Atlantic States Marine Fisheries Commission

American Lobster Management Board

February 3, 2015
10:45 a.m. – 12:45 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. *McKiernan)*	10:45 a.m.
2.	Board Consent • Approval of Agenda • Approval of Proceedings from October 2014	10:45 a.m.
3.	Public comment	10:50 a.m.
4.	Review and consider approval of Draft Addendum XXIV for Public Comment (*M. Hawk*) **Action**	10:55 a.m.
5.	Review and Consider LCMA 5 Request for a Review of the Season Closure Approved in October (*T. O'Connell*) **Action**	11:10 a.m.
6.	Update on Trap Transfer Database (*D. McKiernan*)	11:25 a.m.
7.	Review Maine Pilot Trap Tag Project (*P. Keliher*) **Possible Action**	11:30 a.m.
8.	Update of Progress on Draft Jonah Crab Interstate Fishery Management Plan (*M. Hawk*)	11:45 a.m.
9.	Review and Populate Jonah Crab Advisory Panel (*M. Hawk*) **Action**	12:40 p.m.
10.	Other business/Adjourn	12:45 p.m.

The meeting will be held at the Westin, 400 Courthouse Square, Alexandria, Virginia, 703-253-8600.

Vision: Sustainably Managing Atlantic Coastal Fisheries

MEETING OVERVIEW

American Lobster Management Board Meeting
Tuesday, February 3, 2015
10:45 a.m. – 12:45 p.m.
Alexandria, Virginia

Chair: Dan McKiernan (MA) Assumed Chairmanship: 08/14	Technical Committee Chair: Bob Glenn (MA)	Law Enforcement Committee Representative: Cornish (ME)
Vice Chair: David V.D. Borden (RI)	Advisory Panel Chair: Vacant	Previous Board Meeting: October 28, 2014
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2014

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 XXIV (10:55 – 11:10 a.m.) Action

Background

- In October, the Lobster Board initiated an addendum to the Lobster FMP to align state and federal trap transferability plans
- Draft Addendum XXIV **(Supplemental materials)** addresses the following issues:
  - There is no conservation tax on full business transfers under the federal plan, while the Commission plan has a 10% conservation tax.
  - The federal plan allows trap transfers in increments of 10 traps, while the Commission plan has varying trap transfer increments by management area.
  - The federal plan allows all federal permit holders to purchase traps from a permit holder with qualified allocation in Area 2, Area 3 or the Outer Cape Cod area, while the Commission plan only allows only dual permit holders to transfer traps to another dual permit holder in the same state.

Presentations

- Review of Draft Addendum XXIV for Public Comment by M. Hawk

Action for consideration

- Approve Draft Addendum XXIV for Public Comment

5. Lobster Conservation Management Area 5 Request (11:10 – 11:25 a.m.) Action

Background

- In October 2014, the Board approved a closed season from April 30 to May 31 for LCMA Area 4 and 5 to achieve the required 10 percent reduction in Addendum XVII and allow a two-week grace period for the removal of lobster traps and allow the setting of unbaited lobster traps one week prior to the season reopening.
- LCMA 5 is asking for reconsideration of this action, due to the minimal overage in this area and the small contribution of the area to the Southern New England (SNE) stock **(Briefing materials)**
- LCMA is requesting a season closure February 1 – March 31 and mandatory v-notching for LCMA 5 until the 2012 assessment is completed

Presentation

- Review of request by LCMA 5 by T. O'Connell

Action for consideration

- Reconsider the LCMA 5 closure
- Approve request for a season closure from February 1 – March 31 and mandatory v-notching by LCMA 5

6. Trap Transfer Database (11:25 – 11:30 a.m.)

Background

- The LobSTAH database continues to address the goals of the final database, discuss ways to ensure the allocation and permit information are properly maintained at the state, federal, and ACCSP level and review timing of trap allocations and trap cuts

Presentations

- Review of progress by D. McKiernan

Action for consideration

- None

7. Maine Pilot Trap Tag Project (11:30 – 11:45 a.m.) Action

Background

- At the October 2014 Law Enforcement Committee Meeting, Maine brought forward a concept to allow fisherman to hog ring trap tags to traps when replacing or re-rigging traps instead of requiring fisherman to acquire replacement tags. This alleviates the burden on Maine DMR in processing and recording new trap tag numbers.
- Maine would like to initiate a pilot program for the 2015/2016 fishing year to test this concept.

Presentations

- Overview of the Maine trap tag pilot program by P. Keliher

Action for consideration

- Approve Maine's trap tag pilot program.

8. Update on Draft Jonah Crab FMP (11:45 a.m. – 12:40 p.m.)

Background

- In October 2014, the Board initiated a draft fishery management plan for Jonah crab to address the increased market and lack of management of the species
- The Plan Development Team is working to develop an FMP, but the PDT requires additional information from the Board to make progress

Presentations

- Update of Draft Fishery Management Plan by M. Hawk

Action for consideration

- None

9. Jonah Crab Advisory Panel (12:40 – 12:45 p.m.) Action

Background

- The Jonah Crab Advisory Panel will provide guidance to the Board pertaining the status of the fishery
- The Jonah Crab AP must be populated as the FMP continues to be developed
- Typically, an AP consists of members of the recreational and commercial fishing communities, as well as those concerned with Jonah crab conservation and management

Presentations

- None

Action for consideration

- Approve nominated members to the Jonah Crab AP

10. Other Business/Adjourn

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

AMERICAN LOBSTER MANAGEMENT BOARD

Hilton Mystic
Mystic, Connecticut
October 28, 2014

TABLE OF CONTENTS

INDEX OF MOTIONS

INDEX OF MOTIONS (continued)

14. **(MAIN MOTION AS AMENDED): Move to accept the 2014 FMP Review and de minimis requests for Virginia, Maryland and Delaware.** Motion carried (Page 25).

15. **Move to take no action on the recently approved LCMA 4 and 5 until after the completion of the stock assessment** (Page 27). Motion by John Clark; second by Tom O'Connell. Motion defeated (Page 27).

16. **Adjournment** by Consent (Page 27).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)
Steve Train, MD (GA)
Rep. Walter Kumiega, ME (LA)
Doug Grout, NH (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
G. Ritchie White, NH (GA)
William Adler, MA (GA)
Rep. Sarah Peake, MA (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)
David Borden, RI (GA)
Rep. Craig Miner, CT (LA)
Lance Stewart, CT (GA)
James Gilmore, NY (AA)
Emerson Hasbrouck, NY (GA)
Katherine Heinlein, NY, proxy for Sen. Boyle (LA)
Adam Nowalsky, NJ, proxy for Asm. Sgt. Andrzejczak (LA)
Tom Baum, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ (GA)
Roy Miller, DE (GA)
John Clark, DE, proxy for D. Saveikis (AA)
Bill Goldsborough, MD (GA)
Russell Dize, MD, proxy for Sen. Colburn (LA)
Thomas O'Connell, MD (AA)
Peter Burns, NMFS

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

Ex-Officio Members

Joe Fessenden, Law Enforcement Committee Rep.
Bob Glenn, Technical Committee Chair

Staff

Robert Beal
Toni Kerns
Kate Taylor
Marin Hawk

Guests

Chip Lynch, NOAA
Kevin Chu, NOAA
Kelly Denit, NOAA
Harold Mears, NOAA
Steve Meyers, NOAA
Jason Berthiaume, NOAA
Michael Pentony, NMFS
Pat Moran, MA Environmental Police
Derek Perry MA DMF
Jeff Mercer, RI DEM
David Hilton, NMFS
Brendan Muffley, NJ DFW
Mike Luisi, MD DNR
George Lapointe, Hallowell, ME
Justin Leblanc, NCFA
Lou Goodreau, NE FMC
Penny Howell, CT DEEP
Colleen Giannini, CT DEEP
Joseph Gordon, PEW
Ethan Lynch, URI
Roger Frate, Darien, CT
Janice Frate, Darien, CT
David Spencer, AOLA
Beth Casoni, MA Lobstermen's Assn.
Janice Plante, Commercial Fisheries News
Brian Thibeault, Charlestown, RI
Lanny Dellinger, RILA
Arnold Leo, E. Hampton Baymens Assn
Richard Allen, Little Bay Lobster Co.

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 28, 2014, and was called to order at 8:00 o'clock a.m. by Chairman Dan McKiernan.

CALL TO ORDER

CHAIRMAN DAN McKIERNAN: Welcome to the American Lobster Board Meeting this morning. My name is Dan McKiernan from the Massachusetts; and I will chairing the meeting today.

APPROVAL OF AGENDA

First on the agenda is the agenda. Are there any changes to the agenda? Terry.

MR. TERRY STOCKWELL: Mr. Chairman, I would like to add a short discussion on Gulf of Maine Cod Bycatch and Traps under other business.

CHAIRMAN McKIERNAN: Anyone else? Seeing none, next we have the approval of the minutes of the August 2014 meeting.

APPROVAL OF PROCEEDINGS

CHAIRMAN McKIERNAN: Are there any comments on those proceedings? Seeing none; I'll assume they're accepted.

PUBLIC COMMENT

CHAIRMAN McKIERNAN: Public comment; is there anyone here in the audience who would like to speak on any of the items that are not on the agenda this morning? I see one hand in the back of the room.

MR. ROGER FRATE: I'm President of the West End of Long Island Lobster Association in Connecticut. I've been fishing over 50 years, running three boats with my son. I started the first lobster association – I mean, the first logbook in 1974. I started out of Darien Seafood a v-notch program; also declared the Sound a disaster along with Terry Backer, Doc Gunther, Lance Stewart and Congressman Chase. We got the $13 million; six for research.

I just want to talk about what is happening in the Sound. My logbook, me and my son were the biggest fishermen in the Sound. Our problems all started in 1999 when West Nile started. The industry was a hundred million dollar industry just in Connecticut. There was approximately 1,150 fishermen. Hurricane Floyd started the problems in 1999.

September 17th the EPA 155,000 sardines with pesticides. Our logbooks show ninety to a hundred percent down after that. Working with Doc Gunther, Lance Stewart, Attorney General Blumenthal – there's about 20 names I can give you right up the governor, right up with feds. Going back forth to Wesley, Rhode Island, I used to buy from Champion Seafood in 2000. The same thing happened and lobsters ran offshore.

They didn't die so much like they died down our way. Newport, the same thing there. Okay, I was trying to find out what the problem was, Doc Guenther, and trying to get everyone the use of bacteria.

Dr. Franks from UConn proved that the immune systems were blown apart with all the pesticides the EPA put in. In 2004 there was a symposium; $125 million suit we had. LeGuise was forced to use New York's results and drop all the chemicals and pesticides they found in lobsters at which blew their immune system apart. You know, lobsters are an arthropod; the same mosquito family. Our state along with Doc Gunther and Terry and Blumenthal and Lance Stewart and an awful lot of other people; we more or less outlawed the pesticides and we're using the BTI.

Al Gutman is the head of mosquito control in Rhode Island; he did the same thing. He only used methoprene in the beginning. Now he is using BTI four star. The 15-year rebuilding plan, which I had said from the beginning was going to be ruination of the lobster industry. Now, as I go back to Rhode Island, every year two or three boats are sold. They can't make a

living with 800 traps. Gauge is 3-3/8 is going to be 3- ½; they're running offshore when it is not even warm out.

Catch quotas, season closures – like our state has a season closure. There is about maybe 15 lobstermen in the whole state now out of 1,150. There is no reason to have a season closure. During this time we got a bill passed; 2013, July 21st, they passed the bill 6441 outlawing methoprene and resmethrin. That was the biggest thing.

Dr. Gunther tried to get that done for the last four years. He passed away two years ago; but I'm sure everyone knows him here and how he loved this organization. I'm sure he is sitting right with us. You know, we worked everything out of Darien Seafood. We talked to every state up and down from Groton to New York on this side and from Montauk to New York City trying to change to BTI. Suffolk County; $4 million a year, spraying out of helicopters and loading all the storm drains with methoprene, scourge, anvil. Last year; I got a meeting there with a gentleman named Snyderman. He is a legislator who is running a health department and he is trying his own man from spraying.

CHAIRMAN McKIERNAN: Sir, are you going to ask this board to address spraying issues or where are you going with this?

MR. FRATE: I'm going with what is happening – what is going in the whole lobster industry from the ocean to the sound, what is happening to our industry. I just want to talk about how we are spraying the Long Sound out. I want to tell you the guys that passed this bill: Senator Duff, Senator Backer, Senator Craig Miner, Senator Leone, Senator Steinberg, Senator Elissa Wright; and the governor has signed it. The meeting was –

CHAIRMAN McKIERNAN: Sir, if you don't mind, I appreciate your concerns. I have a feeling that you want to go on and you want to bring a lot of information forward on this. Can I ask you to submit it to us in writing and we'll try to address it at the next meeting or can I move you to other business toward the end? We have a ton of business to accomplish; and I just don't know what particular action or input you want from the board or do you just want to recount history here?

MR. FRATE: They came down to my store January 19th, Bill Hyatt – Dave Simpson couldn't make it – and Colleen. Okay, they did the research. I just want to talk about this; the research of $90,000 in 2012 and 2013. The same UConn found that the same thing. The Bridgeport Agriculture School with the most modern technology found nothing. Michigan State University, the lobsters thawed out. When I brought this over to Long Island, it blew the whole Long Island take in our bill, which we tried to get adapted; Doc Gunther and Attorney General Blumenthal.

Now when I called the Bridgeport Agriculture School and talked to the main girl, Holly Turner said they never did any research up there on these pesticides. I just wonder where we're going with this. We have been working so hard at our West End of Long Island Sound. We got a bill passed and all these laws since the 15-year rebuilding plan are really to protect research – that has what has become of this; millions of dollars of research and laws made up so fishermen can't fish. I'd like you people to look at this and see what you're doing from the sound to the ocean. Thank you very much.

CHAIRMAN McKIERNAN: Strong points; all right, thank you very much. I appreciate your comments. Anyone else from the public? Seeing none, thank you. Next on the agenda is Review of the Cancer Crab Public Information Document; Kate Taylor.

