allocations, the question of whether the most restrictive rule applied to closed seasons was discussed at the Winter 2012 Board meeting. Due to concerns of potential shifting of effort, the Board determined that LCMT measures required the most restrictive rule apply to participants with multiple LCMA permits.

Due to the Board's determination, NY DEC adopted regulations that required permit holders with multiple area designations to abide by the most restrictive rule. The following is NY's most restrictive rule: *"Permittees who designate more than one LMA in their lobster permit application shall abide by the closed seasons rules in all designated LMAs, regardless of where they are fishing. Any person who possesses more than one commercial lobster permit shall abide by the closed season rules of the LMAs designated on all of their permits, regardless of where they are fishing. Any permittee who fails to designate an LMA on their application shall abide by all the closed season rules of the LMAs 1, 2, 3, 4, 5, 6, and Outer Cape Cod (OCC). The department shall provide license holders written notice of the current closed season rules of LMAs 1, 2, 3, 4, 5, 6 and OCC annually."*

#### **Current Issue:**

The 2015 Federal Registry Notice was silent about the most restrictive rule. NOAA Fisheries Lobster Information Sheet, (<https://www.greateratlantic.fisheries.noaa.gov/regs/infodocs/lobsterinfosheet.pdf>), has a section on the most restrictive rule, specifically mentioning trap allocations, lobster

size, v-notch rules, trap and vent size; but doesn't include season closures. Currently NOAA fisheries is not requiring lobster permit holder with joint LCMA 4 and 5 trap tag allocations to abide by the most restrictive rule as was required in NY.

NY's waters include 2 Lobster Management Areas (LCMA) 6 and 4. In addition, the south fork of Long Island is at the confluence of LCMA 6, 4, and 2. Many of NY's south shore lobster permit holders, in particular those on the south fork near Montauk, have traditionally fished in areas that now are part of multiple LMAs. These permit holders used to regularly move their pots throughout the year following the lobsters. Due to the implementation of the most restrictive rule, these lobstermen have had to remove one of the LCMA's that they historically fished in from their permit. This has caused significant financial hardship. Federal permit holders with joint LCMA 4 and 5 permits are not required to do this and are not impacted by this hardship.

Because of these reasons, we urge the ASMFC Lobster Management Board to adopt one of the following options for the most restrictive rule as it applies to closed seasons for permit holders with multi-area trap tag allocations in both State and Federal waters.

Option 1 (preferred):

Exempt closed seasons from the most restrictive rule (as currently done for federal permits).

Option 2:

Mandate that both federal and state multi-area permit holders abide by the most restrictive rule, which means they must abide by all season closures implemented in the areas listed on their permits.

If option 1 is approved, NY will remove the most restrictive language as it applies to closed seasons from NY state regulations. If option 2 is approved we ask the ASMFC to forward the Board findings to NMFS and request that they implement the most restrictive rule for closed seasons for federal permit holders.

Thank you for your consideration.



## **Appendix 1**

### **LCMA 6 rules:**

#### **NY DEC:**

“No lobster may be taken from Atlantic States Marine Fisheries Commission Area Six from September eighth through November twenty-eighth pursuant to the recommendations of the Area’s Lobster Conservation Management Team as required by the Interstate Fishery Plan for Lobsters adopted by the Atlantic States Marine Fisheries Commission.

b. During the September eighth through November twenty-eighth closure, lobster permit holders who use lobster traps or pots shall remove lobster traps and pots from the water by September twenty-second.

c. No lobster trap or pot may be in the water from September twenty-second until November fourteenth unless the lobster permit holder also holds a permit or license that authorizes them to harvest other species from their lobster traps or pots.

d. Lobster permit holders may set unabated lobster traps or pots beginning November fourteenth.

e. Lobster permit holders may set baited lobster traps or pots beginning November twenty-first.”

#### **CT DEEP:**

##### **“Season**

1. The closed season for Lobster Management Area (LMA) 6 (Long Island Sound and western Block Island Sound) is September 8 through November 28, inclusive, and applies to both recreational and commercial fisheries and all gears. Between those dates possession of lobsters taken from LMA 6 or from traps with LMA 6 trap tags is prohibited.
2. All lobster gear must be removed from the water during the closure, except that the ASMFC plan allows fishermen two weeks at the beginning of the closure period (September 8 through September 21) to remove gear and two weeks prior to the late fall reopening (November 15 through November 28) to redeploy the gear. Traps cannot be baited until one week prior to reopening (November 22).
3. An exception to the gear removal requirement is provided for fishermen who hold a conch (whelk) license for those lobster pots being actively fished for whelk. The take and landing of lobsters during these exception periods is prohibited.”



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 11, 2017

**To: American Lobster Management Board**  
**From: Law Enforcement Committee**  
**RE: Feedback on Management Issues Under Discussion**

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) met via conference call on June 29, 2017. ASMFC staff asked members to provide input and advice regarding electronic tracking and reporting, and interstate movement and sale. The following members were in attendance:

*LEC: Chairman, Lt. Mike Eastman (NH); Maj. Rene Cloutier (ME); Asst. Director Larry Furlong (PA); Lt. Tom Gadomski (NY); Sgt. Greg Garner (SC); Maj. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Katie Moore (USCG); Maj. Pat Moran (MA); Director Kyle Overturf (CT); Capt. Jason Snellbaker (NJ)*

*STAFF: Ashton Harp; Mark Robson; Megan Ware*

### **Electronic Tracking and Reporting Systems**

Megan Ware of ASMFC staff solicited information from the LEC members concerning possible ways to improve harvester reporting and tracking and the types of systems and data that would be useful for law enforcement purposes. In particular there is a desire to find systems that provide better spatial resolution on harvester activity, and better information on offshore fishing activity.

