PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
AMERICAN LOBSTER MANAGEMENT BOARD

Seaview Mariott
Galloway, NJ
October 31, 2005

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ATTENDANCE

Board Member

Pat White (ME)
George Lapointe, ME DMR
Sen. Dennis Damon, (ME)
John Nelson NH F&G
Rep. Dennis Abbot
G. Ritchie White (NH)
Dan McKiernan MA DMF
Bill Adler (MA)
Mark Gibson RI DEM F&W
Mark McSally, proxy E. Petronio (RI)
Gil Pope, Proxy Rep. E. Naughton (RI)
Eric Smith CT DEP MF
Lance Stewart (CT)
Sen. George Gunther (CT)
Pat Augustine (NY)
Gordon Colvin (NY DEC)
Ed Goldman, proxy Asm. R. Smith
Bruce Freeman NJ DFG&W
Erling Berg (NJ)
Roy Miller DE DF&W
Howard King MD DNR
Bruno Vasta (MD)
Russell Dize, proxy Sen.R. Colburn
Harry Mears (NMFS)

Ex-Officio Members

Bob Glenn, Tech Chair
Mike Murphy, Peer Review Chair

ASMFC Staff

Vince O'Shea
Bob Beal
Toni Kerns
Nancy Wallace

Guest

Paul Diodati MA DMF
Bob Ross NMFS

ATLANTIC STATES MARINE
FISHERIES COMMISSION

64th ANNUAL MEETING

AMERICAN LOBSTER MANAGEMENT BOARD

Marriott Seaview Resort & Spa
Galloway, New Jersey
October 31, 2005

Welcome and Call to Order

The meeting of the American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Salon C of the Marriott Seaview Resort & Spa, Galloway, New Jersey, on Monday, October 31, 2005, and was called to order at 2:15 o'clock, p.m., by Chairman Patten D. White.

CHAIRMAN PATTEN D. WHITE: I'd like to begin the Lobster Board meeting. Who are we missing? Welcome everybody to the Galloway, New Jersey, Lobster Board meeting. I would like, there is a new agenda being passed out, no major changes but more updated, more thorough. While Ruth is doing that or staff, whoever, proceedings from the August 2005 board meeting. Yes, Pat.

MR. PATRICK AUGUSTINE: **Move to approve**, thank you.

CHAIRMAN WHITE: Second by Bill Adler. Is anybody opposed? We'll consider the proceedings approved. Public comment. I'd like to entertain public comment now but I'd like people to hold it specific to items that are not on the agenda. We will have public comment on each agenda item as we go through.

So is there anybody that would like to make public comment on issues that are not covered in the agenda? Good. Seeing none I will move forward with -– okay, I've got to wait until approval of the agenda which is almost there. And now, move approval of the agenda, Pat.

MR. AUGUSTINE: **So moved**, Mr. Chairman.

CHAIRMAN WHITE: Thank you. Anybody opposed? The agenda is approved. Without further ado because we're now going well into the "happy hour" we will begin with Bob Glenn and the stock assessment review.

2005 Stock Assessment Presentation

MR. BOB GLENN: Good afternoon, everybody. I'd like to thank the board for the opportunity to give this presentation that culminates what has been a long road, three years' worth of work that the stock assessment committee, the model committee, and the technical committee have worked on very hard.

And I'd like to just give a word to the board about how hard each of your respective state biologists worked on getting this assessment done. And they all deserve a lot of praise for the hard work that they put in.

This presentation is going to be, I'm told I have to keep it to 40 minutes so what I've done is try to summarize about 400 pages of technical documentation into 40 minutes. So in a lot of cases there is going to be a lot less detail than you've seen in the assessment because that's all I can, only the time I have afforded here.

So if you have any additional, specific technical questions by all means feel free to

contact me or any other member of the technical committee and we can try to elaborate on those there. All right, so let's get this show on the road.

American lobster is a cold water, decapod crustacean distributed throughout the Northwest Atlantic, from the Straits of Bell Isle, New Foundland, to Cape Hatteras, North Carolina, from the mean low water to 700 meters.

They are most abundant in coastal zones at depths of less than 50 meters. In U.S. territorial waters –- well, this is going to be part of the abundance for American lobster is right around Mid-Coast Maine and then there is a general attenuation in abundance as you head in a southwest fashion down around the coast. Next slide.

American lobster is a long-lived species, known to reach more than 40 pounds. Age is unknown because all hard parts are shed and replaced at molting, leaving no material for age determination.

In ability to determine age dictates use of length-based methods for American lobster assessments. Lobster at minimum legal size are generally considered to be between five and seven years of age based on limited hatchery observations.

Lobsters, like all crustaceans grow incrementally in distinct molting events. Growth rates are, therefore, affected by two components: the molt increment which is the size increase per molt; and also the frequency of molting or the molt probability.

Molt increment is typically reported as a percent change in carapace length. Molt increment data consists of measurements from tagged and recaptured lobsters or from lobsters that molted in captivity. And the frequency of molting is typically reported as a probability of a lobster at a given size molted in a given year.

In general molting and growth information for lobster is fairly limited because it's fairly difficult to get tag recapture observations for lobsters that retain the tag for a sufficient time and also that growth data from hatcheries tend to be influenced by the affects of being in the hatchery, such as temperature and photo period.

Maturity is determined via ovarian or gland staging. Size at maturity is highly correlated with the mean summer water temperature. As such there is a north to south latitudinal gradient in the size at maturity from U.S. territorial waters.

If you look at the chart up on the screen you see the three lines. The blue line is for the Southern New England, being farthest to the left. And you can see the arrow. We're at minimum legal size here. And at that size approximately greater than 90 percent of the lobsters are sexually mature at minimum legal size in Southern New England.

In contrast the lobsters in the Gulf of Maine, represented by the green line, and Georges Bank, by the pink line, respectively, grow at slower rates or mature at slower rates, excuse me.

And you can see that less than 20 percent of the lobsters are sexually mature at minimum size in the Gulf of Maine and approximately 10 percent of the lobsters are sexually mature in Georges Bank.

Assessment areas, in this assessment, assessment areas that have multiple maturity ojais representing sub-areas within the stock unit were combined the using landings' weighted averages.

To date published genetic studies do not show clear differentiation between American lobster stocks. As such differences in biological characteristics provide a justifiable basis for defining separate stocks of lobsters for assessment purposes.

The characteristics used to differential the stocks of lobsters in the U.S. are as follows: patterns in abundance, patterns in migration, location of spawners, disbursal and transport of larvae, size composition and size at sexual maturity.

In previous assessments stock definitions were primarily based on differences in growth rates and size at maturity, which differ markedly between the coastal populations in the Gulf of Maine, offshore populations on Georges Bank and Southern New England, and the warmer water inshore populations of south of Cape Cod.

Some exchange between south of Cape Cod/Long Island Sound and the Georges Bank areas and between the Gulf of Maine and Georges Bank areas has been noted. However, immigration and emigration rates are not well-defined between areas and differences in life history parameters between areas support the basis for which these stocks were defined.

New size at maturity information compiled for the last assessment indicated differences between size at maturity are similar between inshore and offshore locations in the Gulf of Maine and southern New England and suggest that the combination of the Georges Bank and south of Cape Cod/Long Island Sound stock should be reconsidered.

Based on recommendations in the previous assessment and its review, the stock assessment committee re-examined the stock definitions for this assessment. Particularly the stock boundaries between Georges Bank and south and south of Cape Cod/Long Island Sound stock units were re-examined.

This was carried out by comparing maturity data, abundance trends, size composition and other information from inshore southern New England, offshore Southern New England, and Georges Bank.

Here is a series of maturity curves for Georges Bank, the canyons south of Cape Code, and a series of maturity curves for inshore Southern New England. These multiple curves to the left are the range of curves that we have for sexual maturity for Southern New England, including Connecticut, Rhode Island, New York, and Buzzard's Bay, Massachusetts.

This curve all the way to the right is that of Georges Bank. And the pink curve here is the one for Hudson Canyon or representative of the offshore canyons south of New England. If you note, the distance between these maturity ojais from the pink line to the lines to the left is much smaller than it is from the pink line to Georges Bank, represented by the blue line.

What this means is that lobsters on the southern canyons mature at a much more similar rate to the lobsters in inshore Southern New England than they do to Georges Bank where they had been previously aligned with.

Here is another graph. This is survey abundance between many areas. And you will have to excuse that. It's a little noisy and that's kind of the nature of survey data, unfortunately. But the take-home message here, and I'll try to tease out this for you.

If you look at the pink line, the green line and the dark line below, those are three curves. One is for offshore Southern New England, represented by the black line at the bottom. Then there is inshore Rhode Island which is the symbols that have a triangle right there, and also inshore Connecticut, which is the pink line right there.

In general what we have for those three lines for survey abundance is that the abundance in those three areas kind of vary without trend between 1984 and 1994 and then jumped up around the mid-1990s, reaching highs in the late 1990s, around 1997.

And you see a high there in the Rhode Island survey, a high there in the Connecticut survey, and a high down here in the NMFS offshore Southern New England Survey. So what that tells us is that the populations in those areas were being subjected to similar population parameters and population dynamics as compared to the blue line which is Georges Bank.

And what you see there is that that survey abundance varied without trend between 1984 and 2000 and then increased in around 2001 at a time when both inshore and offshore stocks south of New England were declining.

And this tells the technical committee essentially that the populations were in addition to the maturity information that I presented, the abundance trends were following different trends at the time.

Other evidence includes, is that the evidence of direct migration of adult lobsters between the offshore canyons and shallow areas on Georges Bank Proper suggests cross-shelf from deep to shallow movement are more pronounced than along shelf, from east to west movements, so showing that there is not a lot of connectivity between those stocks.

There is also little evidence that lobsters originating on Georges Bank cross the Great South Channel which separates Georges from the Southern New England Canyons. And this is based on some tagging work that was done in the early ‘70s.

Another fact to take into account is the size distribution of lobsters in the Southern New England Canyons is more similar to those observed in inshore Southern New England than the larger lobsters seen on Georges Bank. Based on this body of evidence the TC decided to redefine the stocks for definitions for lobsters in U.S. territorial waters as follows.

Okay, here you see the old stock definition with the three areas: the red area being the Gulf of Maine; the green area being Georges Bank and south; and the blue area being south of Cape Cod/Long Island Sound with just a small inshore stock area.

Based on the information that I just presented the technical committee decided to redefine. You will see the Gulf of Maine has no change at all. Georges Bank is separated and it’s its own separate stock unit here. And then the Southern New England, South of Cape Cod/Long Island Sound inshore portion is now connected with the offshore portion based on those biological parameters.

Natural mortality is a parameter that is typically chosen based on life history criteria such as longevity, growth rate and age at maturity. Uncertainty in natural mortality is compounded because of the inability to determine an accurate maximum age for American lobster.

Lobster possess many traits fostering a relatively long life-span and slow reproductive rate which classifies them as being K-selected. Animals that are long-lived with slow reproductive rates typically experience low natural mortality rates over the course of their lifespan.