REVIEW OF THE CANCER CRAB PUBLIC INFORMATION DOCUMENT

MS. KATE TAYLOR: I am going to very briefly go through the public information documents and talk about the public comment that was received. Just for background, the board did initiate the development of an FMP based on the recommendations from the Jonah Crab Fisheries Improvement Project, which

seeks to improve Cancer crab performance to a level that is consistent with MSC certification.

Specifically, the FIP recommended to the commission to address the fact crabs are currently unregulated in federal waters; that landings and effort are increasing rapidly. There are currently no minimum size regulations to protect spawning biomass. The expanding fishery may threaten the effectiveness of lobster conservation measures; and the long-term sustainability may be compromised.

Current management in state waters for the commercial fishery is variable between jurisdictions. There is no maximum landing size restrictions. All states do require some reporting and some states require licensing. There is variable recreational management between the jurisdictions as well. As I mentioned, in federal waters all harvest is unregulated.

There is a table that is contained in the PID that explains the regulations by states. The current status of the stocks for both Cancer crab species – this is Jonah Crab and Rock Crab – are unknown. There is no range-wide stock assessment for either species. States currently do some assessment surveys for the species; but they do vary by state and there is information collected through NOAA Fisheries that our technical committee is working to analyze this information. Since 2002 the Cancer Crab Fishery has increased from about two million pounds to almost nine million pounds in recent years.

The public information documentation contains mainly seven sections asking specific questions of the public to gain information. The first issue is coordinated coast-wide management needed and should this be through the commission. There are kind of all the general questions that were asked; so I'm not going into this in great depth.

The second issue dealt with what should the management objectives be? The third issue asked if the commission should require a minimum size for Jonah and Rock Crab; and should there be a possession tolerance; and also should there be a prohibition on commercially harvested female crab or a prohibition or the possession of egg-bearing females; and also how should the recreational fishery be managed?

Issue 4 asked if the FMP should require a license for commercial harvest and should it be linked to the lobster fishery. Currently licensed lobstermen harvest about 98.3 percent of the Jonah Crab landed from federal waters. Maine, Massachusetts and New Hampshire already tie Jonah Crab harvest to their lobster licenses.

The PID also addresses monitoring; specifically what level of monitoring is needed and what should be required. Motioning on to Issue 6, the FIP requested the commission consider implementing an interim measure prohibiting the possession of female Jonah Crab until the FMP comes into effect. The PID asked if emergency or interim measures should be implemented. Lastly, the PID asked what recommendations should be made to federal waters. Are there any question on the PID?

PUBLIC COMMENT SUMMARY

Seeing none; the public comment period ran from August 20th to October 3rd. During this time comments were submitted by eleven individuals and five organizations. There were public hearings held in five states with about 80 percent of the attendance at the Maine and Rhode Island hearings.

Written comments that were received – now, this is for both individual and organizational comments. They were very similar so I combined them. The general consensus was the commission should manage the two fisheries; possibly separately; and that the commission needs to take into account the biological differences and regional differences, if there are any.

Under the management objectives, there were comments that there is a need to maintain a healthy and sustainable fishery that optimizes economic return while protecting the participants who have been historically engaged in the fishery. Moving on to Issue 3,

management measures, there was support for the protective measures for females, including a tolerance for any measures.

There was support for different size regulations for Jonah and Rock Crab; and you can see the numbers up on the screen; and also support for a tolerance. Comments were received that we need to consult the technical committee, AP and LEC in determining the size regulations that are appropriate.

There was also some support for bag limit and size limits in the recreational fishery or that size limit should be consistent in the recreational fishery with the commercial fishery. For Issue 4, there was support for linking the crab permits to the lobster permit; that participants in the fishery should be limited to those with authorized trap tags for the lobster fishery; and the possibility that the landings' history should be taken into account when determining license qualification.

Many comments support mandatory data collection and also that biological information is needed prior to management decision determination and that industry should be included in any monitoring program. There was mixed support for taking emergency action at this time; but there was support for consistent regulations between federal and state waters.

Other general recommendations that were received is that the commission needs to set a control date; that no regulations are needed for the fishery right now. There was expressed concern about the tremendous influx of participants into the fishery; that there is socio-economic importance of the fishery, especially in the wintertime. This was stressed a lot; that there is need for clear universal names. There is a lot of regional name differences and it could cause confusion in landings and landings' history; and recommendations to use a shell height restriction or escape vents in management action.

Moving into the public hearings; some of these were similar comments. Again, that there is need for consistent coast-wide management through the commission and to possibly manage the species separately. The management objectives should achieve the maximum economic yield, although the long-term sustainability of any Cancer Crab Management Program will be difficult given the variability and the cyclical nature of the fishery.

Issue 3 recommends that there is support for a 4-1/2 to 5-inch minimum size. Many comments were received that fishermen already currently throw back females; so there is no need to regulations to protect the females. Also, there were comments received that at the right minimum size there is no need for female-specific regulations.

A few comments were received that gauging each crab would take a lot time in this high-volume fishery. There was mixed support for a tolerance. There was mostly unanimous support for linking the crab permits to a lobster permit with an authorized trap tag; but a few comments did say that there might be a possible way to grandfather in people with a lobster permit that currently do fish for Cancer Crab.

In general the data collections focused that we need more information before management; and if any data collection program is developed, there should be industry involvement. On Issue 6, emergency action, there was some support but comments did say that it might be hard to pass an emergency measure given the standards set by NOAA Fisheries and also in light of the fact that there is not a lot data; so it is hard to prove that an emergency exists.

In general there were comments that interim actions could include making a harvest with lobster permits and possibly start at a 4-1/2 minimum size restriction. There was general support of consistency between federal and state waters' regulations. Other recommendations that did come up for inclusion if the board goes forward with the development of an FMP is we will need to address crab parts; also the consideration of molt phase or hardness in regulations as the processors want hard crabs; also that the statement should issue a statement that management is in progress to make sure that

buyers know that this is a sustainable fishery; and again the use of escape panels.

Also, the commission needs to consider the socio-economic importance of this fishery. Actually, we're currently at the step of reviewing the PID; and moving forward, there would be potential for review of the management in February or possibly in May if the board does go forward with this, with a review possibly at the end of 2015.

CHAIRMAN McKIERNAN: Any questions for Kate? Adam.

MR. ADAM NOWALSKY: I was wondering, Kate, if there was any comment during the public hearing – I saw the comments about expressing interest in protecting some of those people who have been in the industry; that it was a fishery that was growing. Was there discussion about why it was growing with regards to is it primarily displaced lobstermen?

I mean, this board and the service has taken significant actions in recent years. We heard comment at the beginning from the public here today about certain human-induced factors that are affecting it; and is this primarily displaced lobstermen at this point and are we going down a road of having to have to manage another species as a function of management actions we felt we have needed to take in the past or are they just discovering that they could sell these crabs now?

MR. ROBERT GLENN: I'll take question for Kate. I think it is a combination of factors. I think there are several industry members in the room who could correct me if I'm wrong; but I'll take a stab at it. With the decline in the Southern New England lobster catch, there certainly has been a shift to other species.

We see it on channeled whelk in state waters; and in federal waters the shift has been primarily to Jonah Crab fishing. At the same time, I think markets have expanded for those and the processing capacity has increased pretty dramatically in recent years. The combination of those factors have caused a large shift in effort in federal waters south of New England. I think it is where the primary increases in Jonah Crab landings have occurred. So, yes, I think it is a combination of market factors along with displaced fishermen in the lobster fishery looking for ways to increase their income.

MR. DAVID V. BORDEN: Yes, just to follow up on Bob's point, I think everybody should keep in mind that the shift by the industry into crabs is to the benefit of the lobster industry. From what we can tell, about 99 percent of the people are lobster fishermen; so the fact that they're directing on crabs actually is taking some of the pressure of the lobster industry in Southern New England.

Mr. Chairman, while I've got the mike, I'd just like to say that I intend to recuse myself from any voting on crab issues. I think as everybody knows, I'm the executive director of Atlantic Offshore. In the conflict policy, we've got this requirement where if you have more than 10 percent interest, you should recuse yourself. I don't know whether our members land more than 10 percent because I don't have the confidential information to make that judgment; but just out of an abundance of caution, I talked to Bob and I think the best thing to do is just recuse myself. Thank you.

MR. THOMAS O'CONNELL: Kate, I apologize if I missed it, but my understanding is some of the Maryland fishermen brought up the issue of a crab-only fishery. Would that be explored in this FMP if it goes forward, understanding it would have to be evaluated as to whether or not it would sustainable and enforceable.

MS. TAYLOR: Do you mean a crab license that is not linked to a lobster license?

MR. O'CONNELL: It is a claw-only fishery.

MS. TAYLOR: Yes; the issue of addressing crab parts versus whole crabs has been brought up; and so that is one of the items that we can address in the development of an FMP if the board does choose to go forward with that.

MR. STEPHEN R. TRAIN: Mr. Chair, that may have answered my question. I noticed in the comments there was a comment that said crabs shouldn't be sold whole, which kind of shocked me. If we only land parts, there is no sense in putting a size limit in.

CHAIRMAN McKIERNAN: Fair point. All right, is there any comment from the audience or questions from the audience? Yes, David.

MR. DAVID SPENCER: David Spencer, offshore lobsterman, Newport, Rhode Island. I agree with everything Bob Glenn said in responding to the question. I just had one addition. It is obvious to most fishermen that the crab resource is exploding; and as well the spatial distribution and volume is pretty much unprecedented. I think that is an important consideration into the answering of your question.

MR. BRYAN TEBOW: Bryan Tebow, President, Redtail Fisheries, lifetime fisherman. I do agree also with Bob Glenn in his statement where lobstermen are diversifying into the crab fishery. It has always been a bycatch for our fishery and it has become more prevalent. The marketing has increased. I think we're sitting here today discussing if the commission is going to decide to take some management on the crabs.

It got brought to a highlight it seemed like basically because of economics. Some of the buyers and processors of the crabs are deeming that we need a sustainability clause attached to them. It is really not a biologically driven crab plan. I know the FIP put out for that public information document – when we had public hearings on it, I might have misconstrued how that process worked. It seemed like when I read the minutes from the meeting that there were votes given.

I saw Kate had put up eleven people had spoke on it. I know the public information part of it is closed now; but I would have voted at that time to support a 4-1/2 inch crab and potentially the 5-inch crab that is brought forward. The need for tolerance, if this commission does accept to make a recommendation for an FMP, a tolerance needs to be included in that dramatically.

It is a fishery that a lot of us are in. It is a volume fishery. The tolerance will help the on-board processing of the crab. We fish very economically on the crab. We know what the market is for them already. I have done a tremendous amount of sampling on crabs. I have done 1,200 samples on board myself. The largest female crab I've touched is 123 millimeters. With a 4-1/2 inch carapace width, we would be protecting 98 percent of the females according to my studies that have been done so far. There is not a lot of –

CHAIRMAN McKIERNAN: If I could cut you off because those are issues that are going to be brought up as potential items for the draft addendum; so I don't think you need to lobby on that issue just yet. I appreciate your feedback. Are there any particular questions for Bob or for Kate at this time? I think whatever you're going to be giving us, we're be getting into next. I think you're jumping the gun.

MR. TEBOW: Okay, I apologize if I have jumped the gun in the process. Again, lifetime fisherman; I feel invested; I have taken the time out of the day to come and speak. I am sure there are commissioners here that are not aware of the whole process. We're not a greedy bunch of fishermen trying to catch the last crab in the fishery.

We have supported the process going forward if the commission decides to accept it. Please hear the fishermen out. It is an important part of our fishery. Without a tolerance attached to the plan – and I know it will be discussed later – I can't express enough importance of that on the rail of my boat. I thank you for your time.

CHAIRMAN McKIERNAN: Thank you, Bryan. Any other comments or questions? All right, seeing none, there was a memo that I drafted for the board dated October 21st, and it sets out what I described here as a decision pathway. The first thing we have to do is decide whether to move forward with management and the development of an FMP. Once we have

done that, we need to decide how do we want to populate the usual other committees; specifically the plan development team, the technical committee and an advisory panel. I think at this time it would be useful if we could get a motion to decide whether or not to continue on the path of a fishery management plan for Cancer Crabs. Steve Train.

MR. TRAIN: Mr. Chair, I'd be happy to make that motion. I may need some help with the wording with staff. I **believe it would be in our best interest to create a PDT for the development of an FMP; but I believe it should be for Jonah Crab exclusively. I think we need to eliminate the combination of the other crabs**.

CHAIRMAN McKIERNAN: Steve, at this time I think it is a simpler request of do we want to move forward with the development of a management plan or not; so you're saying, yes, you move that we do that.

MR. TRAIN: Yes.

CHAIRMAN McKIERNAN: But for Jonah Crab exclusively; not for rock crab?

MR. TRAIN: Correct.

CHAIRMAN McKIERNAN: All right, do I have a second on that motion; Bill Adler. Any discussion on the motion? Terry.

MR. STOCKWELL: At the Portland, Maine, public hearing, there was a great deal of concern and confusion on the document because of the Cancer Crab designation. At least in the Maine fishery what we call pekee toes could be rock crabs; it could be sand crabs; it could be grass crabs. The difference is the focus being of the Jonah Crabs; and some of our fishermen call Jonah Crabs rock crabs. The terminology was very confusing.

As Kate remembers, it took a lot of time to untangle it; so Steve's point of focusing – if the intent of the board is to focus on Jonah Crabs, we should be very specific of what it is. Otherwise, a myriad of regulations on sizes, of types; I think we can make it very complicated very quickly. I would support Steve's motion.

MR. WILLIAM A. ADLER: Mr. Chairman, I would like to ask Dave Borden is there any possibility that the other crab specie that we're eliminating here might also be a marketable thing and then we have to come back and figure this out? Is there anybody that can answer that question for me?

CHAIRMAN McKIERNAN: David Borden, would you like to respond?