The Maine representative to the LEC reported on a system that they have installed for tracking harvest activity, sending a signal whenever a hauler is engaged. They have experimented with a number of tracker systems for their lobster fishery. The stumbling block to such systems is getting one that can provide frequent enough pinging to discern hauling activity, while remaining affordable. A separate system was tested using solar power for the energy source, and was cost-effective. But it was found lacking during the winter months. Maine and Connecticut are continuing to test tracking systems at this time.

LEC members agreed that a system useful for enforcement purposes needs to be able to accurately determine when and where vessels are working traps, especially in remote or offshore areas. It will also be important for the company providing the technology to have experts available and willing to certify equipment, and to testify in court as to the accuracy and reliability of the technology. Once tracking technologies are in place for some time, the need for expert witnesses and certification may lessen.

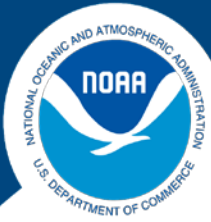
## **Lobster Chain of Custody and Retail Sale**

Megan Ware briefed the LEC on questions from the Lobster Management Board concerning sale of lobster from other states with differing size or other harvest restrictions. The issue as understood is that states formerly relying on sale of lobsters from the Southern New England stock are being affected by declining harvest levels. This is leading to an interest in states receiving and allowing in-state sale of lobsters from Lobster Conservation Area 1, which has a smaller minimum size.

Rhode Island and Connecticut have regulations allowing dealers to purchase lobsters from out of state for through-shipment, in keeping with allowances under Interstate Commerce laws. Each state has specific regulations for permitting and documenting this activity. However, dealers are not allowed to sell undersized lobsters in their home state. The particular problem in Massachusetts is that multiple minimum size limits are in place depending on the area of harvest. Minimum sizes are enforced at the harvester level. Significant fines and penalties are in place to reduce illegal activity but it has been difficult to get maximum fines applied by the courts for “short” lobsters.

Other states have “strict possession” regulations which prohibit dealers from buying and possessing undersized lobsters from other states. Removing strict possession language specifically for American lobster would allow at a minimum the kind of regulations implemented by Connecticut and Rhode Island. However, New York and New Jersey representatives expressed concern that liberalizing minimum-size possession regulations could open the door to significant illegal harvest of undersized lobsters from off their respective coasts. Further discussion ensued regarding the differences and scale of the dealer markets among the states. Whereas Connecticut has not had problems distinguishing dealers engaged primarily in interstate commerce from smaller retailers, other states may have more difficulty sorting out dealers and where lobsters are being received and sent.

The broader question of when enforcement should cease to be concerned with minimum sizes in the marketplace was briefly discussed, but no consensus emerged. Several LEC members expressed general concern that states would consider allowing any retail sale of undersized lobsters in their states. This was seen as a possible pathway for undersized lobsters that are illegally harvested, to be passed along, essentially creating an open market for the smallest legal-sized lobsters available. The ability of enforcement staff in each state to monitor and control this potential new conduit would be dependent on the size of the fishery, the number of dealers, and the documentation requirements for receiving out-of-state lobsters. Several LEC representatives reiterated their concern that they would likely not have adequate resources to address such a change in regulations.



**NOAA FISHERIES**

Office of Law Enforcement

# Enforcement Priorities

FY 2018 – 2022

(DRAFT)

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# Introduction

NOAA's Office of Law Enforcement (OLE) protects living marine resources, sanctuaries and monuments, and critical habitat by enforcing domestic laws and supporting international treaty obligations designed to ensure these natural marine resources are available for future generations. OLE actively seeks to promote compliance with the nation's marine resource laws, and takes measured enforcement action when these laws are violated. OLE directly supports NOAA's stewardship mission and NOAA Fisheries' core mission mandates through its actions to enforce and promote compliance with the marine resource protection laws and implementing regulations under NOAA's jurisdiction.

## The OLE Priority-Setting Process

OLE has established a 5-year priority-setting process to help accomplish our mission, guide our strategic planning, and focus the use of our enforcement assets where they are most needed. To guide this process, OLE uses NOAA strategic plans, historical enforcement data, emerging threat, and stakeholder input to identify areas in greatest need of enforcement effort – whether to maintain an existing level of compliance or to target areas where increased compliance may be required.

The goal of any priority-setting process is to make the best use of limited resources to maximize results. By design, the priority-setting process must make calculated choices about where to focus efforts, and how best to leverage existing capabilities to successfully address responsibilities. The OLE priority-setting process is no different, and seeks to ensure that we have the right people, in the right places, focusing on the right priorities.

Although OLE uses this priority-setting process to identify areas where we will concentrate our efforts, we will continue to enforce all the laws and implementing regulations under our jurisdiction.