In recent years there has been a large amount of empirical evidence for an increase in natural mortality in the Southern New England waters. Information then, evidence includes an increase in disease such as shell disease, a newly-defined fatal disease to lobsters called calcinosis which is triggered on by exposure to warm water temperatures and also a protozoan parasite infestation in Long Island Sound.

In addition to this there has also been a general increase in water temperatures in Southern New England waters that impact growth rates of lobsters and also potentially affect natural mortality rates and also the interaction of temperature with oxygen causing hypoxic conditions in some areas in Long Island Sound causing direct lobster die-offs, as you're all well aware.

The stock assessment committee spent a significant amount of time trying to investigate natural mortality in Southern New England and attempted to estimate a time varying natural mortality which was a new approach where in the past all of the model conventions were to hold natural mortality at a constant level.

Unfortunately, we were not successful at generating robust estimates; however, we felt that it was important to test the sensitivity of the model results and the subsequent management advice to changes in natural mortality.

So in light of that empirical evidence and our want to test the sensitivity of the models we ran a series of sensitivity analysis with increasing natural mortality, four different runs. The first run was the old convention whereby M was held constant.

The other runs were where M was held constant between 1984 and 1996 and then increased at three different respective levels between 1997 and 2003 to mimic a time period when we've seen an increase in deaths in Long Island Sound and also in other Southern New England waters.

Those rates were from 0.4, 0.65 and 0.9 in those terminal seven years. And we looked at the sensitivity from the model results for fishing mortality rates as well as abundance to see how the changes in M in that time period would impact those estimates.

The U.S. lobster fishery is conducted in each of the three stock units described in this assessment. Each area has an inshore component and an offshore component with the inshore portion dominating the Gulf of Maine and Southern New England regions and the offshore dominating the Georges Bank stock unit.

The Gulf of Maine supports the largest fishery, constituting 74 percent of the U.S. landings between 1981 and 2003 and 85 percent from 2001 to 2003. So you can see that the increased abundance in landings in the Gulf of Maine and specifically the state of Maine has in recent years made that fishery account for a much larger portion of the U.S. total.

Southern New England has the second largest fishery, accounting for 21 percent of the U.S. landings between 1981 and 2003. This fishery has experienced dramatic declines in landings and has accounted for only 12 percent of the U.S. landings from

2000 to 2003, reaching a time series low of 8 percent in 2003.

Georges Bank constitutes the smallest portion of the U.S. fishery, averaging 5 percent of the landings from 1981 to 2003. During this time period the Georges Bank fishery has remained stable.

Lobster traps are the primary gear type employed in the U.S. lobster fishery. Between 1981 and 2003 traps accounted for an average of 99 percent of the total landings. All of the gear types, including otter trawl, gillnet, dredge, scuba and others accounted for the remaining 1 percent of the total landings.

However, it should be noted that this statistic is heavily weighted by the Maine landings which are entirely from traps and is not reflective of the non-trap landings on the state-by-state basis. For example, non-trap landings accounted for 10 percent of the Massachusetts total landings in 2003.

The standard unit of fishing effort is difficult to define in the American lobster fishery. The relationship between the number of traps fished and fishing effort is not simple, nor is it linear.

Many factors affect the catch rates of lobster traps, including location, bait, trap design, soak time, temperature and the presence of other animals. This complicates the relationship between catches or CPUE and abundance or densities as well as between effort and mortality.

The number of trap hauls are a relatively robust measure of effort. However, these data are not currently collected by all states or jurisdictions. So for this reason the technical committee uses the number of traps reported fished as a measure to reflect the trends in fishing effort.

The operational characteristics of the U.S. lobster fishery have changed significantly in recent decades. There have been substantial increases in the number of traps, average trap size and average boat size.

The predominant type of trap used in the fishery has changed from traditional wood lathe traps to wire mesh traps. Advances in radar, sonar and navigation electronics have increased the efficiency of fishing vessels. Each of these factors affect catch rates and overall yield and has increased the fishing power of the U.S. lobster fishery.

Fishery-dependent sampling is carried out from Maine through New York by state and federal agencies. In general sampling intensity is good in the inshore portions of each stock and moderate to poor in the offshore sections of each stock.

And if you look at this chart, each of the statistical areas along the coast are color coded. And the take-home message is that the black areas represent the areas that are well sampled.

And you can see the band along the coast from Long Island Sound across inshore Massachusetts and up through Maine is that our inshore areas are very well sampled and those are carried out by fishery-dependent sampling programs carried out by each of the states.

With the exception of this one area here that is sampled intensively by Rhode Island DEM, the majority or the remainder of the offshore area has anywhere from moderate to poor sampling intensity and as such the technical committee is forced in those cases where there are holes in the sampling data to gap-fill those data using either adjacent time

periods or adjacent area information to fill those in. And this potentially has the opportunity to bias some of the estimates we make.

Fishery-independent surveys, trawl surveys are carried out by the state agencies and NMFS and they're used to generate relative abundance indices for each stock. These indices are used as inputs to the CSM model which is used to generate estimates of fishing mortality and abundance.

The Gulf of Maine is covered by the Northeast Fisheries Science Center Fall Survey which covers the entire Gulf of Maine. However, this survey has relatively few tows in the inshore waters of Maine where the bulk of the Gulf of Maine fishery is prosecuted.

The southern portion of the Gulf of Maine, Stat Area 514, is covered by the Mass Inshore Trawl Survey and on this chart, this is this area up here in the red. This red area is covered entirely by the Northeast Fisheries Science Center Survey. And this area down here is covered by the Mass Inshore Trawl Survey.

This mismatch has the potential to bias fishing mortalities and abundance estimates in the Gulf of Maine. The TC would like to stress the need for the Maine State Inshore Survey to continue so that this time series can develop sufficient length so that it can be incorporated into future assessments and so that we won't have a real gap in the amount of inshore sampling, fishery independent sampling, that happens right now.

The Georges Bank stock here covered by blue is covered entirely by the Northeast Fisheries Science Center Fall Trawl Survey. Inshore Southern New England is covered by state surveys in Connecticut and Rhode Island. And the offshore portion is covered by the Northeast Fisheries Science Center.

You can see here in this cranberry color is the Connecticut Survey and Long Island Sound. The state of Rhode Island covers the area around Rhode Island Sound and Narragansett Bay. And the offshore area here is covered by the Northeast Fisheries Science Center.

Massachusetts does have an inshore component to Buzzard's Bay in Southern New England but our catches of the lobster tend to be quite variable and not sufficient for use in modeling exercises. Another fisheries independent survey that uses a stock indicator as the young of the year settlement index.

While this time series is not long enough to make projections for recruitment to the fishery, preliminary examination of these data is promising. Low settlement indices in the Gulf of Maine observed in 1996 and 2000 may indicate poor recruitment to the fishery seven to eight years later.

If you look at these three slides, this is the settlement of young of the year lobster, the blue line being a survey from Mid-Coast Maine, the green line being from inshore –- excuse me, the pink line being from inshore Massachusetts Bay/Southern Gulf of Maine, and the green line being from inshore Rhode Island.

And what we see is that generally in the early part of the time series is that settlement abundance density was quite high, dropped to very low periods in all three areas between 1996 and 1998 and then at least for the Gulf of Maine for both the inshore, for the Massachusetts Bay survey as well as the Mid-Coast Maine survey have increased in

the last three years, indicating that some positive recruitment may be coming along.

And possibly what the promising part is that the area, the lows seen between 1996 and 1998, if you add five to seven years for the average time it takes for a lobster to get to legal size that brings us to 2001 to 2003 where we've seen very low recruitment to the fishery in the southern portion of the Gulf of Maine.

Also for the Southern New England, lows observed in 1995 and 1996, 2000 and 2002 may explain part of the poor conditions observed in this stock. In addition to standard fishing mortality and abundance population parameter estimates used to judge stock status, the TC also looked at a number of "commonsense" stock indicators.

These indicators can be used to corroborate model results and provide additional information about the overall health of each stock. In general the stock indicators need to be interpreted cautiously due to the short time series. The inshore fishery in the U.S. has been prosecuted for over 100 years and the offshore fishery for over 50.

The stock indicators in this assessment are representative of the most recent 25 years and may not be reflective of the entire productive range of the stock. Three categories of indicators were generated: mortality indicators, abundance indicators and fishery performance indicators.

The annual value of each stock indicator time series was categorized as positive, neutral and negative based on its quartile ranking. The strengths of this approach are that the use of percentiles is objective and the focus on trends is robust to many biological and modeling assumptions.

For mortality indicators in addition to fishing mortality we provide the following indicators of mortality: the trends in the instantaneous rate of total mortality; C which is fishing mortality plus natural mortality; exploitation rate; mean length in the survey; and recruits as a percentage of their exploitable stock.

The rate of exploitation is a proportion of the exploitable population at the beginning of the year which is caught or killed by the fishery and can range from between zero and one.

It can be considered that the probability of being killed by the fishery is a function of the instantaneous rates of fishing, total Z and the natural mortality rates. In cases where M changes during the time series the relationship between instantaneous fishing mortality rate and U is complicated with changes in M.

The expectation of natural death is a proportion of the population at the beginning of the year which dies from natural causes and can range between zero and one. Similar to the rate of exploitation the exploitation of natural death is a function of the instantaneous rates of F, M, and Z.

For Southern New England M was assumed to be 0.15 from 1984 through 1996, thereafter a range of Ms of 0.15, 0.4, 0.65 and 0.9 were assumed from 1997 through 2003. Mean length in the survey of lobsters greater than 83 millimeters was also selected as a stock indicator of mortality.

In this case mean length represents the size structure of survey post-recruits at the end of the fishing year and re-represents the effect of mortality on the length structure of survivors at the end of the year.

Higher mortality rates should result in lower mean length; however the mean length may also be influenced by the strength of recruitment. And a strong recruitment may also -– a strong recruitment pulse would also have the effect of possibly lowering the mean length.

Recruits, as a percentage of the exploitable stock, is also used as an indicator of mortality. Higher percentages of recruits in the population are consistent with higher total mortality rates on fully recruited lobsters.

Again, however, the percent recruits are influenced by the strength of recruitment and a strong influx of recruitment could potentially bias this index. The four abundance indicators used include the recruit abundance, the post-recruit abundance, the spawning stock abundance index and the settlement index.

The recruited abundance is the number of lobsters, male and female combined, in the stock estimated by the Collie-Sissenwine model which will recruit to the fishery by the end of the fishing year.

The post-recruit abundance is the number of lobsters, male and female combined, in the stock estimated by the CMS model which are already fully recruited to the fishery at the beginning of the fishing year.

The spawning stock abundance index is the number of female lobsters in the stock that are or will be sexually mature by the end of the fishing year. And the settlement index is an annual estimate of the relative mean density of young of the year lobster for each stock.

And, finally, the fishery's performance indicators were the number of traps in each stock area was used as an indicator of effort. It should be noted that an accurate accounting of traps for the Georges Bank were unavailable.

As such annual changes in traps originating from Massachusetts were used as a proxy for the entire stock area. Landings were assigned to each stock area and represent a common indicator of fisheries performance.