MR. BORDEN: To Bill's question, there is already a market for the rock crabs now; but the primary market now is for Jonah Crabs. I think on Steve's motion; I think this is a very good idea. You may want to include Terry's suggestion, Steve, in this that the motion would basically say move to develop an FMP with an initial focus on Jonah Crabs. That would preserve the option for the commission to subsequently look at other species later on; but it is up to you.

MR. STOCKWELL: Just as a follow-up to David's suggested perfection; most of the other crabs are state water crabs only at least in Maine. We haven't even talked about collaborating with the feds or the council; so I would be comfortable with a federal waters fishery of the Jonah Crabs only.

MR. ADLER: If we proceed with an FMP on the Jonah Crab and all of a sudden we decide that the other crab – and I agree with Terry with the confusion here, rock crab, whatever – do we have to do a complete different FMP or an additional amendment just like this for the other crab, then? Is that what we would have to do?

MS. TAYLOR: That would depend on where in the process you want to add it. Likely if a PDT and AP is developed, we would bring a draft back to the board for February; and at that time the board, based on the language in that draft, could decide if they wanted to include another crab species. If it was after an FMP was approved, then we would have to go through like an additional process.

MR. THOMAS FOTE: I'm just curious. If the other fishery is a state fishery only; do those states migrate from one state to another? It used to be a long policy that we really didn't do the crabs because, again, we used to use the Wallop-Breaux money. Since they didn't basically handle crabs, we couldn't do crabs way back when; and we've started doing crabs now – but also we didn't do crabs because we were looking at blue claws. They didn't basically didn't migrate from one state; so it was up to the state to control their crabs. Are the other crabs migrating from one state to the other or are they in their own state; so we shouldn't really have – Jonah is out in the EEZ so I guess it would be different.

CHAIRMAN McKIERNAN: Yes, maybe Bob Glenn can respond to that question.

MR. GLENN: I'm sure there is some minimal cross-boundary movements among adjacent states for Jonan and rock crabs. I don't think we know a lot about what are their migratory habits. There is not really any large-scale tagging studies that I'm aware. What does strike me, though, with both Jonah and rock crab fisheries at least in my experience with Massachusetts and Rhode Island; that there is certainly a lot of opportunities for interstate commerce of the two species; so you may want to consider those types of issues relative to having an FMP.

MR. DAVID SIMPSON: I think this is the right way to go to focus on Jonahs; that is what originally came up. I do just want to ask, though, if there is a value in including the rock crab because of the gear that is used and potential problems with managing trap limits for lobster if there is also a rock crab trap out there that looks very similar. Are there concerns around the table about that?

CHAIRMAN McKIERNAN: Well, personally, I could speak to that as we deal with the Large Whale Take Reduction Plan with the National Marine Fisheries Service. It is an issue that we address. As managers we're often touting the strict effort controls that we've accomplished in the lobster fishery; and it is a difficult sell if folks who are listening to us realize that there is a potential or real proliferation of other gears that are largely unregulated. Peter Burns.

MR. PETER BURNS: I just wanted to say that I could see that looking at the development of a Jonah Crab Plan; and from what I'm hearing, it sounds like it is mostly a federal waters fishery and prosecuted by federal lobster permit holders. As we move forward here, I just recommend that the commission work with the New England Fishery Management Council as needed to engage with them as the development of this management plan moves forward.

MR. WALTER KUMIEGA, III: Just to make sure we don't have any further confusion; can we use the scientific names, especially what you refer to as being referring to as rock crab. Especially in eastern Maine that is not what we call them and that led to a lot of the confusion that Terry referred to earlier about the public hearing.

CHAIRMAN McKIERNAN: Certainly; I think one of the solutions was to refer to the genus, the Cancer Crabs as the pair; but at this point it looks like we're leaving rock crabs behind. Any comments from the audience? I guess we can take a vote on this motion. Can we take a vote on this particular motion, Kate? Do we need to caucus?

All in favor of the motion; opposed; abstentions; null votes. **All right, it passes unanimously**. Next up is our task with the staff's assistance to decide on the creation of a plan development team, a technical committee and an advisory panel. Can I get a motion or, Kate, would like to discuss some of the advantages of the options? We have two options. One would be to assign the FMP to the incumbent Lobster PDT or to create a separate now Jonah Crab PDT.

MS. TAYLOR: Just in general for the creation of a separate Lobster and Cancer Crab committees; for example, our Lobster Technical Committee is working very hard on the Lobster Stock Assessment right now; so it would be very difficult to assign tasks to the Lobster Technical Committee to review any development of an FMP.

Additionally, the AP for lobster is mostly inactive at this time. There was significant public comment that was received that an AP should be developed and be involved with the development of any FMP. Additionally, we need to have states that are interested in the fishery need to make sure that they e-mail Toni to declare their interest in the fishery.

We can work offline to populate these committees; but it will be helpful to have direction from the board whether they would like to move forward with either tasking the current committees as they stand under the Lobster Board, the technical committee, advisory panel and PDT, or create new committees specific to Cancer Crab.

MR. ADLER: My question to Kate; if you try to form a different PDT or technical committee or advisory panel; are we talking about the same people are going to end up on this one that are on the other one? Are we going to have a completely different new slate of people on the PDT, technical committee or is it just going to be the same people; isn't it?

MS. TAYLOR: That would depend on whom the state moves forward with recommending. It is our hope that given the workload of the Lobster Technical Committee; that hopefully those people would be different. For the PDT, also we would hope that the members do not include necessarily the technical committee person, but do contain some higher level management officials since this will be a policy development document.

MR. STOCKWELL: Mr. Chairman, I think it is unrealistic to expect states, even the state of Maine who has got an extremely valuable and lobster fishery, to dual staff the PDTs. We don't have the manpower. Our lobster biologist and his crew, when they did the crab project, were the very same people. I would be supportive of having a PDT that was the same PDT for both lobsters and crabs. I think we'd probably need to take a look at the AP and expand it to include different representation from the LCMTs; because this crosses many boundaries.

CHAIRMAN McKIERNAN: I'm going to recognize Toni.

MS. TONI KERNS: Just to clarify; plan development teams are disassembled once a document is finished and completed. We currently do not have a PDT for the Lobster Board; so we would need to populate a PDT to craft this FMP. For the other committees, yes, we do have current committees for lobster and you could decide whether or not you want to have new members or not for that.

MR. G. RITCHIE WHITE: I think there ought to be a separate advisory panel. Clearly, the existing advisory panel would have members that aren't fishing for crab; and I think that ought to be made up of people that are clearly targeting crab as well. I think that should be a separate advisory panel.

MR. DOUGLAS E. GROUT: Yes; I concur with Ritchie that the AP needs to be a separate panel. Whether the technical committee or PDT are separate, it doesn't make any difference to me; I am going to put the same persons on it no matter what; so you can either call it separate or the same.

MR. BORDEN: Mr. Chairman, as far as the AP, I support the concept of having a separate AP. If you look at the LCMTs, there are a large number of individuals that basically are not participating in crabs; and I think it would benefit the crab discussion to have people that are focused on that fishery.

As far as the PDTs and technical committees, we're talking about it like it is mutually exclusive; and I don't view it that way. In other words, to Terry's point, he has got an individual who is really focused on lobsters and if he wants that same individual on a separate PDT and a separate technical committee to serve in both capacities; I see nothing wrong with that.

When this came up in the FIP process, the point was made that there are individuals who actually specialize in crabs and maybe we should include some of those. I think if we leave it flexible so

the states can appoint either new people or the same people and just let the states do the designation, we don't have to argue about the point.

CHAIRMAN McKIERNAN: Thank you. Can we get a motion on the floor to accomplish that?

MR. ADLER: All right, I'll try**. I make a motion to establish a plan development team for this Crab FMP and a technical committee and a separate advisory panel for the development of a plan. Is that what you want? 2**

CHAIRMAN McKIERNAN: Yes; it sounds like you're favoring separate committees in all three cases; but it is up to the state how they want to populate them. In other words, it is our discretion whether to submit the names of the same people who serve on the lobster groups or not; that it is a distinct committee in all three cases.

MR. ADLER: Okay, and the advisory panel would be a different one.

CHAIRMAN McKIERNAN: Yes; this allows those folks who specialize or focus on crab harvest to participate and it might leave certain industry members off that don't participate in the crab fishery.

MR. ADLER: Is that right, Mr. Chairman; is that what you want?

CHAIRMAN McKIERNAN: Bill, are you good with that; does that capture your sentiments?

MR. ADLER: Yes; as long as it is open that you could develop a separate – okay, I've got that, yes.

CHAIRMAN McKIERNAN: Do I get a second; Terry, thank you. Do you also want to comment?

MR. STOCKWELL: As long as I can ask a question?

CHAIRMAN McKIERNAN: Sure; go ahead.

MR. STOCKWELL: A question probably to Toni; and that would be to ensure that we have federal representation on the PDT.

MS. KERNS: Yes, we have already discussed that with NOAA.

CHAIRMAN McKIERNAN: All right, any other discussion on this motion? Roy.

MR. ROY MILLER: Mr. Chairman, I wonder if you'd permit a comment from someone who lives in the state that doesn't participate in this fishery to my knowledge. I think we've missed an opportunity here by just making this specific to Jonah Crab. Are we going to go down the same road of forming a PDT and an FMP should the market for rock crab expand?

I liked David Borden's original suggestion to kind of link the two. I think there is a real economy of human resources and time of this commission to lump these two species together since apparently they're fished for with the same gear; at least that is my understanding. I just wanted to make that comment now before it is too late and before we move down this path exclusively for Jonah Crab and then have to revisit the whole process again.

MR. SPENCER: Mr. Chairman, speaking specifically to the AP, just for the economy of meeting attendance I would like to throw out another option of just expand the Lobster AP and have each state either appoint somebody that – you know, one or two people that are in the crab fishery. It is difficult enough with the number of meetings. If the board does later on in this meeting start to link the harvest of Jonah Crab with a lobster license, you're going to have all the Lobster AP people wanting to attend the Crab AP meeting, anyway, so it just seems it makes more sense to me just to expand the Lobster AP.

CHAIRMAN McKIERNAN: David, I think we could certainly nominate most if not all of the current AP members to the Crab AP as well. Maybe that would suffice. Bill.

MR. ADLER: To Roy's comment; Kate, didn't you say that we could include – when the draft comes back from the PDT or technical, whoever, that we could include the other crab into this so that we wouldn't have to go through a complete new FMP for the other crab. Didn't you say we could include it at that time or something like that?

MS. TAYLOR: Yes, it is likely that the draft will come back for board review in February, potentially not for public comment at that time, but just for board review; so the board could have an opportunity to review it at that time; and if they chose to include rock crab at that time, they could; or down the line it could also be included through the addendum process.

CHAIRMAN McKIERNAN: Steve, are you comfortable with that; that if the draft management plan comes back with some mention of rock crabs, that it could be incorporated – it could go out to hearing and eventually be incorporated?

MR. TRAIN: It doesn't sit well right now; but it makes sense as far as if we have to ever do this again; but I don't think we're going to work it forward in this plan. It is something that means four or five years down the road we can incorporate it, correct, or ten years down the road; is that what she means or does that mean it could start when it comes back in four months?

CHAIRMAN McKIERNAN: Well, I think the plan itself would have to establish on Page 1 that it is Cancer Crabs, both species, and whether there is management provisions in the document or not is up to us; but the scope of this plan covering one or both species I think would need to be established at the outset. Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think there are a couple of ways to proceed. One would be essentially what Kate said, which is the plan development team will bring a draft back to this board. Once they see the draft, if they feel they want to add in rock crab, they can do it at that point; and then the plan development team will add that and bring the document back for approval at the subsequent meeting; and then it will go out for public hearings.

The other way to do it would be under the adaptive management section have a list of other crab species that may be added at a later date; and that can be done through adaptive management, essentially through an addendum rather than starting a whole new FMP. Those are two options for moving forward; or the third option is include it today and ask the plan development team to include it from the outset.

MR. TRAIN: That second option sounds much better, Mr. Chair. If we just tie in what we call sand crab, what is being referred to as rock here today, with the Jonah Plan, we wouldn't have a rock crab fishery because we struggle to get them over five inches.

MR. SIMPSON: I think the way this discussion is going makes me more comfortable because I think the one connection we might find we need to rock crabs, once the PDT starts working on this, is trap allocations and the overlap. If it becomes apparent to the PDT that we need to be clear what kind of gears can be used that are capable of taking lobsters, Jonahs and rock crabs, we may find we need to add them for that purpose. I don't envision getting into size management and all of that with rocks.

CHAIRMAN McKIERNAN: Terry.

MR. STOCKWELL: To David's point; if we're contemplating adding new fisheries, one of the upcoming agenda items refers to the Take Reduction Plan; and adding more vertical lines in the water at this point gives me great angst.

MR. GROUT: To Steve's comment, I would perceive that if per chance we were going to add rock crab in; that we would probably have different size limits in the plan. It wouldn't just be a five inch all Cancer Crabs. If the species are different and they're sexually mature at a different size, then we clearly could have that as a separate item. I agree with some of the options. I think we should have the PDT develop a plan and come back and decide whether we're going include to just have it as

adaptive management or include that rock crabs in right away.

CHAIRMAN McKIERNAN: So leaving this meeting today, it is understood that the PDT is going to develop a plan that could include mention of rock crab but not necessarily management at the same level or in the same specifications. Terry.

MR. STOCKWELL: To that point, then, we're going to have to rethink the first motion.

CHAIRMAN McKIERNAN: I think so.

MR. STOCKWELL: And I would be opposed.

CHAIRMAN McKIERNAN: Would you like to make one?

MR. STOCKWELL: No; I'm comfortable where we're at right now.

CHAIRMAN McKIERNAN: Okay, does anyone want to reconsider the first motion? All right, maybe we make that motion in the February meeting after we see what product the PDT comes up with. Bill.

MR. ADLER: I don't have a problem with the first motion; because if we took what Bob Beal had said, under adaptive management we could list other things that might be approached later. We could just develop it on the Jonah Crab; but if we list, as Bob said, in the adaptive management process other crabs, that leaves the door open later if we have to do it; if I listened to Bob correctly. Was I correct?