# FY2018-2022 National Priorities

The Office of Law Enforcement priorities are designed and conducted in a manner that supports three overarching NOAA Fisheries strategic goals:

- Ensure the sustainability of fisheries and fishing communities.
- Recover and conserve protected species.
- Improve organizational excellence.

As further defined and explained below, OLE supports these goals, as well as the related areas of combating illegal, unreported, and unregulated (IUU) fishing and supporting international fisheries; reducing seafood fraud; and interdicting wildlife trafficking as national priorities within every OLE office. Further, and as a cornerstone to OLE's enforcement approach, increasing outreach and education to foster voluntary compliance is also an integral national priority throughout OLE.

## Sustainable Fisheries

NOAA Fisheries – in close coordination with the regional fishery management councils and state partners – is responsible for fostering healthy, productive, and sustainable living marine resources and their habitats. NOAA Fisheries achieves these outcomes through: effective, transparent management actions supported by strong science; habitat conservation and restoration programs; an ecosystem approach to fisheries management; partner and stakeholder coordination and communication; and effective enforcement.

Increasing compliance and enforcement of fishing regulations is an integral part of meeting NOAA's goal of ensuring the sustainability of fisheries and fishing communities. OLE will continue to emphasize investigations related to observer safety and actions that affect the integrity of observer data, such as assaults, interference or harassment of observers, and will also play an integral role in the development and implementation of the agency action plan in response to the Observer Program Safety Review. OLE will also continue to prioritize investigations involving gear and closed-area violations; by-catch and prohibited species violations; and reporting and landing data violations.

## Protected Resources

NOAA Fisheries is responsible for the conservation and recovery of protected species and their habitats, as mandated by the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Through these acts, Congress provided us with an enduring mandate to recover species that are facing extinction and to conserve marine mammals.

NOAA Fisheries carries out the mandates of the MMPA and ESA through specific requirements focused on reducing negative effects of human activities, enforcing regulations against harming marine mammals and endangered species, and developing plans to guide the recovery and conservation of these protected species.

In addition, the conservation and protection of key marine and estuarine areas are critical to sustaining marine resources for future generations. The National Marine Sanctuaries Act (NMSA) plays a vital role in protecting these areas. Protected within these areas are important habitats like breeding and feeding grounds, coral reefs, kelp forests, and important artifacts of underwater cultural heritage.

To foster the protection of these protected species, places, and resources, OLE will prioritize its enforcement efforts on protecting marine mammals and endangered species. These efforts will focus on bycatch reduction regulations, gear and area restrictions, human interactions with protected species, and targeted enforcement presence in marine protected areas, including National Marine Sanctuaries (NMS) and Marine National Monuments (MNM).

### IUU Fishing/International

The vast majority of the seafood consumed in the United States is imported. This demand for seafood makes the United States an attractive market for IUU fish and fish products, and also places pressure on wild stocks from all over the world. Like domestic fishery management councils, Regional Fisheries Management Organizations (RFMOs) work to ensure that seafood caught within their governing areas is taken in an authorized and sustainable manner. Those who circumvent RFMO conservation and management measures are engaged in IUU fishing. IUU fishing disadvantages legal fishers globally, including U.S. fishing fleets and coastal communities, and negatively impacts global fish stocks such as salmon and tuna.

OLE will continue to prioritize our efforts with RFMOs, foreign countries, federal partners and non-governmental organizations to detect and prevent IUU fish from entering U.S. markets and to bring to justice those who seek to profit from this activity. In support of this priority, OLE will implement the Port States Measures Agreement (PSMA) and will aggressively investigate interstate or foreign trafficking of illegally harvested fish or other marine resources. In addition, OLE will conduct technical assistance for international partners in fisheries law enforcement to enhance their abilities to detect IUU fish products before they enter the stream of commerce and investigate and prosecute IUU fishing violations.

### Seafood Fraud

Seafood fraud, typically in the form of mislabeling or other forms of deceptive misidentification of seafood products with respect to quality, quantity, origin, or species undermines the economic viability of U.S. and global fisheries, and deceives consumers. Seafood fraud is generally driven by economic motives and can occur at multiple points along the supply chain.

OLE will prioritize monitoring and investigating major seafood fraud violations including increased efforts at Ports of Entry into the U.S. to detect illegal products and to implement the Seafood Import Monitoring Program (SIMP). We will work with international partners as well as state, local, and other federal agencies on strengthening seafood fraud detection throughout the supply chain through continued coordination via inter-agency task forces and information sharing mechanisms.

### Wildlife Trafficking

Illegal wildlife trafficking is a multi-billion dollar-per-year enterprise that targets some of the most iconic and endangered species on the planet. As economic opportunists, wildlife traffickers are also frequently involved in other illegal activities such as human trafficking, illegal weapons sales and the illicit drug trade.

OLE will identify and investigate fish and other wildlife illegally shipped or transported through airports, ports, or borders. To support this priority, OLE will increase deployments of enforcement personnel to strategic ports of entry throughout the United States to better interdict these shipments. OLE will also continue its efforts to detect and investigate the illegal trafficking in marine mammal and endangered species parts or products.