The mean annual length of landed lobsters was generated for each stock area. Unidentified landings by location and in some cases underreporting of landings can introduce error into these estimates. Finally, gross CPUE is simply the total pounds landed divided by the number of traps fished.

The two models primarily used in this assessment were the Collie-Sissenwine model and the life history model. The Collie-Sissenwine model is used to generate estimates of fishing mortality and abundance. And the life history model is what was used in the past assessments and in this assessment to generate F10 percent reference point calculations.

Both of these models were peer reviewed prior to this assessment and suggested for use. The results produced from these models were also reviewed as part of a recent stock assessment review which Mike Murphy will give a presentation about following mine.

A note about the conventions in the CSM model, abundance in the CSM model can be broken down into three categories: the recruits, which are the number of lobsters that will recruit to the fishery within the next year; the post-recruits or the number of lobsters above minimum legal size at the beginning of the fishing year; and the total

abundance which is simply the recruits plus the post-recruits.

Okay, now I'm going to go into the status of the stock for each stock unit. The Gulf of Maine, commercial lobsters landings in the Gulf of Maine were stable between 1981 and 1989, averaging 14,600 metric tons.

That increased dramatically from 1990 to 1999, reaching 30,000 metric tons and have remained at record high levels since. The increase in landings in the Gulf of Maine was dominated by catch from the state of Maine which tripled between 1981 and 2003. These increases were particularly strong in the Mid-Coast portion of the state.

Landings from New Hampshire varied without trend around a mean of 613 metric tons between 1981 and 2003. Massachusetts' landings increased from 1981 to 1990, remained high between 1991 and 2000 and have declined to a time-series low in 2003 of approximately 3,500 metric tons.

Here is a comparison of the size distribution from 1981 to 2000 compared to the size of the three most, of lobsters for the three most recent years. Note that there has been, in general there has been very little change over time and that the majority of the landings are comprised of lobsters within one molt of minimum legal size.

The number of traps fished in the Gulf of Maine was fairly stable between 1982 and 1993, averaging approximately 2.3 million traps. Since 1993 there has been a dramatic increase in the number of traps, reaching a time series high of 3.6 million traps in 2003.

In the Maine fishery traps varied without trend around an average of 2 million between 1982 and 1993 and then increased reaching a time series high of 3.1 million in 2003.

The trend in the Massachusetts portion of the fishery is quite different where traps increased substantially from a time series low in 1982 of 247,000 traps to a time series high in 1991 to just shy of 400,000 traps and have remained fairly stable, averaging around 380,000 between 1992 and 2003.

Effort data for the New Hampshire fishery is only available from 1989 to present, during which traps fished varied without trend, around an average of 44,000.

This is a graph of the trawl survey abundance and from the NMFS survey, representing the Gulf of Maine for both recruits and post-recruits. The two lines that you see are the observed data, represented by the dark line, along with the model fit to that data in the pink line.

In general for recruits you see that from 1980 to approximately 2002 you see a real steady increase in the abundance of recruit lobsters in the Gulf of Maine Northeast Fisheries Science Center survey.

Similarly with the, well, actually the recruits dropped pretty dramatically in 2003 but then jumped back up in 2004 so there is some speculation as to what the validity of that last point is, if it's a possible anomaly, although there are some other signs that recruitment may be starting to slack off a little bit in the Gulf of Maine.

For post-recruit index, which are the fully-legal sized animals, the survey really took a similar trend but even more dramatic. You see an increase in the abundance of the, looking at the observed or the model fit line being the pink line.

It started at very low levels in the 1980s and then it has just kind of varied without trend between 1980 and approximately 1995. And since 1995 it has shot right up reaching all-time highs around 2002 and then dropped in 2003.

This is for the southern portion of the Gulf of Maine, the recruit survey indices and post-recruit indices from the Mass survey. You can see that essentially recruit abundance increased from lows observed in the early 1980s to a high in 1990. This index has since declined and reached a time series low in 2003.

Post-recruit abundance has exhibited a decline between 1981 and 1988 and has remained at low levels since that time. That's the graph to the right, the post-recruit abundance. The big decline was from 1981 here down to around 1988. And since that time it has kind of jumped up and down around a low level and in recent years it hit all-time new lows.

Total abundance, this is output from the Collie-Sissenwine model. This is model total abundance of lobsters in the Gulf of Maine. The two lines are males and females, broken up by recruits and post-recruits.

And you can see that the males and females pretty much follow very similar trends and similar to the survey data, as you would expect, have shown strong increases from the early part of the time series to highs seen around 2002. The trend for the post-recruit and the recruit as well as a total abundance are all very similar.

And, again, this is similar to the survey indices for Massachusetts. You see that the CSM model abundance estimates for Stat Area 514 in Massachusetts essentially do the similar thing where they reach a time series high around 1990 and then decline thereafter, reaching lows in 2003 for the recruits and then for the post-recruits are high at the beginning of the time series and then much lower near the end.

Fishing mortality in the Gulf of Maine was high and varied without trend between 1981 and 1994 and then gradually declined, reaching a time series low in 2002. F jumped up abruptly in 2003 but this must be interpreted cautiously because the terminal year estimate in the CSA model tends to be a little bit more variable. This is why the TC uses an average of the last three years for comparison to reference points.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Bob, could you help us get on the right slide.

MR. GLENN: I'm sorry, next slide, fishing mortality rate. No problem. So since the last assessment here you see the period, the last assessment was '95 to '97.

Starting from '97 and moving forward you see that in the Gulf of Maine in general that fishing mortality rates declined except this abrupt increase in 2003 which the technical committee doesn't put a lot of weight in because the terminal year estimate is often bias coming out of the CSM model.

It should be noted that in general the fishing mortality on males is higher than females, which is what we would expect because of the protections afforded to females by egg-bearing status and also v-notched status.

Fishing mortality has generally been high and has varied substantially in the Southern Gulf of Maine. F has increased since the last assessment, reaching a time series high in 2003. It should be noted that F has been

higher on females than males, despite protection on egg-bearing females and v-notch lobsters.

So you see here as I pointed out that the female F in the southern portion is actually higher than it is on males. Part of this could be relative to biases in the trawl survey and that the Mass survey only covers the inshore area whereas the NMFS survey only covers the offshore so that that trend could be related to the availability and differences, the difference between male and female sex ratio in the inshore and offshore area.

But in general the take-home message is that the fishing mortality for both males and females since the last assessment has increased to new highs.

The mortality indicators, including exploitation rate, total mortality, mean length and percent recruit were all positive in the terminal years. They were above the -- – excuse me, they were below the 25th percentile for between 2001 and 2003 when compared to the time series.

The abundance indicators for recent years are all positive as well. Some indicators for recent years are positive, below some observed in the mid-1990s, may predict reduced recruitment to the fishery in future years.

The fishery performance indicators have been positive for recent years with the exception of an increase in the number of traps which is a negative indicator. In the Southern Gulf of Maine you see quite a, a little bit different perception, perspective, rather.

You see that the exploitation in total mortality and percent recruits are all poor for the mortality indicators with the exception being mean length which is a neutral indicator. Abundance is at, spawning stock abundance was neutral; however, recruit and full recruit abundance was poor.

One positive note is that settlement indices between 2001 and 2003 have generally increased and are higher than any levels that we've seen. And the fishery's performance indicators were between negative and neutral. Effort was poor. Landings was neutral. Mean size was neutral. And the gross CPUE was poor.

Okay, Georges Bank. Commercial landings in the Georges Bank stock unit have generally varied between 1,200 and 1,600 metric tons since the early 1980s. Catch from the states of Massachusetts comprise the majority of the Georges Bank landings, averaging 67 percent of the total from 1981 to 2003.

This proportion has increased in the latter part of the time series, whereby Massachusetts accounted for greater than 80 percent of the landings from 2001 to 2003.

Rhode Island accounted for the second largest proportion of landings on Georges Bank. Between 1981 and 2003 they accounted for roughly 28 percent. However this proportion has declined over the course of the time series, reaching a low of 7 percent in 2003.

Prior to 1993 New Hampshire did not have consistent landings in Georges Bank; however, from 1993 to 2003 New Hampshire landings were stable, averaging around 113 metric tons. Landings from all the state comprise less than 5 percent of the Georges Bank landings throughout the entire time series.

This is a comparison of the size distribution of lobsters on Georges Bank. The jagged appearance of the lighter line, the red line and the 2001 and 2003 size distribution is the result of the poor sample size.

Nonetheless, the shape of the size distribution for 2001 and 2003 is similar to the shape of the total time series size distribution. This indicates that the size distribution has remained stable over time on Georges Bank.

In general the Georges Bank stock has a broad size distribution and the fishery is not heavily dependent on new recruits. The number of traps fished on Georges Bank is not well characterized due to the lack of mandatory reporting and/or a lack of the appropriate resolution in the reporting system.

Massachusetts is the only state that has a time series of effort data for this stock. As such Massachusetts data are presented here as an index of relative effort for the Georges Bank stock.

The number of traps fished on Georges Bank increased steadily from the early 1980s to the mid-1990s, reaching a time series high in 1994 of 47,000 traps. From 1994 to 2003 the number of traps has varied without trend around a mean of 44,000.

This is the NMFS Fall Trawl Survey data for Georges Bank, recruit and post-recruit, and the respective model fits. You can see that both have, or rather for the recruit survey indices have varied without trend and have been fairly stable over time.

The post-recruit indices are similar in that they have been very stable over time and there is a slight increase in recent years in the abundance of, relative abundance of post-recruit lobsters in Georges Bank.

This slide is the model total abundance for Georges Bank coming out of the CSM model and you can see in general that the female abundance in Georges Bank is considerably higher than the male abundance.

And this is probably largely related to behavioral changes and sex or availability of females on Georges Bank being greater than that of males. And the, below being the total abundance, you can see that broken up by recruits and post-recruits have been very stable and varied without trend over time.

Similar to abundance trends, fishing mortality on Georges Bank has, for females has been extremely stable and varied without trend over time. Males have been a little bit more variable but nonetheless have kind of bounced around the time series average over the, between 1981 and 2003.

The status of the Georges Bank stock and fishery have been relatively stable since 1983 and this must be considered when interpreting the stoplight results. The mortality for recent years are all positive to neutral.

Exploitation rate and total mortality fall below the 25^{th} percentile for the terminal three years. The mean length and the percent of exploitable stock, comprised of recruits, fall between the 25^{th} and the 75^{th} percentile and essentially have been classified as neutral.

Abundance indicators for recent years are neutral for recruit abundance or positive for spawning stock abundance and the full recruit abundance, reflecting the stability of the stock. The variation within the time series is generally modest.

Fisheries performance indicators for recent years range between poor to neutral. The estimates of trap in terminal year fall above the 75th percentile and are solely based on Massachusetts' levels but nonetheless are a negative indicator or poor.

Okay, the Southern New England stock. Commercial landings in the Southern New England stock increased sharply from the early 1980s to the late 1990s, reaching a time series high of 10,000 metric tons in 1997.