CHAIRMAN McKIERNAN: Okay, I guess we can take a vote on the motion that is on the board. **The motion is to establish a PDT, TC and AP for the Jonah Crab Fishery Management Plan. Motion by Mr. Adler; second by Mr. Stockwell. Do we need to caucus; probably not. All right, all in favor; opposed; null; abstentions. It passes unanimously**. Next on the agenda is review of consistency with state and federal regulations. Kate, do you have anything or is that mine? David.

MR. BORDEN: Mr. Chairman, the end of your memo has eleven items on it. Did you want to have discussion of that?

CHAIRMAN McKIERNAN: That's true, David, thank you. At the tail end of the – returning to the memo on the Jonah Crab Fishery, I listed ten items that based on my read of the comments seemed to represent strong, if not consensus, positions on things that the PDT could include into a management plan; and those ten items are listed.

Management should be coordinated through the commission; consistent coast-management through the commission with recommended complementary rules in federal waters; management objectives include conservation, sustainability, enhancement of economic return; minimum sizes in the range of four- to five-inch carapace width for one or both species; to facilitate compliance and effective law enforcement tolerance for incidental non-compliance should be considered.

Directed trap fishery to be limited to only those who hold a state or federal lobster permit; any trap set for the capture of Cancer Crabs shall bear an official lobster trap tag; distinguish directed fishery from non-directed fishery with possible trip limits on the non-directed fishery; recreational license not needed but subject to state preferences.

Require mandatory fishery-dependent data collection based on at a minimum the standards established for lobster management; require fishery-independent data collection by states who have a declared interest; encourage further life history investigations; consider regulations pertaining to possession of crab pods; and specify gear characteristics, such as trap size, escape vents and ghost panels. Is there anything that is on this list that any of the board members feel should not be or is there any other points should be added as guidance to the PDT? Doug.

MR. GROUT: One thing that gives me a little of pause for concern is required fisheries-independent data collection by states. Considering that the majority of the Jonah Crab

Fishery is taking place in federal waters; requiring states to have fisheries-independent surveys for that species I'm a little bit – what are we going to get out it? I think clearly it is something that needs to be handled in federal fisheries' waters, because that is where they occur. Now, I can't understand the fisheries dependent because it is being landed in the state.

MR. BURNS: Mr. Chairman, I think you did a good job capturing the real major elements of what the plan should include given what we heard at the public hearings and in the public comments. I just want to point out one of tenets was that you had to have either a state or a federal lobster permit to go forward in the crab fishery. I just wanted to get a clarification that is something that I think the PDT could probably work through.

Certainly, I heard Terry's concerns about the nervousness about putting more gear into the water; but we do know that even though about 98 percent of the crabs in federal waters are harvested by lobstermen already or somebody with a federal lobster permit or some kind of lobster permit, there is that group of people out there that don't have a permit that do have some crab history. I just want to throw that out there and make sure that is something that the PDT could at least consider in the development of the plan.

MR. EMERSON C. HASBROUCK: Mr. Chairman, to Peter's comment as well, in New York we have a separate crab permit; and there are some participants in the Jonah Crab Fishery who have a crab permit but not a lobster permit. That needs to be included or at least discussion about that needs to be included as well.

CHAIRMAN McKIERNAN: All right, I guess based on those comments we will move forward with those ten items on the list to the PDT.

CHAIRMAN McKIERNAN: Next on the agenda is a review of consistency between state and federal regulations with potential action. Kate has a few slides on that.

REVIEW OF RECOMMENDATIONS ON TRAP TRANSFER REGULATIONS

MS. TAYLOR: On the first issue, the recommendations on the trap transfer regulations; there was a subcommittee that met in early September to discuss consistency between the federal and commission regulations, specifically the conservation tax, trap transfer increments and the dual-permit transfers. This issue was also previously brought up at the August meeting where the board meeting tasked the subcommittee to meet and develop recommendations for the full board.

On the issue of the conservation tax, the current federal rule only applies the 10 percent transfer tax to partial allocation transfers. Under the commission's plan both the partial and full business transfers are subject to this 10 percent tax. The recommendation of the subcommittee is the development of an addendum to remove the 10 percent transfer tax on full transfers and request annual review by the technical committee of transfer rates and rates of attrition in the affected areas.

With regard to the trap transfer increments, the issue was that the current federal rule only allows trap transfers to be processed in ten-trap increments. The commission's plan does not include language on what this increment should be, but does specify that it will set it at some point. The recommendation of the subcommittee again is to develop an addendum possibly in conjunction with the first motion to require that traps be transferred in ten-trap increments in all areas with trap transferability.

The last issue deals with dual-permit transfers. Under the current federal rule, a dual-permit holder may purchase a federal trap allocation from any other dual-permit holder regardless of the state. Under the commission's plan that dual-permit holder is restricted to transferring traps only to other dual-permit holders from within in the same state.

There was consideration discussion on this issue; but overall there was support for the federal regulation; and the technical committee

should be tasked to document transfer rates and trap attrition and report annually to the board. If the consolidation patterns are problematic, corrective action could be taken at a subsequent meeting; but given the preference for consistency, there was support for the federal rule and moving with that direction. Thank you, Mr. Chair.

CHAIRMAN McKIERNAN: Are there any questions for Kate? Kate, I guess we would need a motion to take those three items forward to accept the working group's recommendations. **Can I get a motion to accept the working group's recommendations?** Steve Train.

MR. TRAIN: I'll make that motion.

CHAIRMAN McKIERNAN: To accept the working group recommendations and develop an addendum based on those recommendations. Motion by Steve Train; second by Mark Gibson. Any discussion on the motion? The motion is to accept the working group recommendations and develop an addendum based on those recommendations. Motion by Mr. Train and seconded by Mr. Gibson. If no comments; any comments from the audience**? Seeing none; let's take a vote. All in favor; any opposed; null; abstentions. It passes unanimously.**

REVIEW OF CHANGES TO THE FEDERAL LARGE WHALE TAKE REDUCTION PLAN

CHAIRMAN McKIERNAN: All right, the next item on the agenda concerns our review of changes to the federal Large Whale Take Reduction Plan; and this is one that I'm personally involved with. This is really just a heads- up to the board that the Commonwealth has petitioned the National Marine Fisheries Service to amend a recently enacted four-month closure in the area of Cape Cod Bay and the Massachusetts Bay. What we've requested the National Marine Fisheries Service to do is amend their Large Whale Take Reduction Plan rules to reopen the month of January, but at the same time expand the closure and area to include all of the Outer Cape Lobster Conservation Management Area. NMFS is very basically working on that at this time; and we are hopeful that they will get that amended rule in place in time for the January 1st expected closure date so that the fishermen in Massachusetts Bay and Cape Cod Bay could continue to fish in January. Should that happen; we're going to need an addendum to amend what is currently in Addendum XIII, which is the two-month Outer Cape Cod closure. We will come back to the board at that time.

REVIEW OF VERTICAL LINE MARKINGS

CHAIRMAN McKIERNAN: The next issue has to do with vertical line marking rules and the consistency between jurisdictions for the state and the federal governments. Specifically, this was brought to our attention by the New England Council about a year and a half ago. I think it arose from the Law Enforcement Committee where mobile gear fishermen who are fishing I believe in the Gulf of Maine were having some challenges seeing the gear, locating the gear, deciphering the marking scheme of the gear.

They came to the commission and I was involved with a conference call to discuss this. We had two meetings; one at the Massachusetts Lobstermen's Association, another at the Maine Fishermen's Forum. We've had some good dialogue about this; but we decided it would be best to await the outcome of the federal Large Whale Take Reduction Plan, because we knew that those regulations could be substantial.

Now that those rules have been enacted, I would like to address this. I would like this board to address this with NMFS to see if it is possible to sort of inventory the existing rules that apply in state and federal waters for gear marking. The area in question is really the three-to-twelve-mile zone; because if you look at the NMFS regulations, currently I believe there is kind of a gray zone in that area.

Specifically, I believe the federal regulations allow or require the gear to be set according to the standards of the home state of the vessel. That is a little bit problematic if the regulations

are different between states. It is also problematic for us because the Commonwealth of Massachusetts used to have regulations in the three-to-twelve-mile zone and we rescinded those in the flurry of some of the court cases concerning right whales and one unnamed plaintiff.

What I'd like to do is maybe ask for a committee to be established to simply review the existing rules and to see if we can maybe understand the need for some kind of consistent rules and not necessarily make any recommendations at this time. I think Terry has got a comment.

MR. STOCKWELL: Mr. Chairman, your summary is pretty much spot-on even though we have disagreed about what the outcome should be. I would like to bring this issue to a closure. **I am going to make a motion to create an ad hoc subcommittee to address the inconsistent fixed-gear markings in the three-to-twelve-mile area beyond state waters. The subcommittee shall consist of Board, LCMT and LEC members.**

The goals of the subcommittee will be to review the state and federal gear-marking schemes among states and NMS that are currently legally required in the nearshore zone, three to twelve miles; and to make a recommendation whether a more uniform gear-marking scheme in this area would have value to alleviate gear conflicts among and within sectors and improve enforcement. Should this motion pass, I am a volunteer.

CHAIRMAN McKIERNAN: Do I have a second on the motion; Doug Grout. Any discussion on the motion. David Borden.

MR. BORDEN: Mr. Chairman, I support the intent of the motion; but in order to make this work, I think it is really critical to get the right industry people involved in it. When you get into this issue, what you're going to find out is that there are state regulations and there are federal regulations, but there are also industry practices that may deviate from those in the absence of regulations. It is really critical to get the industry in there. I think they can lay that out pretty quickly this is the way the gear is marked and develop one set of guidelines that may be different by area to accommodate the specific industry practices in the area. Those should all be able to be written down; so somebody should be able to go to a trawl and know which end it is and that it is a lobster trawl and that type of thing. We need a lot of industry guidance on this, I think.

MR. STOCKWELL: Yes; to David's point, one perfection to the motion would be to add to the subcommittee representatives from the mobile gear fishery.

CHAIRMAN McKIERNAN: Any other comments? Kate and I will work to populate this committee and we will send around to the board our recommendations for its makeup; and we'll let you folks weigh in that way. Bill Adler.

MR. ADLER: I'll volunteer if you need me.

CHAIRMAN McKIERNAN: Great; thank you. **All right, let's get a vote on the motion. All in favor; any opposed; abstentions; null. It passed unanimously.** Toni.

MS. KERNS: I just want to go back to the addendum that you approved before and just talk about timing really quick. We as staff had talked about a time for that addendum with the public hearings for the Jonah Crab FMP. If we are able to get the Jonah Crab FMP or draft FMP approved in February; then we could go out and do public comment tied with the changes that are necessary to have us consistent with the federal regulations in the spring.

If not, we would wait until May to do those. That is how we've put it together in the action plan; so if the board wants the timing to be any different than it being tied together with the Jonah Crab public hearings, you just need to let me know now so that when we go over the plan this afternoon I could suggest that change or you as the board chair could suggest that change for the budget.

CHAIRMAN McKIERNAN: I turn to Peter Burns for a moment because I think the items that we discussed earlier, the timing of these are a function of when we come up with the transferability, the database, et cetera; so, Peter, do you have any thoughts on the timing of that?

MR. BURNS: I would say that as soon as we can get parity with the plan in the federal regulations, we will have a clearer pathway forward that can be more easily to the public. As soon as we can get out there and develop that, that would be probably the best way to go.

CHAIRMAN McKIERNAN: Toni, we're going to be talking shortly about some of the trap allocation and transfer issues that we've been working on behind the scenes; so my guess is these things probably should not be tied to the Crab FMP, because I think they're more time-sensitive.

MS. KERNS: So then during the action plan discussion, as the Lobster Board Chair I would suggest that you ask that we add in additional funding to do separate hearings into the lobster budget for next year.

CHAIRMAN McKIERNAN: All right, I'll do that. Bill.

MR. ADLER: Okay, I think you've straightened it because I was listening to an addendum and I listened to the "crab". They're two separate things, right?

MS. KERNS: Yes, they're separate things but we were doing them together to save money in the budget. They aren't the same document but we would do the hearings at the same time.

MR. ADLER: Oh, the hearings, all right.

UPDATE ON THE SOUTHERN NEW ENGLAND 10 PERCENT REDUCTION EVALUATION

CHAIRMAN McKIERNAN: All right, so we're good on that. Our next item is update on the Southern New England 10 percent reduction evaluation. I think Kate has some slides on that.

MS. TAYLOR: As the board may recall, under Addendum XVII all the areas within Southern New England were required to reduce exploitation by 10 percent in order to address rebuilding. At the August meeting the technical committee presented analysis on the evaluations as they were presented to the management board.

Based on this analysis, Areas 4 and 5 did not meet the required reduction. Area 4 has submitted an updated proposal to meet this 10 percent reduction requirements and that was included in the briefing material. The preferred option by their LCMT 4 members was a 10 percent reduction in trap allocation to achieve the 10 percent reduction in harvest.

The non-preferred option was to change the closed season, which is currently February/March to April 30th through May 31st. If new management measures for 2015 are different than the current 2014 management measures; the Area 4 mandatory v-notching of egg-bearing females would be removed from the regulation. For Area 5; they are working on a proposal potentially to have consistent regulations with Area 4. Thank you, Mr. Chairman.

CHAIRMAN McKIERNAN: Any questions for Kate? David Borden.

MR. BORDEN: Kate, I'm a little unclear; is there action required on this or not?

MS. TAYLOR: Yes, the board would have to approve the updated Area 4 proposal.

MR. BORDEN: If I might, Mr. Chairman, just follow up on it; has the technical committee reviewed and kind of approved all of these alternatives, Bob?

MR. GLENN: Yes, the technical committee has had the opportunity to review the Area 4 Plan; so I can comment specifically on those if the board is interested.