## Outreach and Education

A primary goal of OLE is voluntary compliance, by members of the public or regulated industries, with marine resource protection laws and implementing regulations. Engaging in outreach and education activities to foster voluntary compliance is the cornerstone of this goal. Outreach and education is a daily occurrence performed by OLE staff. While conducting patrol efforts, OLE enforcement officers have day-to-day interactions with industry members and the general public, and use these daily opportunities to answer questions and provide information. OLE, as part of its Vessel Monitoring System (VMS) program, employs Enforcement Technicians who, on a daily basis, answer calls from industry members concerning regulations and make proactive contact with owners of vessels at-sea when it appears that the vessel is entering or about to enter a protected area or have entered an incorrect fishing activity code.

OLE will, in addition to our day-to-day interactions, continue to conduct regular outreach and education initiatives regarding new and changing regulations to foster voluntary compliance. OLE will work with other NOAA and NOAA Fisheries offices as well as federal and state partners to encourage and promote voluntary compliance with marine resource laws and regulations. OLE will continue to use social media, outreach events, webstories, compliance liaisons, new articles as well as face-to-face contact with our stakeholders to share the information they need to understand and follow the law.

# FY2018-2022 Enforcement Priorities by OLE Division

OLE is organized into five regional Divisions: Alaska, Northeast, Pacific Islands, Southeast, and West Coast. Division priorities support each national priority by providing greater detail for various geographic areas that considers specific resources, past enforcement activities, and emerging threats. The more specific priorities identified by each Division provides the strategic guidance for compliance and enforcement activities within each Division. OLE recognizes that priorities may change within a 5-year period. Subsequently, Divisions will regularly monitor priorities and identify possible changes by maintaining communication with internal and external stakeholders that help inform OLE priorities.

OLE seeks to improve compliance with and enforcement of all marine statutes and regulations under its jurisdiction. While priorities are being identified in this document to help guide planning efforts with each OLE Division, it is important to note that OLE will take appropriate enforcement action for all statutory or regulatory violations regardless of whether the impacted resource is, or is not, listed as a priority in this guidance document.

DRAFT

# Alaska Division

Alaska supports a massive seafood industry and has the greatest number of domestic fish landings in the United States, with 59 percent of all U.S. seafood landings, measured by weight, occurring in the state. If it were a country, Alaska would be the ninth largest seafood producer in the world. Waters off Alaska account for more than half of all annual U.S. seafood harvests. Alaska also has five of the nation's top 10 fishing ports ranked by value of landings.

Alaska's coastal communities are uniquely dependent on living marine resources and healthy marine ecosystems. The seafood industry is Alaska's largest private sector employer, accounting for one in every seven local jobs. In addition to the roles of commercial and recreational fishing, subsistence fishing serves as an irreplaceable source of food and protein for much of rural Alaska and is interwoven into the cultural identity of Alaska Natives and coastal communities.

## Sustainable Fisheries

- Patrol, outreach, and investigation to deter and detect:
  - Observer sexual assault, assault, harassment, observer safety, interference, and significant sample bias violations.
  - Violations involving prohibited species bycatch management measures.
  - Commercial vessel incursions into closed or protected marine areas.
  - Trafficking of illegally harvested and/or illegally commercialized marine resources including sale or commercial use of sport and subsistence caught halibut.
  - Violations that degrade agency data quality including electronic monitoring and reporting (flow scales, video, data loggers, electronic logs, etc.), recordkeeping and reporting, observer data, and observer coverage.

## Protected Resources

- Patrol, outreach, and investigation to detect and deter:
  - Intentional illegal killing or injuring of Steller sea lions, Cook Inlet beluga, or other whales, dolphins, porpoises, or seals
  - Illegal takes of marine mammals (e.g. Level "A" Harassment, feeding, injuring, approaching, shooting, etc.).
  - Wasteful takes by authorized marine mammal harvesters.
  - Lacey Act investigations involving suspect marine mammal harvest products.
  - Commercial/recreational viewing of whales and harbor seals in glacial fjords.
  - Violations resulting in marine mammal stranding, entanglement, injury, and/or mortality incidents.
  - Vessel on whale collisions.
  - MMPA incidental take reporting violations
- Outreach and education to Alaska Native Village and Council governments regarding subsistence harvest of whales, with an emphasis on Bering Sea communities.

## IUU/International

- Collaborate with law enforcement partners to enforce Port State Measures and to detect, deter, and investigate:
  - Foreign transshipment and fishing activity in violation of U.S. law or international treaty.

- Maritime Boundary Line incursions by foreign fishing, fishing support, and transshipment vessels.
- Illegal imports or undeclared product on foreign vessels.
- Transshipment and export of illegal product from U.S. fishing vessels.

### Seafood Fraud

- Patrol, outreach, and investigation to detect and deter:
  - Seafood safety violations under the jurisdiction of NOAA where public health and safety is at risk.
  - Mislabeling or misbranding violations having a significant impact on national or international commerce.

### Wildlife Trafficking

- Patrol, outreach and investigation to detect and deter:
  - Fish and Wildlife illegally shipped or transported through Alaskan airports, ports, or borders into domestic or foreign commerce.
  - Convention on International Trade in Endangered Species (CITES) listed fish and wildlife or parts entered illegally into interstate or foreign commerce.