Landings remained near time series high until 1999, then declined dramatically back to levels observed in the early 1980s. The majority of the catch in Southern New England is landed by Rhode Island, which averaged 37 percent between 1981 and 2003, followed by New York at 23 percent and Connecticut at 16 percent and Massachusetts at 14 percent and New Jersey, Delaware, Maryland and Virginia constituting the remaining 10 percent.

Landings trends among states within the Southern New England stock were generally similar to the overall trend. So if you look here you can see that the total being the top of this red line and then each state's contribution, red being Rhode Island, followed by New York, Connecticut, Mass., and all those states combined.

They all start low, increase, hit peaks around the early 1990s and then hit an all-time high in the late 1990s, around 1997 and then all have experience dramatic declines in recent years. The size distribution of the Southern New England stock has remained fairly constant over the course of the time series.

However, you should note that there is a slightly higher proportion of lobsters between the 84 and 90 millimeter in the 2001 to 2003 size distribution curve which are likely indicative of recent gauge increases in some portions of the stock unit.

The number of traps fished in Southern New England increased five fold from the early 1980s to the late 1990s, reaching a time series high of 800,000 traps in 1999 and has declined by 50 percent between 2000 and 2003.

New York accounted for the majority of the total number of traps fished in Southern New England, averaging around 37 percent between 1981 and 2003, followed by Rhode Island at 32 percent, Connecticut at 16 percent and Massachusetts at 15 percent, in decreasing order.

Also note that between 1993 and 1998 the dip that you see right here in effort is the result of no effort information being collected by the state of Rhode Island during this period so there is not actually a decline here in the effort; we just don't have Rhode Island data for that time period.

We suspect that the effort trend for Rhode Island would have followed the general trend for the rest of the stock and that you would just see this generally increase over time to a high in the late 1990s.

Here we have the survey indices that are used in the Southern New England stock, the first being the inshore Connecticut survey. And what you will see when you compare the survey indices for both the inshore Connecticut, inshore Rhode Island as well as the NMFS offshore is a strong reoccurring trend in the abundance over time.

And you see that generally in the early 1980s you started out with very low levels and that increases over time reaching highs

in the late 1990s, around 1997, followed by a real substantial drop off, back to near levels observed in the early 1980s.

Similarly in the post-recruits behave a little bit differently; however, they also generally increase over time, reaching highs in the late 1990s and then dropping to all-time lows around 2000, between 2000 and 2002. Next slide.

Rhode Island, it almost looks like the same graph that I've just shown you for Connecticut. The same general trend that you see, an increase in the overall abundance reaching highs in the late 1990s and then that substantive decline in both the recruit and the post-recruit index. Next slide.

And, finally, for the Northeast Fisheries Science Center Survey which occurs in the offshore portions of Southern New England, you see that in general the abundance for the recruits varied without trend between 1984 and 1994 then rose dramatically, reaching highs around 1997 and have since declined, reaching near lows again back in 2003. And a similar trend you see in the post-recruits as well.

Stock abundance increased slightly between 1984 and 1994, increased dramatically reaching a time-series high in 1997, and has declined substantially since that time. So this is the output from the Collie-Sissenwine model of total stock abundance.

The four lines you see are the sensitivity that we ran relative to the different levels of natural mortality. And you can see what the effect has, natural mortality has, on the overall stock abundance.

In general it does not affect the trend. In only affects the magnitude. So if you look here, the red line being here, that was a run with an M of 0.9 between 1997 and 2003. And as you will see, all that does is show that the stock would have had to have been a slightly larger size to have supported the landings that we had during that time period.

And then as you can see down the scale you have .65, .4 and then the run with constant natural mortality. So the take-home message is that right, in general abundance was fairly stable, increased slightly between 1984 and 1994, jumped abruptly in the late 1990s and then has declined dramatically and reached all-time lows in around 2001 and 2002.

And that's irregardless of the level of natural mortality that you use. The trend's the same; it's just a slight difference in the magnitude of that line.

Fishing mortality is generally high in Southern New England. F varied without trend between 1984 and 1993, increased to a time series high in 1994, and then remained above average until 2000 where it has declined and remained near those levels since, remained near levels last seen in the early 1990s

And again here you see this is fishing mortality coming out of this Collie-Sissenwine model with a sensitivity analysis for each of the different levels of natural mortality here.

And, again, you see the same trend as you do in the abundance outputs is that the natural mortality, while it affects the magnitude of the fishing mortality estimate, it does not affect the trend. You see the same general trend over time.

For stock indicators for Southern New England, you can see that this is a little bit

different than the general bullets I put up for the stock indicators for the other two stocks. This is because we ran all the stock indicators for the four different levels of natural mortality and again wanted to demonstrate the effect and sensitivity of these parameters to or these estimates to natural morality.

Mortality rates are uncertain in recent years and there is a fair amount of empirical evidence that suggests natural mortality rates have increased. In response to this natural mortality rates were used similar to the other, between 0.15 and .9.

Mortality stock indicators ranged from negative to positive during the terminal three years depending on the specific indicator level of M described. So in these –- sorry, this is a little bit difficult to read from here. However, these are the different mortality indicators I have mentioned for the other stocks.

Here is the key; white being good classification, gray being neutral, and black being poor. You can see for the exploitation rate that at a constant M of 0.15 you're neutral; whereas, for the other levels of natural mortality it puts you in the good classification for exploitation rate.

For total mortality you see the opposite trend where a constant M of 0.15 is neutral and then the increased natural mortality adds to the total mortality and for the higher level Ms you have the total mortality being classified as poor for the other runs.

Similar with the expectation of natural death, the mean length and the percent of the exploitable stock comprised of recruits are not affected by natural mortality. And as you can see they remain neutral regardless of the level of M that you use.

For abundance indicators, the impact, there essentially was no impact in the difference in the natural mortality runs for each of those. For the spawning stock abundance index, regardless of the level of M used in the output, they're all in poor condition.

The same with recruit abundance and post-recruit abundance. The exception is that the settlement indices for the recent terminal three years in Southern New England are classified as being neutral.

Fisheries performance indicators are not affected by levels of M. You notice those values will all be the same. In general for effort and for landings, I mean for effort and for the mean length they were neutral. And for landings and for gross CPUE they were all negative.

Okay, reference points. One of our terms of reference for this assessment was to update F10 percent calculations with current data. This allows managers to re-evaluate the conditions described in the last assessment, also to evaluate the effects of new management put into place since that time, and to see the effects of how new biological parameter data on fishing mortality and F10 percent estimates.

Okay, here is a table of F10 percent from the egg per recruit model results. The top row seen here is being the F10 percent calculations for the last assessment. The second row is the reference period F from 1995 to 1997.

So in comparison for the last assessment the F10 was .34 for the Gulf of Maine, .29 for Georges Bank and south, and .84 for south of Cape Cod/Long Island Sound, compared to the terminal year mortality estimates at that time of .74, .41 and 1.25, respectively.

Go down to the new "turn of the crank" assessment results. In this assessment where we used new growth and maturity information and also some changes to the convention of the CSM model, these results would be essentially the new updates of those old estimates.

So based on those changes fishing mortality, F10 percent based on the updated life history model growth parameters but management measures that we saw back in 1998 and not reflecting any of the new ones, the subsequent F10 percents are .28, .20 and .37.

The next line down is the new growth parameters, new models, I mean new growth life history parameters, but the most recent management measures. That brings it to .31, .21, and .36, respectively.

As compared to the average female F between 1995 and 1997 being calculated with the new growth models, you can see that that's at .65 or 4.3 percent of the total F10, .45 or 3.3 percent of the F10 and 1.16 or 5.2 percent of F10 in Southern Cape Cod/Long Island Sound.

And then, finally, the results with the 2001 to 2003 fishing mortality results, you have an average female F of .65 in the Gulf of Maine which is 4.3 percent, .45 –- I'm sorry, .21 in Georges Bank and South, which is at 10 percent, and 1.06 which is approximately a little over 5 percent.

It should be noted that this last line due to an error in formatting was not sent to the peer review so the peer review reviewed the F10 percent EPR calculations that were presented but only with data up through 1997. And I will be going over that in a minute.

Using F10 percent, the stock is overfished if recent fishing mortality rates exceed the F10 percent level applied on a stock-by-stock basis. Since the magnitude of F from the CSM model is uncertain the advice from the model review prior to this assessment was to base advice on trends, not absolute values.

This is the primary reason why the TC recommends using alternative reference points in this assessment. So, a critique of the F10 approach is that this approach does not distinguish between a depleted stock and overfishing and it's only based on F, not based on any, tied to any abundance level.

It does not distinguish between targets, thresholds and limits. The F10 is simply a threshold. It's often misinterpreted as a target. F10 percent is not particularly risk-adverse. Other crab and lobster fisheries throughout the United States and the world use F20 percent as a threshold.

Also the F10 percent is sensitive to assumptions, is fairly complicated to calculate. And, finally, the F, the fishing mortality rate in F10 percent is currently computed in different models and the CSM model and the egg per recruit model making the results questionable to the degree to which they're on the same scale.

The chief advantage of the F10 percent approach is that the reference points are linked to the biology of the lobster. They're common. They are a common, well understood approach in the scientific community.

They've been used in many species. And percent MSP is very common. And, finally, an F can be judged as high or low in both a quantitative and a qualitative fashion using F10 percent.

One of the terms of reference for the, an additional term of reference for the stock assessment committee was to look at new reference points which we did. Based on the work that we did we recommended a new threshold based on the meeting fishing mortality rate for each stock.

A threshold abundance was based on the meeting abundance for each stock. In this instance overfishing would be occurring when F was higher than the threshold and a depleted or overfished resource would occur when the abundance was lower than the proposed threshold.

The reference points should be compared to the average fishing mortality and abundance from an average of the terminal three years, in this case 2001 to 2003. And this reference point calculation should be used until they're recalculated in the next benchmark assessment, not a "turn of the crank" assessment.

For targets we recommend the target abundance, being that the median abundance plus a minimum of one standard deviation for measurement errors and that the target F be the minimum minus a minimum, the median minus a minimum of one standard deviation for measurement errors.

Targets are offset from the threshold by at least one standard deviation to minimize the risk of accidentally declaring a stock beyond the threshold when it is actually at the target.

The probability of this occurring using this technique is approximately 1 in 6 or 16 percent. Managers are advised to choose a larger offset if possible to further minimize the risk of stocking this classification.

The pros and cons of this approach, the pros are that it's fairly simple. It's easy to calculate. It's transparent. Medians and trends in medians are robust. We don't need absolute estimates of fishing mortality and abundance which tend to have scale problems.

The results are based on the well-known recent history that is experienced by all stakeholders in the fishery. And the cons are that the advice is relative to F and stock response only since 1982 and that this is a fairly short time period and may not reflect the total productive range of the stocking question.

The information using this approach is outside of models, outside of models is not fully utilized. Also we don't have any stable periods in the Gulf of Maine or Southern New England to show us whether or not the last 25 years is in fact, is a reasonable basis to manage.

In other words, the Gulf of Maine has been a strong one-way increase so the medians are going to be reflective of that instead of a stable period and to the contrary Southern New England has a large increase followed by a sharp decline.