MR. BORDEN: Mr. Chairman, just the observation that the thing I find a little difficult or troubling about this is that – and Bob can correct this if I misspeak – we're going to have a new assessment in six or nine months, a peer-reviewed assessment in six or nine months, and we're going forward with these regulatory changes in an area that where six or nine months from now we're going to get probably all new biological information.

I totally understand why we're doing this; but the timing of it is a little bit awkward. In other words, I could see us putting these regulatory changes in place and then nine months from now having to go back and debate whether or not the regulatory changes are adequate and whether or not we should take additional steps and so forth. It is just kind of an awkward timing, I guess. Personally it wouldn't trouble me to not put any of this in place for nine months, wait for the new stock assessment and then address it all at once; but that is my own comment.

CHAIRMAN McKIERNAN: Let's let Bob comment on it. Do you want to give your technical committee review?

MR. GLENN: Basically since there is no direct relationship between trap numbers and landings' reduction; the technical committee did not feel that a 10 percent reduction in traps would equate to a 10 percent reduction in landings. Based on work that was conducted in Maine by Carl Wilson looking at trapping efficiency, the estimates and the range of trap reduction before you'd start to see a change in catch rates are somewhere – in Maine it was as high as 80 percent reduction.

That is in a high lobster density area. In lower density areas it probably more like a 40 or 50 percent reduction that would be required before you would start to see a change in catch rates. The technical committee felt that Option 2, a seasonal closure, would be far better in terms of law enforcement and that it also aligns well the Area 6 closure. Based on landings' data, it would probably have a higher likelihood of succeeding.

CHAIRMAN McKIERNAN: The document that we were handed has these two options. Does the board want to take any action on one or both? Obviously, the technical committee had some strong opinions. Yes.

MR. TOM BAUM: Mr. Chairman, I was at the LCMT 4 meeting. The lobstermen were very passionate and it took them about three hours to get to developing these options. The first three hours were spent basically passionately talking about the need for better science, the need for better biological samples and the need for the specific stock, the Area 4 stock, as they put it, to be evaluated not with Area 6.

It took quite some work to get them on track to you guys need some recommendations to move forward to the technical committee. Obviously, the trap reduction was the preferred alternative. The preferred alternative was no action. They ended up with a trap reduction. Their non-preferred was the seasonal closure for all of May and one day in April. I do have a question. If there was no action here, I'm assuming it would be status quo and they remain at their February and March closure?

CHAIRMAN McKIERNAN: That is accurate. We have three options; actually four options. One is status quo. We could one of the two measures or we could do both measures, leaving it up to the discretion of the state. Is there a motion to take any of these actions? Tom.

MR. BAUM: Yes; I'll throw up the LCMT Area 4 motion for the season closure of April 31 through all of May. Do you want me to read that?

CHAIRMAN McKIERNAN: Yes, go ahead.

MR. BAUM: Okay; I believe staff has that; so **I'd move to approve a closed season from April 29th to May 31st for LCMA Area 4 and 5 to achieve the required 10 percent reduction in Addendum XVII and allow a two-week grace period for the removal of lobster traps and allow the setting of unbaited lobster traps one week prior to the season reopening.** If I could speak to that after a second.

CHAIRMAN McKIERNAN: Is there a second; Jim. Any discussion?

MR. BAUM: **And I would like to include Area 5 in the motion;** I didn't speak to that earlier. Areas 4 and 5 is broken up right in the middle of New Jersey, right at Barnegat Inlet. Some of the lobstermen hold permits for both areas; and if the season closures were different, they would have to abide by all the closures. Instead of having of having a one-month closure, they are likely to have a three-month closure.

MR. STOCKWELL: Has this been reviewed by the technical committee?

MR. GLENN: Yes; and we felt that out of the two options; that this had the higher likelihood of making the 10 percent reduction out of the four options.

MR. JOHN CLARK: Delaware has a very minor lobster fishery in LCMA 5. The landings did go up a little bit; but I was just looking – I mean, we're accounting for much less than a tenth of 1 percent of landings. I'm just echoing what David Borden said; is it really necessary for us to do anything in LCMA 5 at this time?

MR. GROUT: I have just a couple of questions. First of all, Bob, when you reviewed this proposal; did it include the concept of these grace periods?

MR. GLENN: No; we didn't include the concept of the grace periods; and it would be pretty difficult for us to be able to evaluate that. It is hard to gauge. The grace period, the two-week period afterwards, it is hard to know if those would just be traps that weren't fishing because they hadn't been rebaited in a while or a guy is going to fish right up through. It would be a very difficult thing for us to evaluate.

MR. GROUT: But you think anything that might be lost by having these grace periods; the conservation of the five weeks was good enough that even if we had a little slop in it; that you'd still meet the criteria?

MR. GLENN: It would be pretty hard to determine either way. I don't think we'd have a lot of certain confidence in that determination.

MR. GROUT: And to Tom; I noticed in the document that the non-preferred option was April 30 to May 31; and your motion says April 29. Tom.

MR. BAUM: Yes, I'm sorry, Doug.

MR. GROUT: Just a minor thing; I noticed in the document that you produced it said non-preferred option is closed season from April 30 to May 31.

MR. BAUM: Yes; that is correct; that was my error; and if that could be changed, I would appreciate it.

CHAIRMAN McKIERNAN: So you want to amend your motion to reflect April 30th. Adam.

MR. NOWALSKY: Doug got to the issue first. Thank you.

MR. BAUM: The grace periods I believe I reviewed the motions made a couple of years ago that were approved; and in those motions those grace periods were included in those.

CHAIRMAN McKIERNAN: Steve Train, did you have a comment?

MR. TRAIN: Mr. Chair, I'm not in favor of asking fishermen to not fish during a time period; but if we're going to put a plan in allowing grace periods, it basically negates that time period. When you said unbaited traps on shedders, they'll fish. The three weeks out of that month that the traps are in the water, those traps are fishing.

MR. O'CONNELL: I was just interested and my understanding is that the performance of Area 5 in regards to the 10 percent was missed by a little over a thousand pounds. I was looking for some verification of that. We do have only a couple of fishermen in Area 5; but

this closure would have a pretty significant to them personally.

MS. TAYLOR: In comparison to the reference period, Area 5 was over by about 30,000 pounds.

MR. WHITE: I guess I would be interested in what is the definition of a grace period? Can those fishermen pull, bait the traps, take lobsters out during that grace period? Can they actually fish or do the traps have to stay there unattended? It seems to me that this is really a two-week closure.

CHAIRMAN McKIERNAN: Do you want to speak to that, Tom?

MR. BAUM: Just that my understanding is that, no, they can't pull the traps during the grace period; that they'd have the grace period to pull the traps for the season closure and to set them unbaited and not tend them unbaited during that two-week time.

CHAIRMAN McKIERNAN: Tom, I have a question. Will individual fishermen know to bring all this gear home or is it going to be gear simply left in the area and the bait will run out and they won't be touched? What is the operational reality of this?

MR. BAUM: They would know to bring that home.

MR. CLARK: **Mr. Chair, I'd like to make a motion to amend this motion just to remove LCMA 5 from there so that we can consider it separately**

CHAIRMAN McKIERNAN: Is there a second for John's motion; Tom O'Connell. Any discussion on this motion? John.

MR. CLARK: As I mentioned, we're looking at a highly variable situation because there are so few people that are actually lobstering. As Kate said, the catch actually did go up despite the closed season that was in place; but I think that is due to the local conditions and few people that we have fishing actually just doing better this past year. As I said, I think given the situation, it is one of those things where I don't think we need to be taking such a drastic action there.

MR. TRAIN: If LCMA 5 is removed, would the multiple permit holders be held to the most restrictive rule as far as removing gear. Would it have to be removed from the water if they have 4 and 5 or would it be moved from 4 to 5?

CHAIRMAN McKIERNAN: Good question and is that a question that Tom would want to address?

MR. BAUM: I couldn't tell you at this point; no.

MR. WHITE: I guess I'd like to see the grace period defined a little more; that they actually fish the gear; that the gear has to be dormant. Without that; I just see that you're gaining the potential gain that we're looking to gain.

MR. NOWALSKY: Could I recognize Mr. Muffley that could provide clarification to that issue with regards to the four versus five?

CHAIRMAN McKIERNAN: Certainly.

MR. BRANDON MUFFLEY: Brandon Muffley with New Jersey Marine Fisheries. From my understanding, the guys that have multiple permits in both areas, they are going to declare which area they are going to fish prior to the season; and they cannot change during the season. They can't move the gear from one area to the other.

They are going to be held to the restrictive measures; so a guy with an Area 5 permit is going to be closed February/March, as it is now, and they would be held the Area 4 closure, so they're going to be closed in May. They're going to get a three-month closure instead of just the one or a two-month closure.

CHAIRMAN McKIERNAN: And would these be New Jersey state rules that they would be abiding by or is this something that NMFS would have to enact?

MR. MUFFLEY: Those are New Jersey state rules.

MR. GILMORE: John, if we take this out of here, the Area 5 or whatever; is there going to be a subsequent motion to do something in Area 5. We've got a timing issue, then, so are you guys to do something now; or if we wait until the February meeting, then we're, you know – so what is the plan on that?

CHAIRMAN McKIERNAN: John, do you want to speak to that?

MR. CLARK: Well, the feedback that we've gotten from the few guys we have is that if anything was done, the 10 percent trap reduction, which I know the technical committee was not adequate, but that was the only option that was acceptable for them. I'll just put it that way.

MR. GROUT: So you're saying that is the only plan you'd put forward at this meeting for 5?

MR. CLARK: Well, that was what I thought coming in here was going to be the option for 4 and 5. I didn't realize that this closure option was going to be the motion. Yes, that was more of what was expected was to go with the 10 percent reduction in gear rather than the closed season.

MR. NOWALSKY: Mr. Chairman, it is my intention to make a substitute motion for the 10 percent for 4 and 5. I don't know if it would be in order at this point; but that is my intention and I will bring that forth at the point – if you want to vote this motion to amend up or down first and then go back to the original; but that is what I intend to do at this point hearing the conversation.

CHAIRMAN McKIERNAN: Thank you, Adam; I think that is a good idea. If we're done discussing it, can we get a vote on the motion to amend to remove LCMA 5 from the original motion? **All in favor to amend the motion to remove 5; opposed; abstentions; nulls. Okay, the motion fails four to six.** Adam, you want to make another motion?

MR. NOWALSKY: **Yes; I've move to substitute a 10 percent reduction for LCMAs 4 and 5. If I get second, if I could briefly speak to that, I would appreciate**.

CHAIRMAN McKIERNAN: John Clark seconds the motion. Toni wants to speak.

MS. KERNS: Adam, would you be in favor of clarifying a 10 percent reduction in what?

MR. NOWALSKY: A 10 percent in trap allocation.

CHAIRMAN McKIERNAN: All right, so we have the motion and we have the second. Adam, do you want to speak to it?

MR. NOWALSKY: Yes, just briefly. Again, I think with what we have; we heard a lot of evidence when we originally put these reductions in place about the fishery in 4 and 5 at the time. New Jersey in particular brought forth a lot of positive evidence for the health of the resource at that time. I think the big issue right now is with the upcoming stock assessment coming up.

I understand that the 10 percent reduction; the technical committee has concerns about what degree of reduction that would actually result in; but I think given where we are with the resource in 4 and 5 as well as the upcoming stock assessment, it would be a prudent way forth at this time. Thank you.

CHAIRMAN McKIERNAN: Is there anyone who wants to speak in support of the motion? Tom.

MR. BAUM: Yes, obviously I'll speak in support of the motion just being at the LCMT meeting; and that was their preferred option.

REPRESENTATIVE KUMIEGA: Where this is in trap allocation; is it going to have an effect on the amount of gear in the water or is it a paper – you know, yes, is it going to have a 10 percent effect on the gear in the water or is it going to be latent effort that is removed?

MR. NOWALSKY: We did have discussion about that with our own technical member in New Jersey leading up to this meeting; and his comments at that time were that the fishermen are fishing every piece of gear they have available to them; so our understanding at that time was that it would actually have a direct impact on gear in the water based on that information that was provided to us.

MR. ADLER: Whichever one passes, when would this take place and be implemented versus when is the next assessment going to be released?

CHAIRMAN McKIERNAN: The next stock assessment is released in about six months from now; next May.

MS. TAYLOR: The stock assessment will be presented to the board at their May board meeting.

CHAIRMAN McKIERNAN: And I would turn to Tom or Adam; when would this 10 percent in trap allocation take effect?

MR. BAUM: It would be in this next fishing year of 2015.

CHAIRMAN McKIERNAN: And you would make that cut based on New Jersey state rules in the issuance of trap tags?

MR. BAUM: Correct.

MR. SIMPSON: I'm opposed to the motion. I'm presuming that this is in response to Addendum XVII that we were supposed to have in place two or three years ago. We talked a lot with the technical committee about any correlation between number of traps and exploitation rate to try to get at what kind of reduction in traps would be required to even begin to get a reduction in exploitation.

Frankly, this just doesn't pass the straight-face test and would really cause me great distress because we have a three-month closed season to achieve that 10 percent reduction. To Walter's point about latency, I'm not even sure this would actually result in a reduction in the number of traps in the water. Looking through the table just briefly a few minutes ago; Connecticut apparently had 23,000 traps in the water last year. We have 235,000 traps allocated. This wouldn't do anything; and I think in terms of credibility of this board, we can't pass this.

MR. JAMES J. GILMORE, JR.: I completely agree with Dave. This was something we couldn't quantify; so if we're going to go down this road I think we're just really not doing anything.

CHAIRMAN McKIERNAN: Bob tells me that the technical committee didn't get a chance to review the degree of latency in this statistical area; so maybe we could get that at the next meeting; do you think?

MR. GLENN: Yes; that's possible; but to my knowledge we have not seen any estimates for Area 4 or Area 5 that gives us the allocation versus an estimate of the active traps fished. I'm assuming that would be data that they would be able to pull from their vessel trip reports or some other reporting mechanism to give the board a sense of what the degree of latency would be. I would reiterate, though, that even it were actual traps, the technical committee doesn't feel that a 10 percent reduction would equate to a reduction in catch.