DRAFT

# Northeast Division

The Northeast Division (NED) is comprised of 20 states and covers more than 100,000 square nautical miles of the U.S. EEZ. Fish are landed in more than 500 ports along 1,000 miles of coastline. Four of the top 10 international landing ports, by weight and value, are found in the NED — New York, Portland (Maine), Boston, and Norfolk. Additionally, the NED has four of the top 10 states for domestic fish landings (measured by dollars) in the nation; this includes Massachusetts with the port of New Bedford, which has led the United States for 14 years as the top port in terms of value landed — a direct result of the scallop fishery. The NED touts an \$8 billion seafood import industry with 2 billion pounds of seafood landings annually.

Working with Regional Partners NED has strong working relationships with the 10 coastal state fishery enforcement agencies under the Cooperative Enforcement Program (CEP). These relationships enable OLE to leverage resources and improve compliance with federal fishery regulations. In addition to state partners, NED works closely with two U.S. Coast Guard (USCG) districts. Recent partnerships have expanded with key federal agencies, including the Food and Drug Administration (FDA) and Customs and Border Protection (CBP), which are involved in ensuring consumer safety and integrity as it relates to seafood fraud.

## Sustainable Fisheries

- Patrol, outreach, and investigation to detect and deter:
  - Observer assault, harassment, safety and interference complaints.
  - Vessel and Dealer reporting and permitting compliance.
  - Violations involving prohibited species bycatch management measures.
  - Commercial vessel incursions into closed or protected marine areas.
  - Monitoring and enforcement of illegal sales of fish by the recreational sector.
  - Gear compliance under the Magnuson-Stevens Fishery Management and Conservation Act (MSA).

## Protected Resources

- Patrol, outreach, and investigation to detect and deter:
  - Illegal takes of marine mammals (harassment, feeding, injuring, approaching, shooting, etc.).
  - Violations resulting in marine mammal stranding, entanglement, injury, and/or mortality incidents.
  - Gear violations under ESA and MMPA.
  - Illegal human interactions with sea turtles.
- Patrol, outreach, and investigation within marine protected areas relating to:
  - Gear violations within NMS.
  - Moving, removing, injuring, or possessing, or attempting to move, remove, injure, or possess a Sanctuary historical resource.
  - Whale harassment/approach and vessel speed restrictions.
  - Enforcement of Marine National Monument regulations.
- Promote compliance with the Atlantic Large Whale Take Reduction Plan and Harbor Porpoise Take Reduction Plans.
- Provide presence and enforcement coordination during major stranding events.
- Provide enforcement support to the recovery of the wild populations of Atlantic salmon.

- Review and analysis of Automatic Identification System (AIS) data for enforcement of right whale ship strike reduction speed rule.

### IUU/International

- Collaborate with law enforcement partners to enforce Port State Measures and to detect, deter, and investigate:
  - Foreign transshipment and fishing activity in violation of U.S. law or international treaty.
  - Maritime Boundary Line incursions by foreign fishing, fishing support, and transshipment vessels.
  - Illegal imports or undeclared product entering Ports of Entry in NED area of responsibility.
  - Transshipment and export of illegal product from U.S. fishing vessels.

### Seafood Fraud

- Patrol, outreach, and investigation to detect and deter:
  - Seafood safety violations under the jurisdiction of NOAA where public health and safety is at risk.
  - False labeling, mislabeling and misbranding violations having a significant impact on state, national or international commerce.

### Wildlife Trafficking

- Patrol, outreach, and investigation to detect and deter:
  - Fish and wildlife illegally harvested, shipped or transported through ports of entry into domestic or foreign commerce.
  - CITES listed fish and wildlife or parts entered illegally into interstate or foreign commerce.

# Pacific Islands Division

The Pacific Islands Division (PID) was established in October 2004 and is geographically the largest division in OLE. Bound by the Hawaiian Islands in the north, American Samoa and U.S. Pacific remote island areas in the south, and the Mariana Archipelago, including Guam in the west, the Pacific Islands Division encompasses the largest geographical management area within both NOAA Fisheries and the regional fishery management council system. The total area of the U.S. EEZ waters included in the region is more than 1.5 million square nautical miles, which accounts for nearly half of the entire U.S. EEZ.

PID regularly conducts investigations related to the tuna fishery and other highly migratory species. The various longline and purse seine vessels within the U.S. permitted fleet operate extensively throughout established U.S. and foreign EEZs in the Pacific, and in international waters. The need to effectively monitor these U.S. vessels, along with foreign vessels that engage in IUU fishing in these vast waters, poses a unique enforcement challenge for PID. With the PSMA entering into force, PID has served as the center of activity for implementation of both domestic and international responsibilities.

The Hawaiian Islands Humpback Whale National Marine Sanctuary is adjacent to the main Hawaiian Islands, and during Humpback whale season this puts large numbers of ocean users close to these protected animals. In addition, several endangered species of sea turtles, Hawaiian monk seals, and spinner dolphins frequent the waters and beaches

## Sustainable Fisheries

- Patrol, outreach, and investigation to deter and detect:
  - Observer assault, harassment, or interference violations.
  - Data consistency or integrity anomalies regarding collection and analysis of records.
  - Closed area/VMS violations and illegal tampering of NOAA VMS equipment and data.
  - Reported violations by U.S. and/or International Observers on the high seas regarding U.S. vessels.
  - Observer reported fishery management plan violations.