The actual values for those reference points, here you'd have the fishing mortality threshold, would be 0.76 for the Gulf of Maine, 0.34 for Georges Bank, and 0.82 for Southern New England. The target would be 0.67, 0.31, and 0.74, respectively.

As compared to the recent fishing mortality rates in the Gulf of Maine that's .69 which means that F is in the Gulf of Maine is currently below both the threshold and the target. For Georges Bank it's 0.29 which is, F is below both the threshold and the target. And in Southern New England the current F is at 0.84, which is not below either the

threshold or the target indicating fishing mortality reduction would be needed.

For abundance, all these values are, the units are in millions of lobster. For the Gulf of Maine the abundance threshold would be 65 million. For Georges Bank it would be roughly 8 million. And for Southern New England it would be around 22 million.

The target would be 69, 8.6 and 23.9 million, respectively, for each of the three stocks. Relative to the reference point, the relative abundance for the terminal year, between 2001 and 2003 is: 123 million in the Gulf of Maine, far above both the abundance and the threshold; 9.0 in Georges Bank, which is slightly above the target; and 14 million which is both below the target and the threshold in Southern New England.

Okay, and finally the findings and recommendations. The advice contained within this section is based on the new reference points, stock indicators and the stock definitions presented in the stock assessment document.

The stock assessment committee recommends that the ASMFC Lobster Board adopts the new stock definitions and reference points and use them as a basis to currently manage all three stocks of American lobsters in U.S. territorial waters.

The stock assessment committee also recommends that the ASMFC Lobster Board redefine management area boundaries so that they match or completely fall within the stock unit boundaries.

It is not possible to provide robust management advice for management areas that span multiple stock areas due to differences in stock trends, biological parameters, and management measures in adjacent areas.

For the Gulf of Maine, the good conditions in the Gulf of Maine stock indicate that recent mortality rates are sustainable; however, effort indicators are negative. This high effort is concurrent with high stock abundance and is not likely to be supportable if abundance returns back to median levels.

Condition, on contrast conditions are poor in the Southern Gulf of Maine and Stat Area 514. The mortality rates are above the threshold and abundance is below the threshold in Area 514. Managers should consider alternate approaches to reducing fishing mortality and rebuilding stock abundance in this portion of the Gulf of Maine.

Stock conditions on Georges Bank have remained stable and appear to be favorable. This indicates that recent mortality rates appear to be sustainable. However, effort indicators in recent years are negative and further increases of effort are not advisable for this stock.

Finally, in light of poor stock conditions observed in Southern New England the stock assessment committee recommends reducing fishing mortality to the target level and rebuilding stock abundance to the target level.

The response of the population will also depend on recruitment strength and the magnitude of natural mortality and will affect the overall rebuilding time. And that's it.

CHAIRMAN WHITE: Thanks so much, Bob. I know this was redundant for most of you because you've read through this document and I'm glad you all got a chance

to. This is Bob's last meeting as chair of the TC and I just have to applaud him for what he has done.

This has been a very, very difficult task and I think what you've seen presented here today is a reflection of the job that he did do and so on behalf of all of us, Bob, I'd like to thank you very much for the job you've done.

Advisory and Peer Review Report

Next, Mr. Murphy. I'd like to go right into the peer review because many of the questions you may have will be redundant so we'll go right into the peer review process now with Mr. Murphy and then we'll open it up to questions and comments afterwards. Thank you.

MR. MICHAEL MURPHY: Okay, good afternoon. I'm going to report on the findings for the Lobster Stock Assessment Peer Review Panel. My colleagues who are listed here were more geographically undesirable than myself, being from the West Coast and Alaska in general.

This panel met in August, late August, in Boston. And I'm going to give a brief overview of the panel's findings within each term of reference for the stock assessment, then a brief summary of our findings about the stock status determination.

The first term of reference for which we provided review was to essentially compile and update all of the data needed for the stock assessment, including commercial, recreational, and discards, updating the database to include the most recent information available.

The panel found that the assessment report is a thorough compilation of the available data and new information was provided on maturity schedules and all of that that Bob just went over, probability, molt increment and natural mortality especially in Southern New England with the '97 through 2003 lobster die-off.

All the available landings and size data were updated. However, the panel also found that the lack of completely reported catch, landings and discards, those data, the lack of those data was a serious flaw to the assessment.

Landings data are inadequate for American lobster. They're not collected in a comprehensive, complete fashion. And the panel recommended that there needed to be a mandatory catch reporting system.

Further, things like the Canadian take from the Gulf of Mexico may be a substantial part of that stock's dynamics that are not included in the analyses. And although possibly minor, other issues of catch included estimates of the recreational catch or the mortality of lobsters that encountered fishing gear but weren't landed, in other words, they died after being released.

Also the panel felt that there was a need to improve catch length frequency sampling, especially in offshore areas. As Bob has shown, there was a low number of samples from many of the offshore areas, specifically a special problem in Georges Bank and a more representative length sampling survey should be designed and implemented.

The second term of reference was to evaluate and revise if necessary the boundaries of the stock assessment areas as outlined in the last peer review assessment. The panel essentially found that the revisions of the stock boundaries appear reasonable and were based on between area

differences and size at maturity, abundance trajectories, size distributions, survey size distributions, and features of larval distribution and retention.

As part of this the panel was concerned somewhat about the lobster movement that occurs from shallow water to deep water because this somewhat confounds the assessment within stock sub-stocks, that is the assessments are done within the areas of each of the surveys, both inshore and offshore, and it is implicitly assumed that this movement is insignificant in the sub-stock analysis.

Under Term of Reference Number 3, for all stock assessment area estimates, estimate the current levels and historical trends of factors such as egg production, biomass abundance, and natural and fishing mortality rates and characterize the uncertainty of these estimates.

The panel found that estimates made for abundance in fishing mortality using the Collie-Sissenwine model were not unreasonable. However, the panel also was more confident about the relative trends in absolute abundance and fishing mortality and abundance, especially given the sensitivity of the absolute estimates of fishing mortality to uncertain inputs of things like catchability coefficients, ratios, natural mortality rate and some model configuration limits that were presented at the stock assessment.

It is clear that trends are more robust than the absolute estimates. Uncertainty, however, the panel was more confident about the relative trends than the absolute estimates of fishing mortalities I've just mentioned.

Uncertainty of these estimates is understated by the Collie-Sissenwine model because the model structure did not allow for inclusion of a lot of uncertainty in the input data, for instance, catch was assumed to be known without error and we know there is error in that. And other terms had that deficiency.

Continue on with Term of Reference Number 3 and further on these estimates of abundance and fishing mortality, for the Gulf of Maine the overall recent stock abundance as estimated in the assessment is relatively high with recent fishing mortality comparable to the past.

There has been a long-term trend of increasing recruitment and spawning stock that Bob has just shown through 2002. But measured recruitment in 2003, while potentially anomalous and not affecting the current stock status determination indicated to the panel, that there was a need for vigilance in monitoring recruitment.

On average the fishable stock in the entire overall Gulf of Maine was about 60 percent new recruits. In Area 214, which is the southern extent, section of the Gulf of Maine, -- 514, excuse me, showed persistent low recruitment and further fishing restrictions are recommended by the panel.

The Massachusetts survey showed that recruitment was declining and three of the last four recruitment values were near record lows. Additionally, fishing mortality has remained high since 1999 and about 75 percent of the fishable lobsters in this area are new recruits.

And in the other stock areas, the Georges Bank the stock appeared stable with current abundance in fishing mortality similar to the 20 year medians. The proportion of the fishable stock in the Georges Bank area that are new recruits was only 40 percent and the

female proportion of the stock was increasing slightly.

In contrast, in Southern New England the stock abundance is low and fishing mortality is relatively high. Recruitment has trended down since 1997.

While the declining trend in abundance was well established for Southern New England, it is unclear how much of this is due to fishing mortality and how much is due to the recent increases in natural mortality.

Therefore the panel felt it wasn't possible to estimate the reduction in fishing mortality needed for a recovery. New recruits in this area made up 61 to 72 percent of the fishable stock.

The Term of Reference Number 4 was for the stock assessment to address and incorporate, as applicable, recommendations from the 2000 American Lobster Peer Review. The panel found that many of the recommendations were incorporated such as how the inshore/offshore model findings were blended to specific stock findings.

Things like describing alternative indices of measures of stock status were included in the stock assessment report and including target and threshold levels to biological reference points. And I'll get more on those in a little bit.

Important issues were still pending. I've listed a few here and there were many others in the document. The more important ones we thought were the need for a mandatory catch reporting system which was recommended in the 2000 American Lobster Stock Assessment and the rest there.

Term of Reference Number 5 was to use new models and input parameter estimates developed as appropriate as well as any input parameter estimates and models used in the last stock assessment.

The panel found that the improved Collie-Sissenwine model which used an exact estimation method for F was an improvement and given suitable data and model configuration that this analysis should provide reliable estimates of fishing mortality abundance and recruitment.

In summary after deliberation the panel found that the absolute estimates of fishing mortality and abundance are uncertain but could not outright be rejected in the analysis. Continue on Term of Reference 5, further findings were that the size structured model that is being proposed for future assessments for American lobster is an improvement.

And although there are improvements that can be made to the Collie-Sissenwine model, the panel felt that the assessment should move to the size structured model where more flexibility and data input is available, including looking at seasonal affects of fishing.

Estimates can be made for some of the catchability. Estimates that are now input into the model, and benchmark fishing mortality values can be calculated within the model, not across two models, as Bob just mentioned.

The panel also found that there were continued technical problems in the Collie-Sissenwine model, the current model that's being used but many of these could be eliminated by using the size structured model.

Terms of Reference 6 was to update the current biological reference point, F10 percent, and develop additional biological

reference points, including limits, thresholds and targets for F and biomass if necessary, characterize the uncertainty of stock status. The panel found that the biological rationale for the biological reference point F10 percent needed to be presented in the stock assessment.

Previous stock assessments have shown that recent F has generally exceeded this F10 percent level but without this background information there was no information that suggested fishing at or below this F10 percent level would lead to a sustainable level of fishing. So the panel reiterated the need to include some rationale for the reason for choosing F10 percent.

The 2001 stock assessment and the "turn of the crank" update showed that average F during 1995 through '97 exceeded the updated F10 percent for all stocks.

In fact the Fs were more than twice the updated F10 percent level in the Gulf of Maine and Georges Bank/Southern New England offshore areas and three times the updated F10 percent in the area south of Cape Cod and Long Island Sound.

However, no findings were presented to the stock assessment panel on whether the 2001-2003 average fishing mortality rates in the stock areas, the new stock areas, exceeded the updated F10 percent.

And the panel pointed out in its report that this should be remedied so the Atlantic States Marine Fisheries Commission can determine whether compliance with Amendment Number III is occurring. And Bob just showed those values in his presentation so we can talk about that later.

The assessment did provide definitions of new biological reference points derived from trend data and determined stock status within each of the new stock areas using these new reference points.