CHAIRMAN McKIERNAN: All right, why don't we dispense with the motion here and get it behind us; so why don't we take a vote on this**. All in favor, nice and high with the hands; opposed; abstentions; nulls. The motion fails.**

In light I think of the lack of analysis that the technical committee has to come forth; is this something we should consider taking up at the February meeting to get better documentation? We still have a motion on the table. I still put that to the board; is this something that you might want to consider for the February meeting; just think about that. Do we want to move on this particular motion at this time, though? Terry.

MR. STOCKWELL: Certainly, Maine doesn't have a dog in this fight; but I do want to provide the board Maine's Shrimp Trap Removal Rules. We don't allow a two-week grace period; we allow five days. During that time period when the traps come out of the water, it is not legal to land the product. I am opposed to the two-week grace period. I think it is a huge loophole. If we're going to use a closure, I think it needs to be a closure. I'm not opposed to the setting of the unbaited traps; but two weeks to me is just on principle two more fishing weeks. I would not support the motion on the board for that reason.

CHAIRMAN McKIERNAN: Any other comments on the motion?

REPRESENTATIVE CRAIG A. MINER**: I was going to offer an amendment that would strike "allow the two-week grace period for the removal of lobster traps"; and let the balance of that sentence remain.**

CHAIRMAN McKIERNAN: Ritchie White.

MR. WHITE: Second.

CHAIRMAN McKIERNAN: So we have a motion and a second. Craig, do you want to speak to it?

REPRESENTATIVE MINER: Well, based on what I've been listening to and based on what I think I remember from the time when we put in place our closed season, this just seems like a rather short period of time and to encumber that short period of time with some two-week allowance seems to me that it kind of dilutes any savings that you'd get. That was the reason for the motion.

MR. GROUT: In the current measures in other areas that involve a closed season; is there a grace period that is allowed in the other seasonal closures and it is two weeks? It is a full two weeks?

CHAIRMAN McKIERNAN: Yes, but I believe the closure itself, Doug, is much longer.

MR. SIMPSON: Could I just get confirmation that one-month period does equate to 10 percent of the landings for that period? Did the technical committee look at that and provide verification that does equate to 10 percent their average landings?

CHAIRMAN McKIERNAN: While Bob is looking that up; do we have any other comments on the motion?

MR. GLENN: The actual percentage in that period was 9.9 percent.

MR. BAUM: I'm looking at the table from the memo from the Peter Clark and Ken McGowan to the technical committee, dated October 6, 2014. In that table, yes, you're right, so 9.9 percent reduction for the May closure and then the other 1 percent – I'm looking to see 0.2 percent would be from the day in April.

CHAIRMAN McKIERNAN: Okay, can we get a vote on the motion that is on the board now? **All in favor of the motion; opposed; abstentions; any null votes. All right, so now we have a new main motion on the board.** The amendment did carry seven to one with one null vote.

I will read the amended motion to move to approve a closed season from April 30th to May 31st for Lobster Conservation Management Area 4 and 5 to achieve the required 10 percent reduction in Addendum XVII and allow the setting of unbaited lobster traps one week prior to the season reopening. Motion by Mr. Baum and second by Mr. Gilmore. That is the motion. All in favor; opposed; abstentions; and nulls. The motion carries six to four.

UPDATE ON LobsTAH DATABASE

CHAIRMAN McKIERNAN:The next item on the agenda on the LobsTAH Database; and there is a memo that was distributed to the board. Kate will speak to this.

MS. TAYLOR: I just want the board to be aware of the updated timeline for

implementation of the LobsTAH database and how this will impact the trap cuts moving forward. At this point currently all federal allocations and the testing of the database are nearing completion. It is expected late winter or early spring.

States and potentially NOAA Fisheries have discussed holding public hearings for active and new fishermen as well as permit brokers and fishing industry representatives in order to inform the stakeholders about how the state and federal program will function and also to explain the trap allocation and trap transfer rules.

September 30, 2015; this is the deadline for allocation transfer applications for NOAA Fisheries and states. They will be accepted through the states and will be approved or denied in advance of the 2016 permit and tag orders. It is expected for May 1, 2016, the trap allocation cuts will be implemented for the beginning of the 2016 fishing year. Thank you, Mr. Chairman.

CHAIRMAN McKIERNAN: Any questions or comments? I do want to announce that at the Massachusetts Lobstermen's Association's Annual Meeting we're going to hold a seminar on this matter and try to explain to the industry where the development of the database is and what the application process will look like well in advance of the deadline to submit applications for trap allocation transfers of September 30th. That will be an open meeting. It is free to attend; so if anybody is interested in coming to the Lobstermen's Association Meeting, that will be Friday, the 23rd in the afternoon. Any questions or comments?

I think it is fairly clear just so everybody knows that trap cuts will be taking place in 2016. The addendum that was passed simply identifies the 5 percent cuts for Area 3 and the six cuts for Area 2 would be executed after the development of the database and after all vessels and fishermen are qualified.

Because that process is still ongoing, it is should be apparent to everyone that this is slated for 2016. I can speak to the issue of the database. It has been a real challenge. It is unprecedented to try to combine state and federal licensing databases because they're largely incompatible. The state systems permit individual while the federal system permits vessels; and so we have been working diligently to try to make connections to that. That is part of what we want to describe to the industry when they come out for that public meeting in January is to explain in their portfolio, in their records how we as managers are trying to bridge this gap and those challenges. Any questions on that? Peter.

MR. BURNS: I will just jump on that sentiment right there. I think that working with the working group on the trap tag database, we've realized that there is still some more work to do. I'll just make it clear that we still have to do a final rule to implement the trap cuts; but this information from the working group on this timeline will help us to move forward with that. We're looking back the commission's intent in the plan that talks about having transferability and the trap cuts happening simultaneously. As long as we get the database in place and our rule in place to implement the trap cuts; we can move forward in that way. Thank you.

MR. BORDEN: Mr. Chairman, I stepped out of the room for a minute and I may have missed it. Did you say that you're going to put an article in like Commercial Fisheries News and basically describe what you're going to describe at these meetings? Is that what your intent is?

CHAIRMAN McKIERNAN: I didn't mention that, but that is certainly the right way to do this kind of outreach. Our hope is to get fishermen in the room to find out why this is taking so long and to try to explain to them how they need to go about their business decisions in this system in terms of the deadlines and in terms of the eligibility of traps.

MR. BORDEN: Yes; I think that's a good idea and particularly if it incorporates the National Marine Fisheries Service staff in the writing and preparation so it is kind of a joint communique from both groups.

UPDATE ON TRAP TAG VENDOR FOR 2015 AND 2016

CHAIRMAN McKIERNAN: The next issue on the agenda is the update on the trap tag vendor for 2015 and '16 and Kate has a presentation.

MS. TAYLOR: If the board members are not aware, due to staffing changes with the trap tag vendor, there were considerable problems with the ordering, processing, manufacturing and delivery of the lobster trap tags for the 2014 and 2015 fishing year. As a result, the commission did issue a request proposal to seek bids for a new trap tag vender. We received two proposals and the commission and working group has decided to go forward with Cambridge Seals, which is the current vendor used by the state of Maine. We will be moving forward with that vendor to process the trap tags for the 2015 fishing year. Thank you, Mr. Chairman.

UPDATE ON FMP REVIEW AND STATE COMPLIANCE

CHAIRMAN McKIERNAN: Any questions for Kate on that matter? All right, we're into the FMP review and state compliance.

MS. TAYLOR: I will be brief to keep us on time here. As the board is aware, landings have exponentially increased in the last few years. In 2012 Maine and Massachusetts accounted for 85 and 10 percent of the landings from the fishery. There have been a number of recent management actions that have been taken through various addenda.

In 2012 the sampling requirements are listed in Table 1 in the FMP. In 2012 all states were implementing the required dealer and harvester reporting at or above the required levels. With regard to the overall fishery-independent biological sampling, states were sampling below the FMP requirement or with reduced efforts.

I would like to point in 2012 New York was unable to conduct multispecies port sampling due to a delay in the contract development and a reduction in IJ funds. Connecticut also had a similar issue with the reduction in funds. Additionally, federal funding for Rhode Island's sea-sampling program was lost in May of 2012, but however state funds were used to continue sampling June through the end of the year. That is why those states have checked minuses in the table.

For the YOY Settlement Surveys, most of the surveys conducted by Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut were low or below the mean for the time series. With the ventless trap surveys, trends show mostly upward or stable trends. All states are currently in compliance with all the required measurements.

Three states have requested de minimis, Virginia, Maryland and Delaware. Virginia and Delaware met the de minimis requirements. Maryland did exceed the threshold for the first time and is currently taking steps to address this issue. This includes implementation of immediate portside sampling, beginning a ventless survey sampling, and also seaside sampling; for next year a passive settlement survey. Thank you, Mr. Chairman.

CHAIRMAN McKIERNAN: Any questions for Kate? Kate, do we need a motion on de minimis. **Can I get a motion to accept the FMP Review and the requests for de minimis status? Motion by Bill; seconded by David Borden**. The de minimis states are?

MS. TAYLOR: Virginia, Maryland and Delaware requested de minimis but only Virginia and Delaware met the requirement for de minimis.

CHAIRMAN McKIERNAN: Any discussion on that? Tom.

MR. O'CONNELL: Recognizing that Maryland's harvest is less than 1 percent of the coastal harvest; **I would like to amendment the motion to ask the board's consideration to include Maryland for another year.**

CHAIRMAN McKIERNAN: Is there a second on that motion to amend; John Clark, thank you. Do you want to speak to it, Tom?

MR. O'CONNELL: As I think Kate said, we're looking for opportunities to expand our monitoring requirements beyond the de minimis criteria. Just recognizing how limited our fishery is, it is difficult to make that significant investment given other priorities at this time. We request this consideration of the board; and if we maintain above that threshold, we understand the board would decide otherwise.

MR. GROUT: Just to ask the plan development team coordinator; does the board have the option here as to whether we can provide Maryland with de minimis here if they don't meet the 1 percent criteria. Do we have the authority within the plan to say, okay, you're at 2 percent, you can still be de minimis?

CHAIRMAN McKIERNAN: The question is, is it discretionary for the board to approve de minimis even if you exceeded the 1 percent threshold?

MS. TAYLOR: The de minimis standard is 40,000 pounds average for the last two years; so it is not 1 percent. The board take consideration if the state is working towards resolving the issue. They have had that discretion for previous de minimis requirements.

MR. O'CONNELL: I had the same question as Doug; and I went back to the Addendum I back in 1999; and it does say that there is the threshold but the board can take into consideration advice from the technical committee and other factors to use their discretion in this decision.

CHAIRMAN McKIERNAN: All right, Bob, would you want to comment on that from the technical committee's perspective in terms of the need for data collection in the state of Maryland?

MR. GLENN: The technical committee hasn't had an opportunity to really review that information; so I can't speak on behalf of them. I think it largely depends on how the board feels of what the de minimis criteria are and if that is sufficient. I don't know if that is necessarily a decision or a recommendation for the technical committee to make.

MR. GROUT: Just a clarification; you said the standard is 40,000 pounds on an average over two years, but the plan review team is saying they're not meeting the de minimis standard. Their landings over two years have exceeded 40,000 pounds; but we still have the discretion, even if they exceed this over two years, to give them an exemption according to the FMP?

MS. TAYLOR: Yes; they have exceeded it for the average of two years and are currently taking steps to come into compliance with the requirements.

MR. SIMPSON: I'm looking at Table 1 that has the landings by state over the last 30 years; so I don't know what the last two years are, because the 2012 is the most recent year. That is shown as confidential; so I'm guessing it is pretty low. 2011 was 40,090 pounds; 2010 was 30,000; and then you have to go back to 1987 before you see a number in excess of 40,000 pounds. Unless they had a big jump, they must awful close, if they're over at all, so it is right on the bubble.

CHAIRMAN McKIERNAN: Well, let's a vote on the motion. **All in favor to include Maryland as de minimis; any opposed; any abstentions; any nulls. It passes nine to zero to one.** And now on the **main motion to accept the FMP Review for 2014 and the de minimis requests for Virginia, Delaware and Maryland. All in favor; any opposed; abstentions; nulls. It passes unanimously.**

OTHER BUSINESS

CHAIRMAN McKIERNAN: All right, we're on to other business; and I think Terry wanted to talk about codfish in lobster traps.

MR. STOCKWELL: I will be brief. I just wanted to update the board that a recent operational assessment concluded that Gulf of Maine cod is overfished and overfishing is occurring. Consequently, last week the SSC met and reduced the ABC from 1,550 metric tons to 386 that are to back-to-back years of 70-

something percent reductions. The New England Council is scrambling to develop measures to reduce the mortality of cod in 2015 and requested that the agency implement emergency action for measures in the balance of 2014.

Of particular interest to this board is a motion from the Groundfish Committee that requested the Science Center review and summarize all existing information on the patterns, extent and mortality associated with cod bycatch in the lobster fishery in the Gulf of Maine state and federal waters and estimate cod removals to inform potential management measures and upcoming actions. I don't know what the next steps are going to be. I just thought it was prudent to give the board a heads-up.

MR. GROUT: Just a follow-up on that; one of the measures that is being contemplated in Framework 53 is to have extensive closures from northern Massachusetts into southern Maine on a seasonal basis, all the way out to Jeffrey's Ledge, that would remove all gear capable of catching groundfish. Currently lobster traps are not included in there; but clearly if the Science Center's evaluation of this considered lobster traps as a gear capable of catching groundfish, it would have a substantial impact on the lobster fishery in the Gulf of Maine.

MR. SIMPSON: I've heard of this issue in sort of other circles and a great deal of concern about it. I'm wondering if folks from Maine and New Hampshire or Massachusetts have an idea of what the fate of these cod are. Are they being turned around and used as bait immediately; are they being landed? I have similar concerns with black sea bass where short black sea bass are immediately being spiked into the lobster traps and used as bait, which is not a very – I wouldn't consider that the highest and best use of a four dollar a pound fish.