## Protected Resources

- Patrol, outreach, and investigation to detect and deter:
  - Humpback Whale Sanctuary; take, vessel strikes and approach violations within the Sanctuary.
  - Spinner Dolphins, take and harassment, Level “A” Harassment and Level “B” Harassment.
  - Takes of Hawaiian Monk Seals.
  - Lethal takes, Level A Harassment; with the potential to injure marine mammals or ESA listed turtles.
  - Non- Lethal takes; Level B Harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Patrol, outreach, and investigation within marine protected areas relating to:
  - Illegal or unpermitted discharges.
  - Vessel Groundings.
  - Unlawful removal or possession of historical artifacts as well as protected marine resources from within the sanctuary and/or monument boundaries.

- Illegal fishing and other designated non permitted activity within the sanctuary and/or monument boundaries.
- Noncompliance with conditions of any permits associated with sanctuary and/or monument.

### IUU/International

- Collaborate with law enforcement partners to enforce Port State Measures and to detect, deter, and investigate violations of International Treaties and or agreements such as Western and Central Pacific Fisheries Commission (WCPFC), South Pacific Regional Fisheries Management Organization (SPRFMO), and Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR).
- Support and advise U.S. delegation at RFMO meetings.
- Enforce U.S. international commitments regarding fishing on the high seas.
- Provide support to monitoring, control, and surveillance (MCS) operations with the Federal Aviation Administration (FAA), U.S. Navy/Department of Defense, and USCG to prevent IUU fishing.
- Participate in capacity building with Pacific and Asian countries regarding their ability to execute Port State Measures inspections and enhance their abilities to detect, investigate and prosecute IUU violations.

### Seafood Fraud

- Patrol, outreach, and investigation to detect and deter:
  - Mislabeled seafood.
  - Seafood commodities in interstate and/or international commerce under the jurisdiction of NOAA that may put the public's health and safety at risk.

### Wildlife Trafficking

- Patrol and Outreach to deter, detect, and investigate:
  - Fish and Wildlife illegally shipped or transported through airports, seaports, or borders.
  - Illegal trafficking in marine mammal and endangered species parts or products.
  - Illegal trafficking in species associated with the aquarium trade.
  - CITES listed fish and wildlife or parts entered illegally into interstate or foreign commerce.



# Southeast Division

The Southeast Division (SED) is comprised of eight coastal states, extending from Texas to North Carolina, and also includes Puerto Rico and the U.S. Virgin Islands. SED is responsible for enforcing regulations mandated by three regional fishery management councils, the conservation and protection of three national marine sanctuaries, and ensuring compliance with commercial and federal recreational laws and regulations throughout nearly 350,000 square miles of EEZ.

SED covers more than 3,160 miles of coastline, second only to AKD. However, the SED coastline has a much larger number of potential landing sites where commercial and recreational vessels have the ability to land economically important species, such as red snapper and grouper, IFQ managed fish stocks, swordfish, tuna, and other federally regulated species. In 2015, federally permitted vessels conducted more than 178,247 trips totaling \$610,414,051 in revenue. SED also has the fifth (Louisiana), sixth (Florida), and seventh (Texas) ranked states for domestic fish landings in the United States. Four of the top 10 international landing ports, by weight and value, are found in this region – Miami, Savannah, Galveston, and Tampa – as well as the ports of entry on the U.S.-Mexico border.

SED also has the largest recreational fisheries sector in the continental United States. In 2015, SED accounted for nearly 60 percent of the more than 61 million recreational fishing trips taken by U.S. anglers.

## Sustainable Fisheries

- Patrol, outreach, and investigation to deter and detect:
  - Observer assault, harassment, safety and interference complaints.
  - Red Snapper and Grouper Tilefish individual fishing quota (IFQ) under-reporting and illegal sales which undermine program integrity.
  - Recreational snapper/grouper closed season violations impacting annual catch allowances.
  - Commercial vessel incursions into Marine Protected Areas to protect spawning stocks and habitat.
  - Reporting requirements for commercial vessels and dealers, and highly migratory species (HMS) recreational fishers.
  - Illegal sales of fish harvested under a bag limit.

## Protected Resources

- Patrol, outreach, and investigation to detect and deter:
  - Violations of Turtle Excluder Device (TED) requirements to protect ESA listed sea turtles.
  - Illegal takes of marine mammals and ESA listed species to include dolphin feeding, illegal possession of sea turtles and other ESA listed species.
  - Violations of the speed reduction rules to protect North Atlantic Right Whales.
- Patrol, outreach, and investigation within marine protected areas relating to:
  - Violations in the Florida Keys National Marine Sanctuary, including:
    - Vessel groundings.
    - Unauthorized anchoring.
    - Illegal discharges.
    - Illegal removal of Sanctuary resources.
  - Violations in Flower Garden Banks National Marine Sanctuary, including:
    - Illegal discharges.

- Unauthorized fishing in designated areas.