These additional biological reference points of fishing mortality and abundance, as Bob has indicated, entail both limits or thresholds which were the median values from the stream of fishing mortality or abundance estimates, and targets which were either one standard deviation below the median for the fishing mortality or one standard deviation above the median for abundance. These are based on the entire timeframe of the analysis.

Under the new threshold and targets, the results indicate that the abundance of the Gulf of Mexico and Georges Bank stocks are above the target. In other words, they are more abundant than a level that you would be shooting for, and the fishing mortality rates are below the targets for the fishing mortalities.

Whereas, the abundance in Southern New England is below the threshold or the limit of abundance and that the fishing mortality rates are above the limit of fishing mortality in Southern New England.

In the Gulf of Maine, abundance in fact exceeded the target by nearly 80 percent. Georges Bank's was just above the target, about 5 percent for abundance. And Southern New England was only about 60 percent of the threshold for abundance under these new biological reference points.

The panel considers these reference points as potential interim biological reference points for use before a long-term, justified F, eggs per recruit, or an alternative to the F10 percent can be estimated within the size structured model which would incorporate things like spawner recruit relationships to

allow you to determine whether at a particular level of fishing mortality the mortality would be sustainable for the resource.

These new reference points based on medians of past estimates as limits, however, imply that past F was too high half of the time. It appears, however, in the timeframe analyzed that F median has not reduced abundance, maybe except in Area 514 and Southern New England or it has in those areas. In some areas it hasn't caused persistent recruitment failure either.

Conversely, it cannot be said that fishing below this median will maintain or rebuild stocks. However, we point out that these new reference points are not proxies for the F10 percent that's in Amendment 3 and are not related to those.

The available estimates of fishing mortality and abundance are sufficient to determine the status of the stocks relative to the F10 percent in the opinion of the panel.

The seventh term of reference was to identify research recommendations to improve future assessments. This is a list of some of the highlights. First of all, as I've emphasized, to complete and to collect complete and unbiased catch information including the appropriate Canadian landings.

There is a possibility for age determination in lobster using a physiological molecule lipofuscin. Settlement monitoring studies look to be promising in terms of predicting future recruitment, development and test of the hypothesis for the reasons for high lobster recruitment.

It was unclear to the panel why in the Gulf of Maine under the conditions of high fishing mortality or relatively high fishing why recruitment was continuing to increase. And this was a reference to try to do a little research on testing hypothesis for the reason for that increase and try to understand it.

In addition, evaluate the risks of the resource associated with management recommendations. That is to determine whether current management measures actually do function to reduce fishing mortality.

All right, moving on the advisory report, under the status of the stocks the panel finds that the American lobster resource presents a mixed picture. That is a stable abundance for the Georges Bank stock and much of the Gulf of Maine stock and decreased abundance in recruitment yet continued high fishing mortality for the Southern New England stock and Area 514 of the Gulf of Maine stock.

To reiterate the "turn of the crank" assessment results, F10 percent for the old stock areas were generally higher, sometimes much higher, than the F10 percent limits that were thresholds apparently at that time.

Average F for 1995 through '97 are listed here and the new estimates, updated estimates of the F10 percent levels. These fishing mortalities exceed the commission's overfishing definition.

The new median-based F reference points that the panel felt would be justified as interim values to determine the status of the stock until a rationale is developed for choosing an F value that would give a percentage of the eggs per recruit showed that within the Gulf of Mexico -– Gulf of Mexico. (Laughter) That shows where I come from.

Within the Gulf of Maine the current F is below the target level and well below the limit. The Georges Bank area, the current F was below the target and the limit. And in the Southern New England area the current F was greater than both the target and the limit.

And there are corresponding, of course, abundance-based median based references with abundance that correspond to these. Finally, the panel reiterated its concern about the uncertainty in the assessment, especially uncertainty of the status of the stocks.

I'll just read a couple quotes out of the report here. "The lobster fishery is one of the more unusual fisheries in the world in light of the persistence of both the resource and its fishery, despite high levels of fishing mortality which are larger than most sustainable fisheries in the world and fishing effort which has continued to increase without effective limits.

"Nevertheless, it would only take a sequence of two to three years of poor recruitment to collapse any section of the lobster resource and the appearance of extremely low recruits in recent times in some of the areas is a cause of concern if not alarm." That was straight from the report. And that's all I have.

CHAIRMAN WHITE: Mike, thank you very much. That was most informative. I'd like to now open it up to the board for comments or questions. And please give your questions specific to whether you want Bob or Mike to answer them. Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. I guess this is to Bob. I'm very confused now. We have under the scenarios that you went through: we had that mortality was down in the Gulf of Maine, the Maine traps were up, the fishing mortality was up in 514 although the trap numbers are not. Recruitment is low.

First of all, what is recruitment? I know we have an awful lot of, awful lot of lobsters running around on the bottom in Massachusetts. I don't know whether those are what you call recruitment or not. What is recruitment to you?

MR. GLENN: The recruitment that I was referring to in this assessment for a specific area relates to the abundance of recruits estimated from trawl survey indices and those are animals that will, lobsters that will molt to the fishery within the coming fishing year.

MR. ADLER: In other words, those smaller than legal size, of which we have the bottom covered with?

MR. GLENN: Those smaller than minimum legal size that will, within one molt, make it to legal size within a year.

MR. ADLER: Okay, and I know we've been having the ventless trap studies that show that there is a lot of lobsters down there. That's why I find this recruitment low in 514 to be very, a very strange report.

And the other thing was when you drew the line or when the committee drew the line on, for instance, the Southern New England area, was that basically drawn like, okay, we're going to do it up to 2003, which was a very down time for the Southern New England?

And I'm not sure that you've taken into consideration -- and maybe you can't because I know you had to stop the clock some place and do the report -- of the upturn

since then down in Southern New England and whether that's?

I don't know that that has been taken into account in your report, although we might be able to use that as having done something already towards getting it better. I don't know it that was a question or not.

MR. GLENN: Okay, I'll try to comment on the Southern New England first because that was more clear to me. And actually for the whole assessment all the data used go up through survey year 2003 which include data through calendar year September of 2004. That's the most recent information that we have for this assessment.

Additional information that has come from both commercial catches or trawl surveys since that time period was not incorporated into this assessment because it's simply not available and also time limitations of integrating that.

MR. ADLER: If I may, Mr. Chairman. Yes, I sort of figured that out. The other mention was more of a statement about the ventless trap and what we've seen on the bottom and the recruitment. That's why it's going to be tough to sell the idea that recruitment is low in 514 to the industry.

I did have, the F10 versus the new way, you know it sounds good from what I was looking at, the pros and the cons, and it sounds good but I'm not sure because I'm still trying to compare. So if you put the two up side-by-side what you said in the way the stock is under the new plan is what that would look like if it had been converted over to the old way, the F10 way.

And you know so I'm a little confused as to which is which. But from what I read and what you reported it sort of looks like, you know, the new way might be a good way to go so I think with the way you addressed the stock thing. But I am sort of confused over the -– it will take a while to sink in. What was it, 400 pages? But okay.

CHAIRMAN WHITE: Thank you, Bill. Another question. Pat. No, we're doing both of them now so if you want to address a question to Mike, go ahead.

MR. AUGUSTINE: I'm okay.

CHAIRMAN WHITE: Mark.

DR. MARK GIBSON: Thanks. I just want to make sure I understand, as a follow up to Bill Adler's question. The last year of data is effectively the fall 2004 trawl surveys and the catch in the year before that from fall of '03 to fall of '04. Is that the fishing year the way this is arranged?

MR. GLENN: Yes, that's correct. The fishing year is a range to begin in October of one calendar year, spanning to the following September or the survey year is what we call it.

CHAIRMAN WHITE: Harry.

MR. HARRY MEARS: A question for Mike. Some of the data input that was discussed during the stock assessment portion of the discussion that Bob presented alluded to the continuing truncated nature of the size distribution for American lobster throughout.

And I was wondering, I didn't see reference to the size structure mentioned in any of the advisory summary remarks that you presented. But my question is this, were there any formal or informal discussions on what contribution a truncated size structure would bring to the long-term health of the

lobster population?

MR. MURPHY: Yes, there was. I didn't put that in the presentation but it's in the panel report. There was concern about the use of the absolute estimate of fishing mortality from the Collie-Sissenwine model because trends would be more robust than those absolute estimates because they rely on a lot of input data that is somewhat uncertain.

However, backing the support for an estimate of high fishing mortality, as we mentioned in the panel report, is the observation of these truncated size distributions which would suggest that when a lobster recruits to the fishery the fishing mortality rate is very high.

CHAIRMAN WHITE: Questions. Pat, you had a motion?

MR. AUGUSTINE: Thank you, Mr. Chairman. I think the presentations were excellent, very clear, easy for me to understand, who is not a guru of the statistical information.

Bob, you deserve a tremendous amount of credit for the effort you put into this in the last couple of years and thank you for that.

I move that the board accept the terms of reference and advisory report to the American Lobster Stock Assessment Peer — from the American Lobster Stock Assessment Peer Review.

CHAIRMAN WHITE: Thank you, Pat. Do I have a second? Second, Dennis Abbott. A small notice because there are a couple of new faces around that I'm not aware of, I don't know about, but specific proxies, as you know, are not eligible to vote in this, on the final action of this. Oh, that would be on the addendum, I'm sorry. I take that back. Okay, is there anybody opposed to the motion? Mark.

DR. GIBSON: I'm not necessarily opposed but what are the consequences of this? I still see it to some, perhaps referred to as "unreconciled" viewpoints between the technical committee and the peer review panel relative to the utility of the trend analyses, new reference points. Is there going to be follow up board actions to adopt new reference points and tasking LCMTs and that kind of thing?

CHAIRMAN WHITE: As I understand it, Mark, subsequent to this motion we will get comments from the board as to tasks to give to the technical committee and how deep we want to go into the reference points, new terms of reference and what the management implications of that are, if that's all right to hold off for a minute.

Yes, we're just accepting this document as it's presented. That doesn't mean that we can't go on from there. Any more comments on the motion? Okay, Eric.

MR. ERIC SMITH: I think Mark's question has got me thinking. I think it's important for everybody to understand that when we're accepting a report it's, we appreciate the work that's done; we understand the conclusions of it.

And the way I characterize this is the technical committee and the stock assessment committee did a great job and I knew that when they came to a consensus, which I never thought would happen with our groups. And they just did a superlative job.

They "wrestled the alligator to the ground" and they tied it up and nobody got eaten.

Then we went to a peer review and the peer review came back and said basically we've got a few points to talk about, as Mark says, but our groups didn't do anything that had to be redone. There was no errors, no mistakes. So it becomes an assessment that can be the basis of management.

And if we vote for this motion now we're basically concurring with that, that what we have now in front of us is the basis for management and then we get on with the hard stuff which is answering the questions that Mark has and any others that come up and what kind of guidance we give to the technical group and then what kind of votes we take based on it.

So, we're really accepting a report under the basis that this now becomes the basis for our future management of lobsters. That's the conclusion we draw by a positive vote.

CHAIRMAN WHITE: Very well put, Eric. Thank you very much. Yes, Dan.