MR. ADLER: From my experience, occasionally you will catch a cod in a lobster trap. You have to fight with it to get it out of the trap. Then you throw it over and it is gone. Chances are in most cases they wouldn't meet the minimum size to be able to take, anyway. They would be too small because they can't get into the trap. This isn't universal. I mean, there are probably other cases, but in my experience in lobstering for 40 years, it has not been a big deal.

MR. STOCKWELL: In answer to Dave's question, we've had a number of inquiries. Pat has tasked staff to start data mining the Maine sea-sampling data spatially and temporally; so that is an ongoing project right now. We hope to have the information available soon.

CHAIRMAN McKIERNAN: All right, Terry, thanks for bringing that up and Doug as well. Is there any other business to come before the board today? John.

MR. CLARK: **Mr. Chair, sorry for being so late with this, but I would like to make a motion to take no action on the recently approved management measures for LCMA 4 and 5 until after the completion of the stock assessment.**

CHAIRMAN McKIERNAN: Is there a second on that motion; Tom O'Connell. I should go back to you to justify that.

MR. CLARK: I think the numbers we have especially for LCMA 5 being as miniscule as they are to the whole coast-wide catch; if we could just wait until after we get the results from the stock assessment, it might give us a better idea that we've had evidence from 4 and 5 that the stock is very 4 and 5 that the stock is very healthy there. If we could just wait, as I said before, before we implement this.

MR. SIMPSON: I just say we have an approved Addendum XVII that requires every jurisdiction to reduce their harvest by 10 percent. No matter how small their fishery is, it is not fair to the states that have taken that action. It has been a burden on our fishermen, in some circles not very popular, and I think we just simply have to do it. The next assessment may bring a different story and we will look forward to that; but for two years now this needs to be in place.

MR. O'CONNELL: I know this is a difficult situation; and I think as we saw yesterday with eels, there have been situations where states take a different level of reduction. This is a request to look at what the potential benefits of achieving a 10 percent reduction will be and the economics of our communities and trying to buy some time to look at what the next assessment says. We'd ask consideration for this.

CHAIRMAN McKIERNAN: Any other comments? **All right, let's vote this up or down. All in favor; opposed; abstentions; null votes. Maine has a null vote. All right, the motion fails three to six.**

ADJOURNMENT

CHAIRMAN McKIERNAN: Any other business to come before the board today? If not, this meeting is adjourned.

(Whereupon, the meeting was adjourned at 10:15 o'clock a.m., October 28, 2014.)

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*
Joseph P. Gill, *Secretary*
Frank W. Dawson III, *Deputy Secretary*

To:	Dan McKiernan, ASMFC American Lobster Board Chair Bob Beal, ASMFC Executive Director Toni Kerns, ASMFC ISFMP Director
From:	Tom O'Connell, Maryland Department of Natural Resources, Fisheries Director
Date:	December 19, 2014
Subject:	Reconsideration of the October Board Decision on LCMA 5 Closure Period

Request to American Lobster Management Board - Reconsideration of Board's decision in October 14 to require an April 30 to May 31st closure period for LCMA 5 and a recommendation for status quo (February 1 to March 31 closure and mandatory v-notching) until results from the upcoming stock assessment are available.

Background

Technical Committee Performance Review

In 2012, the Atlantic States Marine Fisheries Commission American Lobster Board adopted Addendum XVII to the American Lobster Fisheries Management Plan. This addendum required all Lobster Conservation Management Areas (LCMAs) within Southern New England (SNE) to reduce exploitation by 10% from the 2007-2009 harvests in order to address rebuilding of the SNE stock. States with harvest in LCMA 5 adopted a season closure (February 1 - March 31) and mandatory v-notching to meet the 10% reduction.

The TC reviewed the efficacy of the LCMAs' conservation equivalency plans since implementation. The TC found that both LCMA 4 and LCMA 5 did not meet the required reductions when comparing 2013 harvest data to the reference period. Results indicated that LCMA 4 exceeded the reference period target by 157,247 pounds while LCMA 5 was only over the target by 1,139 pounds. LCMA 4 presented a revised proposal to meet the 10% reduction. LCMA 5 did not present a revised proposal. The TC determined that the LCMA 4 proposal, including a closure April 30-May 31st, was estimated to achieve the full 10% reduction relative to the reference period.

2014 Annual Meeting – Revised Approach to Meet the 10% Reduction

At the October 2014 meeting, Maryland was prepared to make an argument for maintaining status quo for LCMA 5 until the upcoming stock assessment because the overage was minimal and that LCMA 5 contributes little to the SNE stock.

When I asked the ASMFC lobster plan coordinator to confirm the minimal overage, the answer received mis-characterized what I hoped would solidify my argument. Staff responded that LCMA 5 had exceeded the reference period harvest target by over 30,000 pounds rather than the approximate 1,100 pounds expected. The answer given by staff was actually referring to the total landings from LCMA 5 of 37,556. Based upon this information, I did not continue with my argument for status quo for LCMA 5 and the Board adopted the April 30-May 31st closure for both LCMA 4 and LCMA 5.

Justification for Reconsideration

The April 30 - May 31st closure period for LCMA 5 is excessive given the relatively low contribution to total SNE harvest. LCMA 5 extends from the state waters of New Jersey to North Carolina and despite its size, the harvest from LCMA 5 is a very small portion of the total SNE harvest. As noted in Addendum XVII, LCMA 5 contributed 3% to 2007-2009 SNE landings.

Table 13 in the addendum indicates that in LCMA 5, May contributes 13% to the annual harvest. The October Board decision to close the May fishery for LCMA 5 means the LCMA with the least overall landings in SNE will experience a high degree of economic impact with little biological significance to the SNE stock. For comparison, LCMA 4's peak summer harvest doesn't begin until June (17%); May harvest is only 9% of their annual landings.

Table 13. 2007-2009 Average SNE Landings (Percentage) By Month and LCMA

LCMA	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Totall
2	3.1%	1.4%	1.8%	3.4%	5.6%	13.3%	25.2%	18.1%	10.8%	7.3%	5.4%	4.6%	100%
3	2.0%	1.0%	1.4%	2.5%	7.2%	10.2%	14.8%	17.0%	15.8%	14.5%	9.2%	4.3%	100%
4	3.2%	1.8%	1.9%	5.1%	9.3%	14.4%	16.9%	14.8%	11.5%	9.2%	6.5%	5.5%	100%
5	2.0%	1.8%	1.4%	5.5%	13.3%	16.5%	14.7%	12.2%	9.0%	9.9%	7.5%	6.2%	100%
6	4.6%	1.4%	1.6%	4.3%	9.3%	11.7%	29.1%	20.2%	5.7%	2.6%	3.1%	6.5%	100%
All of SNE	2.9%	1.3%	1.6%	3.4%	7.6%	12.0%	20.6%	17.5%	11.8%	9.5%	6.7%	5.0%	100%

Due to enforcement concerns, Maryland must prohibit the possession of all lobster during the LCMA 5 closure. This action will also impact LCMA 3 fishermen who have to travel through LCMA 5 to land in Maryland. The April 29 to May 31st closure will have an immediate and possibly lasting economic impact on the small business income for the harvesters. The portside harvest landings in Maryland during May 2013 were worth approximately $24,000. It is important to recognize that while this impact may seem minimal given the significant coastwide value of lobster, Maryland's impact will be largely felt by three harvesters. This impact could be more if fishermen chose not to target traditional bycatch-only species like Jonah crab, which an average portside value of $9,900. Additionally, local wholesale dealers, bait dealers, fuel stations and local restaurants will be impacted. Because there will continue to be a local demand for lobster product, dealers may seek out of state or Canadian suppliers which could have longer lasting economic impacts to harvesters. All these significant economic impacts could be felt without providing any measurable conservation benefit.

We believe given the available information, including the correct landings data, that the American Lobster Management Board should reconsider the decision to adopt a season closure of April 30 – May 31 in LCMA 5 during the February 2015 ASMFC Meeting Week. We request that the Board consider status quo from the regulations adopted in 2012 for LCMA 5 until the results of the upcoming stock assessment are available.

We recognize the need to address the recruitment failure identified in the last stock assessment, and we take our shared responsibility at rebuilding the stock seriously. We believe the February through March closure period for LCMA 5 which was implemented in 2013 is a more appropriate way to reduce the exploitation in SNE while continuing to provide economic opportunities to our coastal communities.

Thank you for your consideration of our request. If you have any questions, do not hesitate to contact me.

Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

October 21, 2014

To: **American Lobster Management Board**

From: **Dan McKiernan, Board Chair**

Re: **Decision pathways for potential Cancer Crab management**

In May of 2014, the ASMFC Policy Board approved a motion "to initiate a Cancer Crab FMP, with a focus on Jonah Crab, and task the American Lobster Board with the development of the FMP". A Public Information Document (PID) was drafted and public comment was received at hearings and in writing. A review of the comments suggests there were some predominant themes that emerged and consensus views – on some issues - that could become components of a future management plan.

The upcoming Lobster Board meeting has a very ambitious agenda and a short two hour time slot. To facilitate the Board's business, I want to distill the issues down and focus on the decisions that need to be made concerning the possible development of a Cancer Crab FMP. This will provide a pathway to facilitate the discussion and actions necessary for the board to make decisions on cancer crabs management.

The Board should execute a series of decisions (with motions) that will determine whether a management plan will be drafted, which committees (and their composition) will be established to support the management plan, and what issues should be included in draft management plan.

First, a motion should be made that based on the public feedback received in the PID hearings that the **Lobster Board shall continue (or alternatively to reject) the development of a Cancer Crab FMP**.

If affirmative to continue the development of a management plan, then decisions need to be made on the creation and/or composition of a Plan Development Team, (PDT), Technical Committee (TC) and Advisory Panel (AP):

- **A motion should be made to task the Plan Development Team (PDT) with the development of the FMP for cancer crab.** There are two options for the Board to consider:
    - Assign the development of the FMP to the current Lobster PDT or,
    - Create a separate Cancer Crab PDT, comprised of state and federal representatives with a knowledge of and a declared interest in the cancer crab fishery. PDT nominations require Board approval (can be accomplished via email).
- **A motion should be made to determine the make-up of a TC, which is responsible for providing scientific and technical advice in the process of developing and monitoring an FMP**. There are two options for Board to consider:

    - Task the American Lobster Technical Committee (TC) to provide any necessary support to the PDT in the development of an FMP or,
    - Task staff to begin organizing a separate Cancer Crab TC.
- **A motion should be made to task the American Lobster AP to provide any necessary support to the PDT in the development of an FMP or, alternatively the Board could task staff to begin organizing a separate Cancer Crab AP.** The current membership of the American Lobster AP is comprised of: four representatives from the states of Maine and Massachusetts: two representatives from the states of New Hampshire, Rhode Island, Connecticut, New York, and New Jersey; and some members of LCMTs. The American Lobster AP last met in 2009. A management board may at any time establish an AP to assist in carrying out the board's responsibilities. AP nominations require Board approval (can be accomplished via email or at the February meeting).
- **A motion should be made specifying which management plan concepts and/or specific management options** to include in the draft FMP based on input received during the PID public comment period and Board discussion (see below).

I have drafted a list of concepts and/or specifics for review and consideration for inclusion in the draft management plan:

1. Management should be coordinated through the Commission
2. Establish consistent coast-wide management through the ASMFC with recommended complementary rules in federal waters.
3. Management objectives should include conservation, sustainability and enhancement of economic return.
4. Minimum size in the range of 4" to 5" carapace width should be established for one or both species with protection of spawning and mature females a priority. To facilitate compliance and effective law enforcement, tolerance for incidental non-compliance should be considered.
5. Directed trap fishery to be limited to only those who hold a state and/or federal lobster permit and any traps set for the capture of cancer crabs shall bear an official lobster trap tag. Distinguish directed fishery from non-directed fishery, with possible trip limits on non-directed fishery.
6. Recreation license not needed, but subject to state by state preferences.
7. Require mandatory fishery-dependent data collection based on, at a minimum, the standards established for lobster management.
8. Require fishery independent data collection by states that have a declared interest in fishery. Encourage further life history investigations.
9. Consider regulations pertaining to possession of crab parts
10. Specify gear characteristics such as trap size, escape vents, and ghost panels.

Please contact me if you have questions or suggestions. Thank you for your thoughtful consideration of these issues.

M14-102

Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

January 20, 2015

To: American Lobster Management Board

From: Tina Berger, Director of Communications

RE: Advisory Panel Nomination

Please find attached one nomination to the Jonah Crab Advisory Panel – Jan Horecky, a commercial trap fisherman from Massachusetts. Please review this nomination for action at the next Board meeting.

If you have any questions, please feel free to contact me at (703) 842-0749 or tberger@asmfc.org.

Enc.

cc: Marin Hawk

ATLANTIC STATES MARINE FISHERIES COMMISSION

Advisory Panel Nomination Form

This form is designed to help nominate Advisors to the Commission's Species Advisory Panels. The information on the returned form will be provided to the Commission's relevant species management board or section. Please answer the questions in the categories (All Nominees, Commercial Fisherman, Charter/Headboat Captain, Recreational Fisherman, Dealer/Processor, or Other Interested Parties) that pertain to the nominee's experience. If the nominee fits into more than one category, answer the questions for all categories that fit the situation. **Also, please fill in the sections which pertain to All Nominees (pages 1 and 2). In addition, nominee signatures are required to verify the provided information (page 4), and Commissioner signatures are requested to verify Commissioner consensus (page 4). Please print and use a black pen.**

Form submitted by: JAN HORECKY (your name) State: MASS.

Name of Nominee: Capt. JAN HORECKY

Address: 29 FRANCE st.