### IUU/International

- Collaborate with law enforcement partners to enforce Port State Measures and to detect, deter, and investigate:
  - Foreign transshipment and fishing activity in violation of U.S. law or international treaty.
  - Maritime Boundary Line incursions by foreign fishing, fishing support, and transshipment vessels.
  - Illegal imports or undeclared product entering Ports of Entry in the Southeast Division
  - Transshipment and export of illegal product from U.S. fishing vessels.

### Seafood Fraud

- Patrol, outreach, and investigation to detect and deter:
  - Seafood safety violations under the jurisdiction of NOAA where public health and safety is at risk.
  - False labeling, mislabeling and misbranding violations having a significant impact on state, national or international commerce.

### Wildlife Trafficking

- Patrol, outreach, and investigation to detect and deter:
  - Trafficking in marine mammal and endangered species.
  - Fish and Wildlife illegally shipped or transported through airports, ports, or borders into domestic or foreign commerce.

# West Coast Division

The West Coast Division (WCD) encompasses the coastal states of Washington, Oregon, and California. The area of responsibility also extends inland to Idaho, North and South Dakota, and Montana. This unique division shares borders with Canada and Mexico, has five national marine sanctuaries along its coast, and includes 290 Marine Conservation Areas. The WCD is responsible for 1,293 miles of Pacific coastline and 7,863 miles of tidal shoreline, 222,471 nautical miles of EEZ, and 339,375 square miles of land encompassing numerous rivers and tributaries feeding into the Pacific Ocean. Two of the top 10 international landing ports, by weight and value, are found in the WCD—Seattle and Los Angeles. Additionally, there are 16 other international airports and 21 major international seaports monitored by the WCD.

Throughout the WCD are managed fisheries for salmon and steelhead, more than 90 species of groundfish, coastal pelagics such as anchovy and sardine, and highly migratory species such as billfish, sharks, and tunas. WCD also includes a number of ESA-listed species, including the Southern Resident Killer Whale population in the Puget Sound. Further, the Division is responsible for protecting ESA-listed species critical habitats from harm caused by stream alteration, water depletion, and drought conditions.

## Sustainable Fisheries

- Patrol, outreach, and investigation to deter and detect:
  - Observer sexual assault, assault, harassment, observer safety, interference, and significant sample bias violations.
  - Violations that degrade agency data quality including electronic monitoring and reporting, recordkeeping and reporting, observer data, and observer coverage.
  - Violations involving federally managed commercial fisheries with focus on salmon, HMS, Coastal Pelagic Species, Halibut, and Open Access groundfish.
  - Violations involving federally managed recreational fisheries for overfished species and gear requirements.
  - Violations involving commercial vessel incursions into closed areas or other Marine Protected Areas.
  - Lacey Act investigations of suspect Tribal Treaty fisheries harvests:
    - Involving organized illegal fishing conspiracies with non-tribal commercial fish dealers.
    - Incidents involving ESA-listed salmonids.

## Protected Resources

- Patrol, outreach, and investigation to detect and deter:
  - Illegal takes (e.g. Level A harassment, feeding, injuring, shooting, etc.) of ESA and MMPA listed species.
  - Wasteful takes by authorized marine mammal harvesters.
  - Lacey Act investigations involving suspect Tribal fisheries and marine mammal harvest products
  - Commercial/recreational violations relating to viewing of whales.
  - Vessel on whale collisions.
  - Destruction of listed salmon and steelhead critical habitat.
- Collaborate with the NOAA Fisheries West Coast Region to develop ESA section 4(d) protective regulations that identify take prohibitions.

- Patrol, outreach, and investigation within marine protected areas relating to:
  - Illegal marine mammal and seabird takes, and incidental take reporting violations.
  - Violations involving Federal/State Designated Special Closures, Marine Reserves, Marine Conservation Areas, and Marine Restoration Areas.
  - Unlawful discharge violations.
  - White Shark Approach and Attraction violations within the Greater Farallones NMS.
- Patrol, outreach, and investigation within marine protected areas relating to:
  - Vessel groundings and abandonment.
  - Overflight restrictions.
  - Fisheries within the sanctuary.
  - Protection of historic resources.
  - Motorized personal watercraft restrictions in the Monterey Bay and Greater Farallones NMS.

### IUU/International

- Collaborate with law enforcement partners to enforce Port State Measures and to detect, deter, and investigate:
  - Foreign transshipment and fishing activity in violation of U.S. law or international treaty.
  - Maritime Boundary Line incursions by foreign fishing, fishing support, and transshipment vessels.
  - Illegal imports or undeclared product on foreign vessels.
  - Transshipment and export of illegal product from U.S. fishing vessels.

### Seafood Fraud

- Patrol, outreach, and investigation to detect and deter:
  - Seafood safety violations under the jurisdiction of NOAA where public health and safety is at risk.
  - Mislabeling or misbranding violations having a significant impact on national or international commerce.

### Wildlife Trafficking

- Patrol and Outreach to deter, detect, and investigate:
  - Fish and Wildlife illegally shipped or transported through airports, ports, or borders into domestic or foreign commerce.
  - CITES listed fish and wildlife or parts entered illegally into interstate or foreign commerce.