MR. DAN McKIERNAN: Before we accept it I think we want to foreshadow a point here that we're going to be bringing up in the future. And we've been "talking around the water cooler" for about a week now about how we could define a stock as Gulf of Maine but then focus on really poor conditions in part of the stock because I'm seeing a mandate coming out of this to manage Area 514 differently.

But it's not clear to me and to others how that will accomplish anything if it's part of a larger stock. There is a disconnect there if the technical committee and the peer review first defines the stock and then says but part of that stock has got a problem.

There is some linkages that are missing there and if these guys want to comment on that, great, but it's definitely going to cause us problems over the next year as we try to manage 514 as a separate entity.

CHAIRMAN WHITE: Dan, unless I'm mistaken, I didn't take that as a mandate. I think it's a challenge that we have that how we resolve it may be a precedent for other areas. And indeed by accepting new reference points we may or may not be able to deal with that.

But I think as Eric is alluding to that is something that is for further discussions but I didn't accept that as a mandate. This is a recommendation coming from two panels that they are concerned with that area, that's all. Do either of you want to add to that as far as –- do you feel that you're strongly recommending that 514 be dealt with in a separate manner?

MR. GLENN: In a nutshell, what the technical committee concluded upon reviewing the sum total of the landings trends, the abundance trends, fishing mortality, abundance, settlement, all the nuts and bolts that we looked at for all the other areas is that it was a different trend going on in that portion of the stock and that that stock could be in jeopardy if it's being continued to be managed to reference points based on the larger area and as a result we suggest that the board entertain alternative management strategies.

That's what's stated in the report. We suggest that it's done. I mean I don't see that there is a mandate implied. It's just a suggestion.

CHAIRMAN WHITE: Any more questions around the board? Bill.

MR. ADLER: I just want to note that what your last statement was on the Area 514, I

want that noted in the minutes. Thank you.

CHAIRMAN WHITE: Joe probably got it. Even though I don't have a placard, he knows who I am. I'd like to go to the audience if there are any comments or questions from the audience regarding this. None.

Seeing none, then I don't know what the format is. Do we need to have a vote or is it just move? I just didn't know if there were any objections. Why don't we, all those in favor of this motion please raise their hand -- excuse me. Want to use a mike please, sir, and give us your name.

MR. ROGER FREIGHT: Okay, this pertains to Long Island Sound, also.

CHAIRMAN WHITE: Give us your name, please.

MR. FREIGHT: My name is Roger Freight, a lobster fisherman for 45 years, owner of Darianne at Sea for over 25 years, the president of Western Connecticut Lobster Association. So these laws are coming for Long Island Sound, too. I mean what I understand here, upping the gauge and everything else, right?

CHAIRMAN WHITE: No, sir, these are not laws. These are, this is a stock assessment, that it's up to the board then to develop regulations from this.

MR. FREIGHT: Okay, the stock assessment in Connecticut, I mean I don't understand how 70 percent of the fishermen are bankrupt you know after the year of '99, how they could make a full stock assessment about really what's out there now.

You know I see Maine had no problems. We had our serious problems after Hurricane Floyd. I'm just wondering how you come to the, you know, the graph that you have and how you're going to eventually, you know you've upped the gauge one year already.

It's killed the market. It has hurt us, our industry down in Long Island markets. And I'm just wondering if these laws all pass in all in Maine and all and how you're going to have the same input towards Long Island Sound.

I mean I've been a fisherman all my life and I'm just wondering how this is going to affect us and how you came by these, the graph, all the way to -– what was it? -- 2003.

CHAIRMAN WHITE: The information came from survey data. And this isn't, this isn't management. This is findings that the stock assessment has done. There is nothing. All this will then do is influence the management decisions that come down the road now through whatever mechanism, be it a new amendment or whatever. But these are just warning signs for all of us, I think, if you listened to the whole presentation of what we need to do.

MR. FREIGHT: I have. You know I heard hypoxia from the diseases but I never heard the word "pesticides."

CHAIRMAN WHITE: Sir, I'm sorry but that's not in the stock assessment and that's a whole other issue.

MR. FREIGHT: Okay, thank you.

CHAIRMAN WHITE: Thank you. Now, back to the motion. All those in favor of the motion please raise their right hand; all those opposed; any abstentions; null votes. The motion carries. Okay, the next steps under this, after having heard the stock

assessment, I think there are some things that we do need to deal with and I'd like to hear other suggestions from the board.

I think we now need to move forward in the thought process of developing new reference points. But to coincide with that, and I think we need to have the TC look at the new reference points and how that will work in the management.

And we also need to have staff develop, I don't know, a white paper I guess to see how, what the management implications are for the new biological reference points as we move forward with this.

The other thing that I saw quite clearly out of this that I think we need more emphasis on is the data collection, log books, that is being asked for out of both the stock assessment and the peer review.

And as Bill Adler brought up, if indeed we can deal with sub-areas or if we need to of a specific assessment area or management area, if the technical committee can look at that. There may or may not be ways that that could be dealt with. Do people have any other things that we would like to ask of the technical committee or staff? Eric.

MR. SMITH: Thank you. Deep in the middle of Bob's presentation -- which was excellent -- I heard him make three recommendations which I think were the recommendations of the technical committee at the conclusion of the assessment.

One of them was to adopt the new stock boundaries. The second one was adopt the new reference points. And the third one was change your management boundaries to coincide with your new stock boundaries.

Just to get the ball rolling because there are many, many ways that I can be a "skunk at the garden party" here so I may as well do it here with the technical committee and then, you know, reserve fishermen's loathing until later, I agree with the stock boundary points that were made.

And I think, you know I don't see any compelling argument to the contrary that what they did and how the peer reviewers responded it makes a lot of sense. So, I should preface, I think we're going to need to start an addendum or at least an annual specification that changes some things based on this.

So I just would ask you to hold your thought on that or hold that thought because as I read the current plan we can change pretty much everything, including reference points, with an addendum because I looked it up when my staff member told me that and she said they had checked and it said it and, gosh darn it. Yes, it does.

So with the tools to amend plans available to us, one of which is an addendum and maybe it needs to be looked at again, I think we're going to need a plan adjustment of some kind. And the things I would have on the agenda at the outset are: the stock boundaries, change those to reflect what the assessment says; the adoption of the new reference points.

I mean I heard the peer reviewers say you know there is some value in percent of MSP biological reference points. The problem is we've had two assessments now that says what goes into how we do them hasn't been terribly effective.

It leaves us with as many problems as solutions it creates. So what the technical committee said and what the peer reviewers concluded as an interim or a short-term

approach is to use the median of F and abundance as your, and then the deviations for your targets and your thresholds.

And I thought if there was that much harmony between the stock assessment, itself, and the peer review, then that is something else that I could support to go into an addendum/amendment, however you want to call it.

The thing I do have some difficulty with, and I did the last time and I did when the plan was formed, there is a difference in my view on the kind of what we do with the advice of our scientific advisors on stock boundaries, reference points, things like that, and what we as managers do with them to try and use with the science and also the human needs that we hear from fishermen as to how we manage.

And that gets down to the third recommendation which was make your management boundaries coincide with the stock boundaries. I understand why the technical group wants that. It makes things like analyzing the effects of a gauge increase, it makes it a whole lot easier.

I understand that. But I also understand that people are different from area to area and a lot of times that's based on state boundaries. In our area it happens to be Connecticut/New York.

We could not have gotten the pot limit system that we got if we didn't have an LCMT that was based just on Long Island Sound. If it had been out to the eastern end of Cape Cod geographically and because the people are so different it would have fallen apart. We would have gotten no where.

So we've got something very effective by area-based management, even though we went in knowing that the management boundaries didn't coincide with the stock assessment boundaries, and we made that as a deliberate choice. And in that case it worked for us.

Now, for the future, is it going to work as well? We have to see as we start to amend the plan. One thing I can think of is you may want to have a suite of measures that are stock-area specific and then you have another suite of measures that can be management-area specific.

So, if different areas have different needs in terms of a pot strategy, let that come from the management areas. But if you have some core –- use the "Q" word –- you're going to have a quota, maybe the quota needs to be based on the stock area or maybe the size limit needs to be based on the stock area.

You know take some common denominators based on the stock areas but also leave managers the opportunity to get the people who are likeminded, who fish the same way, Connecticut and New York, let them do what they need to do to come up with advice to meet the goal that we set because that's the key thing of the LCMT that was a good idea, I think.

It can hurt you too, sometimes, in trying to manage but it can also help you by saying, you know, here is –- you've got to fill the glasses. Decide if you want to you know fill one first or the other or fill them each halfway and then see if you have enough water and fill the others.

LCMT's advisors are very good I think at finding ways, if they have to, to meet the goal in the way that has the least impact on them. And that's where we should draw on their experiences and their views -- not in all

things, though, because there are times and now I'll be the skunk with the other side.

There are times where it's just I don't want any more regulations. You know, I'm not making any money; I can't adopt anything else. In that case we have to be strong enough to say to our advisors, we have a strong assessment, peer reviewed, consensus, we need to do what the assessment says. And your opportunity is to advise us on the way to do it with the least impact to the fishery. So we need to get both of those.

So I would urge that we not just 100 percent change our management boundaries to reflect the stock areas. I think we need to back away from that one a little and tailor it so that it satisfies a couple of needs. So that's the three things I would start out to put on the table for a plan adjustment. Thanks.

CHAIRMAN WHITE: Did you want to address the reference point issue as far as an addendum went? You had a concern about that.

MS. TONI KERNS: We can make an adjustment to the reference points for the egg production numbers but if we go with a whole new set of reference points then we need to do an amendment, not an addendum. I can show you in Amendment 3, later.

CHAIRMAN WHITE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I was reviewing again the document from the PRT and wondered whether within the context of those three points that we're really addressing the other recommendations and issues that the PRT brought up.

And there were two in here that I thought might have been considered, talked about ASMFC conducting a socioeconomic subcommittee evaluation and impact on stock assessment results to the fishery.

And then there was another one concerning the ability of the lobster management program to respond to changing stock conditions and believe this issue should be explored, should explore the potential use of biological triggers that could initiate action through the use of control rules.

And I haven't heard that around the table and I'm wondering if we want to consider any of these recommendations and issues from the PRT in addition to the three that Eric has brought forth. I'd like a response on that from either you or Toni, I guess.

MS. KERNS: Those are things, Pat, that we can look into and put on the task. I think that we would ask the TC to look into biological triggers for control rules and something that I can look into in terms of socioeconomic assessment and what that would entail, how much time it would take, et cetera, for the next board meeting as tasks to add to the list.

MR. AUGUSTINE: Right. Again, I don't want to overload the technical committee on superficial information -- it's not superficial; it could be used -- but additional information that would not be pertinent at this particular time so we can move forward with the addendum or the amendment. Thank you, Mr. Chairman.

CHAIRMAN WHITE: Thank you, Pat. George.

MR. GEORGE LAPOINTE: I think we need to think long and hard about what we ask the technical committee to do. This is

our standard behavior and we all do it about loading on a bunch of stuff on the technical committee and then telling them we don't like it afterwards when we go, when it comes around. And we've all done it.