City, State, Zip: MIDDLEBORO MA 02346

Please provide the appropriate numbers where the nominee can be reached:

Phone (day): 1 774 766 8466 Phone (evening): 1 774 766 8466

FAX: _____ Email: JHORECKY@VERIZON.NET

FOR ALL NOMINEES:

1. Please list, in order of preference, the Advisory Panel for which you are nominating the above person.
   1. JONAH CRAB
   2. _____
   3. _____
   4. _____
2. Has the nominee been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

   yes _____ no ✓
3. Is the nominee a member of any fishermen's organizations or clubs?

   yes _____ no ✓

   If "yes," please list them below by name.

4. What kinds (species) of fish and/or shellfish has the nominee fished for during the past year?

JONAH CRAB

AMER. LOBSTER

5. What kinds (species) of fish and/or shellfish has the nominee fished for in the past?

JONAH CRAB

AMER. LOBSTER

FOR COMMERCIAL FISHERMEN:

1. How many years has the nominee been the commercial fishing business? 26 years
2. Is the nominee employed only in commercial fishing? yes ✓ no _____
3. What is the predominant gear type used by the nominee? TRAPS
4. What is the predominant geographic area fished by the nominee (i.e., inshore, offshore)? offshore SNE area 3

FOR CHARTER/HEADBOAT CAPTAINS:

1. How long has the nominee been employed in the charter/headboat business? _____ years
2. Is the nominee employed only in the charter/headboat industry? yes _____ no _____

   If "no," please list other type(s)of business(es) and/occupation(s):_____

3. How many years has the nominee lived in the home port community? _____ years

   If less than five years, please indicate the nominee's previous home port community.

FOR RECREATIONAL FISHERMEN:

1. How long has the nominee engaged in recreational fishing? _____ years

2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes _____ no _____

   If "yes," please explain.

_____

_____

_____

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long has the nominee been employed in the business of seafood processing/dealing? _____years

2. Is the nominee employed only in the business of seafood processing/dealing?

   yes _____ no _____ If "no," please list other type(s) of business(es) and/or occupation(s):

_____

_____

_____

3. How many years has the nominee lived in the home port community? _____ years

   If less than five years, please indicate the nominee's previous home port community.

_____

FOR OTHER INTERESTED PARTIES:

1. How long has the nominee been interested in fishing and/or fisheries management? 20 years

2. Is the nominee employed in the fishing business or the field of fisheries management? yes ✓ no _____

   If "no," please list other type(s) of business(es) and/or occupation(s):

_____

_____

_____

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Capt. JAN HORECKY is the biggest producer of Jonah crab in N.E.

Nominee Signature: Capt [signature] Date: 12/02/2014

Name: Capt. JAN HORECKY
(please print)

COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)

[signature]
State Director

[signature]
State Legislator

Governor's Appointee

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Capt. JAN HORECKY is the biggest producer of Jonah crab in N.E.

Nominee Signature: Capt [signature] Date: 12/02/2014

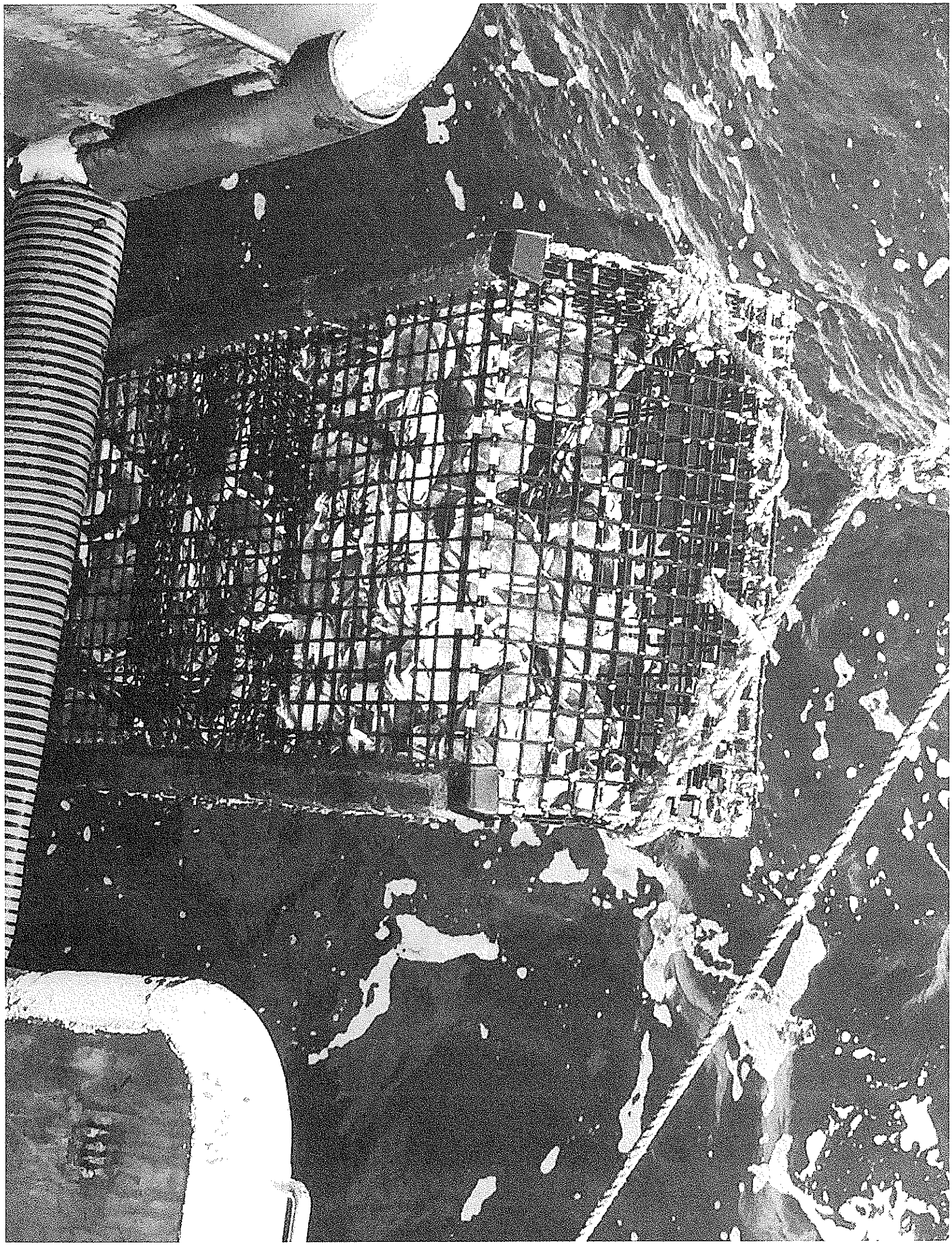
Name: Capt. JAN HORECKY
(please print)

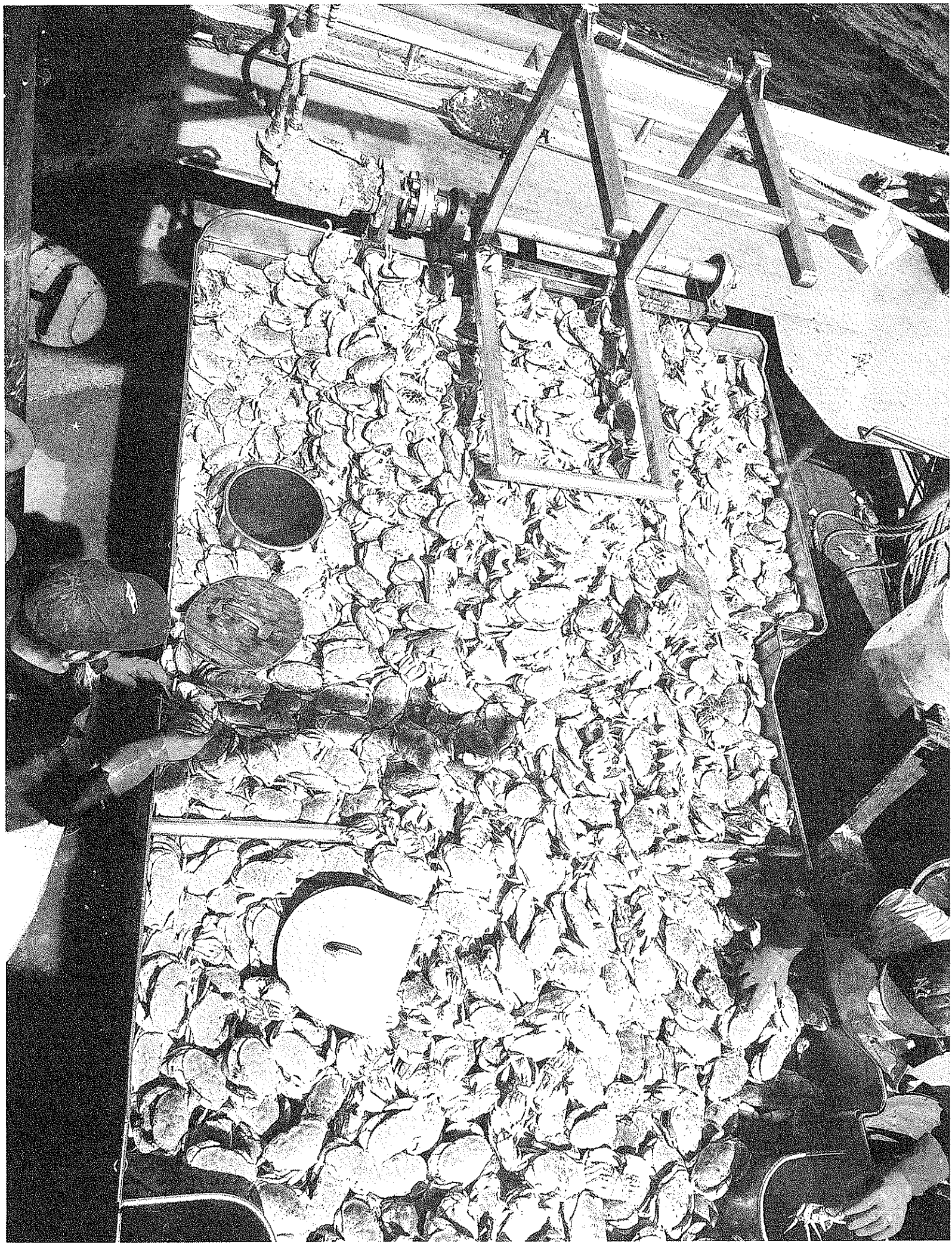
COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)

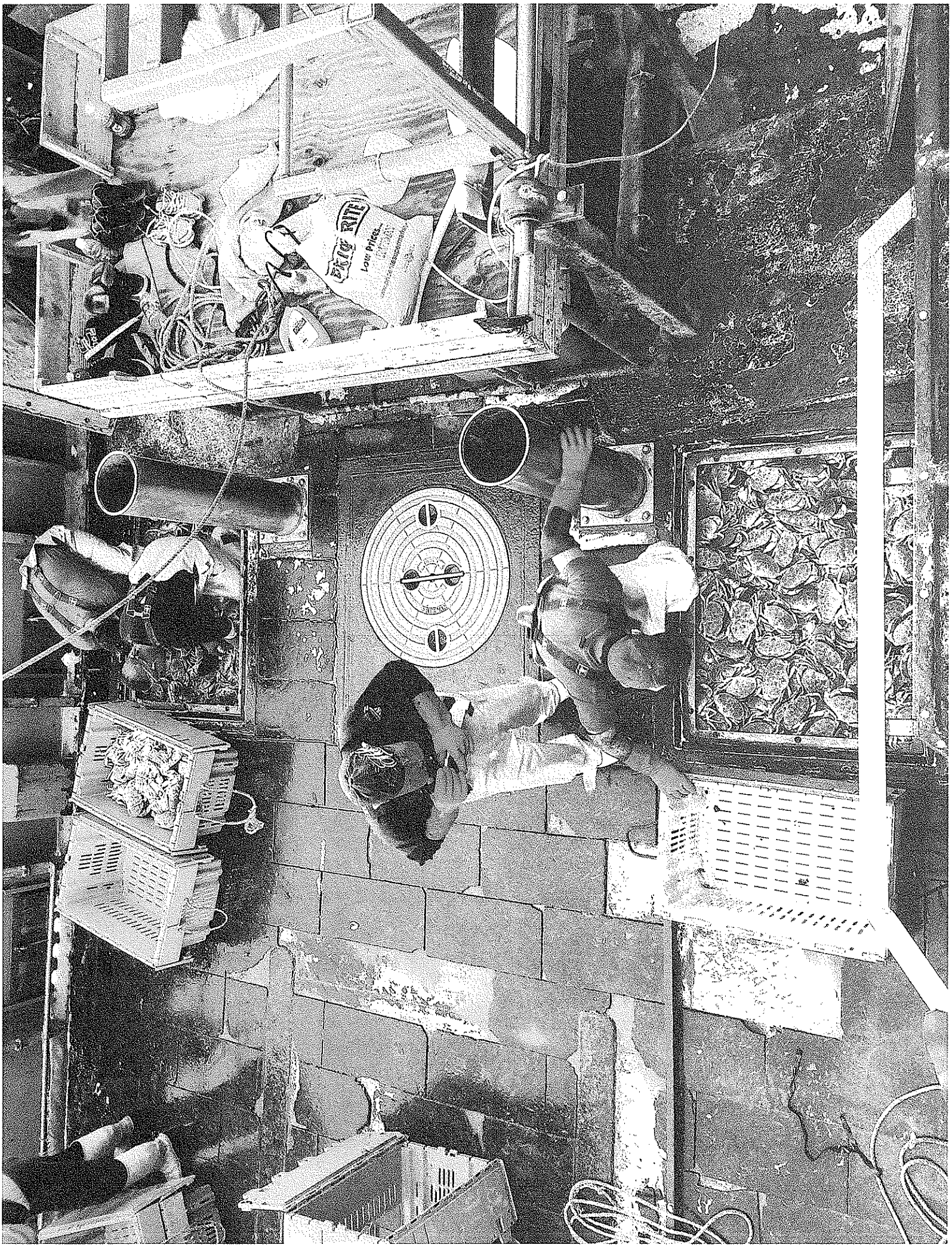
State Director

State Legislator

William Adler
Governor's Appointee






RITE
Low Prices