RECEIVED

JUN 16 2017

ASMFC

Congress of the United States

Washington, DC 20510

June 12, 2017

Atlantic States Marine Fisheries Commission  
Attn: Megan Ware  
1050 N. Highland Street  
Suite 200A-N  
Arlington, Virginia 22201

To Whom It May Concern,

We write to express our appreciation for the balanced approach the Commission has taken to address the declining lobster population in Long Island Sound and urge the Commission and the Lobster Conservation Management Team (LCMT) to continue to work with the lobster industry to adopt a management plan that carefully and prudently seeks to increase lobster egg production.

Any increase in lobster egg production through changes to the catch limits should use a well-recognized base of production with a measureable goal that, taking into consideration the increases in water temperature, can realistically be achieved while maintaining a viable lobster industry in Connecticut.

We are aware of the lobster industry's concerns about using a 2014 egg production base because it may not be verifiable. It is imperative that a starting point is established according to sound science so every interested party has assurance of its validity. Further, any management plan should seek to limit the impact on the lobster industry while treating the recreational industry in the same manner so as not to create an uneven playing field. Finally, if a clearly articulated, consensus-oriented production base cannot be achieved soon, we would urge the Commission and the LCMT to maintain the current status quo.

Thank you again for your thoughtful approach to this most difficult yet important issue.

Sincerely,




RICHARD BLUMENTHAL  
United States Senate



CHRISTOPHER S. MURPHY  
United States Senate

  
ROSA L. DELAURO  
Member of Congress

  
JOE COURTNEY  
Member of Congress

  
JIM HIMES  
Member of Congress



ANDREW P. RAIA  
Assemblyman 12<sup>th</sup> District

RECEIVED

MAY 3 1 2017

ASMFC

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

MINORITY WHIP  
RANKING MINORITY MEMBER  
Committee on Health  
  
COMMITTEES  
Banks  
Environmental Conservation  
Housing  
Rules  
  
MINORITY REPRESENTATIVE  
Legislative Council on  
Health Care Financing

May 15, 2017

Atlantic States Marine Fisheries Management Commission  
Attn: Megan Ware  
1050 N. Highland Street Suite 200A-N  
Arlington, VA 22201

To Whom it May Concern:

I am writing you in regards to the Draft Addendum XXV to Amendment 3 to the American Lobster Fishery Management Plan and the impact it will have on the lobster fishing industry throughout the Long Island Sound. Due to the significant impacts the final plan will have on these entities, I believe it is imperative that the Atlantic States Marine Fisheries Commission (ASMFC) review new, updated data and assess the economic impacts the proposed measures will have on Long Island's lobstermen.

Representing a legislative district that incorporates a large swath of the Long Island Sound, I understand the importance of maintaining a healthy, stable and sustainable ecosystem. As you know, this body of water has been used as a fishing ground for hundreds of years, providing residents with economic opportunities as well as fresh seafood. Throughout the past decade, stock assessments showed a decline in the lobster population in the Long Island Sound, leading to stricter management measures aimed at stabilizing and building up the lobster population. Indeed, in 2013, the states of New York and Connecticut, in conjunction with the ASMFC, enacted a fall harvest closure aimed at accomplishing these tasks by preventing overfishing.

However, in recent years, lobstermen working in the Long Island Sound have witnessed an increase in their stocks, particularly in 2016, resulting in higher economic benefits for both them and their communities. This trend seems to be continuing throughout the early half of 2017 as well, leading to new fishing and employment opportunities in the relevant industries. Unfortunately, due to the fact that the ASMFC does not have the current data regarding these updated figures and is basing its assessment on outdated numbers, I fear that the proposed management plan will inadvertently impact lobstermen in a negative way.

The new and updated data will be made available from the NOAA Fisheries Observer Program later in the year, and I urge the ASMFC to review this information before finalizing a new management plan. I would also implore the ASMFC to fully analyze and take into account the concerns of the lobstermen themselves before taking any further action. The Long Island Sound is a tremendously bountiful and delicate resource for thousands of nearby communities, and I

PLEASE REPLY TO:  Room 635, Legislative Office Building, Albany, New York 12248 • 518-455-5952, FAX: 518-455-5804  
 75 Woodbine Avenue, Northport, New York 11768 • 631-261-4151, FAX: 631-261-2992  
EMAIL: RAIAA@nyassembly.gov

believe that incorporating these factors into the final management plan will benefit not only the lobstermen themselves, but the millions of residents who live in immediate proximity to this body of water.

Thank you for your consideration, and if I can be of any further help, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Andrew P. Raia". The signature is written in a cursive style with a horizontal line under the "a" at the end.

Andrew P. Raia  
Member of Assembly  
12<sup>th</sup> A.D.



## Megan Ware

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**From:** bobwlang@aol.com  
**Sent:** Monday, July 03, 2017 11:15 AM  
**To:** Megan Ware  
**Subject:** Lobster Addendum XXV

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Ware,

It is nice to see that there was no closure of lobster fishing in New jersey for the summer months, as proposed. I am a sport diver. Summer is the only time that local divers can go Lobstering (due to water temperatures). As you & your initiative work to make waters healthy for the coastal waters, please keep in mind the sport diving community.

As you & your office sees fit to stop certain fishing, please consider off season for the local recreational sports-person.

Sincerely,  
Robert Lang

1757 N. Olden Ave Ext  
Ewing, NJ 08638  
phone: 609-538-1970  
fax: 609-538-8954