You know, the stock boundary management area question, we need to ask ourselves, do any of us intend to change away from the seven areas we have now before we get too far into that. I just, I think we need to have a board discussion about what we want to do and what we don't.

We had this discussion when I was a staff member and we said, thanks a lot technical committee for the three stock assessment areas but we're going to do this anyway. And we knew that. We build an entire amendment around it. We've been working on it for seven years or whatever it was, eight maybe now.

And what as a management board, what do members think we're going to do differently? I mean I think we really need to be honest about that before we go too far down the path of asking the technical committee to change it, likewise with biological controls and catch triggers.

We will recall in Area 2 some of those were proposed when we had the emergency declaration and they were draconian. And we have to really make the decision, I think have the discussion about whether in fact those are things we want to do you know before we make the list for the technical committee too long.

CHAIRMAN WHITE: Good point but I'm also listening to what Eric said and so I just wonder how the board feels about if we maintained our management areas. But there are areas where management measures are counter to what another area is trying to do and maybe what Eric is talking about, there are some things that might be overriding by assessment area but many more things to management areas. Maybe there is a compromise to some of that. I don't know.

MR. LAPOINTE: But I think that's something that, if I may, Mr. Chairman, I think that's something that we need to, I don't know, maybe the technical committee is the right folks to do that but those are, you know I think a lot of those discussions need to be ours.

You know Bob and company have done a good job and will continue to do a good job. But if we aren't clear in what we're asking for, they'll come up with some proxy that probably won't fit George Lapointe's perception about you know what we're looking for.

And we then have to discuss if there are overarching things between areas or if Area 1 gets a, you know, Area 1 and Area 3 have to get together to discuss some of these things then it doesn't become two areas, it becomes one area. You know I don't think we've had enough discussion to give good advice to the technical committee yet.

CHAIRMAN WHITE: No, I misunderstood part of your question, George, and I was referring to us as a board having that discussion, not tasking the technical committee for that.

MR. LAPOINTE: Thank you.

CHAIRMAN WHITE: Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. During the peer review this is with regard to the stock boundaries/management areas issue

which there has been quite a bit of discussion already, I spoke to some of the scientists that were on the peer review panel and they were, gave me the indication that there are recognized methodologies used in other parts of the world that are available to deal with that, that just because you define a stock boundary does not automatically drive you to the same exact management boundary.

And there are scientific ways to dealing with that. So I'm wondering whether a realistic tasking may be to try to get, have the TC get some of those techniques and that science available to let us know what is, how other regions deal with this and then see if it's something that may help us out here as opposed to summarily making a judgment about it at this point. But two of them didn't seem particularly concerned about dealing with that. Thank you.

CHAIRMAN WHITE: Thank you, Vince. Any other comments? I think we've given them enough work to do for now. Eric.

MR. SMITH: Really? I was only started, Mr. Chairman. (Laughter)

CHAIRMAN WHITE: These are things we can add onto our next agenda item so go ahead.

MR. SMITH: Well, I mean, I'm still -- you know there are two things going on here. There is, one is the recognition we need to have some stuff in an amendment, apparently, if we're going to manage based on the new assessment.

The other things are I don't want to see us get paralyzed because we got new science and take three or six months to try and figure out, okay, here is how we ought to start doing this and now it's going to take another six months to actually do it. I think that would be a shame so I'm a little impatient. I apologize for that.

Here is the kind of question I would ask of the technical committee at their next meeting. It probably can be perfected and if it's just "bonkers" then, Bob, say so. It would not be the first time. What measures will be required if Southern New England abundance is to be increased to the median level in three, five or seven years?

That kind of question, we can't answer you know here but the technical committee maybe with some additional questions of us maybe that's the kind of thing they could answer because I already know.

I asked one of my staff members and you know you get an answer that makes you very pensive, at least if you're trying to do it in three years. But it also has some of the same uncertainties in there because you get answers back, well, what M do you intend to use? You know, it has an affect.

So, I'm not trying to oversimplify the issue by asking that kind of question but it's that kind of question that if the technical committee came back to us in February and said to me, okay, you asked what measures are required of Southern New England abundance to be increased to the median in three, five or seven years, well, okay, you'd have to cut your landings by three different ranges or you'd have to increase your gauge to here, here or here, or you'd have to do an increase in a gauge and a maximum size.

Give us three or four approaches because fundamentally that's what the assessment says. Our abundance is in terrible shape. It's way too low. It's way below the threshold and it needs to be built up you know to get past the threshold and to the

target.

But fishing mortality I sense wasn't quite as bad off, which is not surprising because there is not a lot of fishing going on. But the abundance was the thing that really bugged me out of the concern for the stock.

So that's the kind of question and I guess having done that either Bob or Mike, is that a, to me that's a managerially useful question but I don't know if it's a very useful question for a technical group to try and answer.

CHAIRMAN WHITE: Bob, do you want to try that?

MR. GLENN: I think it's something that the technical committee can address to a certain degree but will likely pose a number of other questions back to you. And I think some of the ones that you brought up specific to what level of M are you talking about.

In general the type of advice that you get back from that type of a question would be, you need to reduce harvest by X amount under this scenario or X amount under this scenario.

Relative to the specifics of what types of management measures, we probably would not comment on that because it really would depend, and often times we're asked to evaluate a combination of multiple different management measures together so it's hard for us to give an all-encompassing answer with all the possible scenarios.

But in short the answer would be related to a reduction in harvest to reduce mortality and to build abundance to certain levels. It would be, given the current techniques that we have, we would likely not be able to provide you with estimates of how certain management measures would absolutely affect abundance.

We would probably say it would be more of an iterative process whereby we'd recommend that this reduction in landings would relate to a reduction in F and depending on a lot of caveats you may achieve this abundance target. But again those caveats are difficult to determine.

CHAIRMAN WHITE: Does that answer your question, Eric?
Partially.

MR. SMITH: It's the kind of answer I expected and no criticism intended but from my perspective it leaves me with the hollow feeling that we all know the direction we need to go in but we don't know how far and we don't, you know we're going to have to use our best professional judgment on the kinds of measures to use to get there.

And it would be helpful if we had advice along the way that, that's why I tried to characterize it in as many different types of measures as I could think of: maximum size, minimum size, quota.

Closed season I didn't mention but you know pick the kind of management measures you use to manage fisheries and ideally I would say I want to get from here to there in three, five or seven years.

And I understand the easiest thing to do to analyze is from a quota point of view or you know from cut the catch, that's your cut in F. You don't have to worry about whether pot limits work well or not and all those kind of things.

Still, you know to look at it in the metric of the four or five different ways we manage,

we're going to either need some guidance or we're basically just going to have to use our best professional judgment and it will be, then we'll have a difficult time justifying it to people who are obviously going to resist.

CHAIRMAN WHITE: Bob, do you want?

MR. GLENN: Yes, and I think that we can respond to each of the different potential management measures that are often used for American lobster management but I would just warn that likely a lot of the responses would be more of a qualitative nature than a quantitative nature.

CHAIRMAN WHITE: Thank you, Bob. Yes, Mark.

DR. GIBSON: Thank you. It seems the board needs to make an operational decision here about the first item up there, rather than giving the technical committee a long list of tasks that don't seem to be driven towards a particular endpoint.

If I understand what has been said, we have, if we want to embrace the new reference points that the technical committee has recommended we need an amendment vehicle to do that.

If we want to continue on with an F10 computation suitably improved based on new life history data and for purposes of comparison to fishing mortality rates from the CSM model we can do that through an addendum process. So that's in my view the first decision that needs to be made.

And I would also point out that the peer review panel, both the modeling peer review panel and the assessment peer review have directed us in the long-term towards the catch at size model with an imbedded EPR calculation in it.

So it seems there is some future recommendation to hang onto this eggs per recruit calculation, just do it in a better way that's internally consistent with the assessment.

So I think there is a big question for the board here relative to an amendment vehicle and an addendum vehicle in terms of addressing a fishing mortality rate problem that has been identified in the Southern New England or SSCLAS stock area.

CHAIRMAN WHITE: I guess a question to either Toni or Bob, then, would it be best for staff then to itemize what can be done by addendum and what can be done by amendment and see how we want to deal with those issues and have that part of the agenda for the next meeting? Wouldn't that be simpler at this point? Is that worthwhile, Mark, to have that all listed out because I think your point is well taken?

DR. GIBSON: Yes, that makes some sense to me. I'm certainly sensitive to what Eric said about being impatient to try to respond and get something going so that sounds reasonable but it does induce a time delay.

But I just don't see, I mean you know the "800-pound gorilla" here is a finding of high fishing mortality rates in Southern New England, low stock abundance, regardless of what particular reference point you look at.

So there needs to be a response to that at some point, a fairly timely response. But there seems to be an operational decision. We need to know what vehicle to use to do it.

CHAIRMAN WHITE: Well, to that point do you have a recommendation or where would you like to see it go from here?

DR. GIBSON: Well, again in view of what they've said in the long term, that they're directing us to go towards a size structured catch at size model, the one being developed at the University of Maine which has an embedded EPR calculation in it as well as possibly stock recruit functions which can tell us how much EPR is needed, it seems we're being directed in a bit of a circle.

We have an existing eggs per recruit standard. It's the Amendment 3 operational but we're going to have an interim one that the technical committee has recommended. In the long term we're going to come back around to EPR again with maybe some stock recruit functions.

So I don't want to waste a misstep in there, a misstep in the middle if it's not really necessary to where we want to get to. And maybe Mike could expound a little more on what they were talking about relative to that long-term standard.

MR. MURPHY: No, you hit it on the head. That's exactly it. With the size structured model it is felt that there would be some biological rationale built behind the eggs per recruit level that you're shooting for.

Right now the F10 percent, at least in the panel's view, didn't have a good, solid biological justification behind it, nothing that we saw. And clearly in other fisheries generally you go for higher egg per recruit levels.

So, the thought was that there is no information there now; in the interim use the median thresholds or biological reference points but, as Mark said, shoot for this size structured model and hope to get a justified egg per recruit level as a biological reference point in the future.

CHAIRMAN WHITE: But as I understand it in some of the comments, quite a few people wanted to do away with the egg per recruit model in part, that it would just be an indicator and that you'd be phasing in these other reference points with more significance.

MR. MURPHY: I believe you are referring to the current life history model that is used to estimate the egg per recruit. That's estimated separately now from the estimate of current fishing mortality.

The size structured model would allow you to estimate what current fishing mortality is and a level of eggs per recruit within the same model, which would be an advantage. And given a spawner-recruit relationship you could actually estimate what a sustainable biological reference point in terms of egg per recruit would be also.

So that would be sort of the "golden apple" you're shooting for. But that may take some time. Right now it looked to the panel that the median based biological reference points were reasonable and achievable in terms of calculating.

CHAIRMAN WHITE: So to address what Mark is talking about and help me understand better how it would be best for us to move forward and expedite this process so we're not delaying it any more than necessary and going around in circles, what would you feel would be our best steps?

MR. MURPHY: From the panel report and from being on the panel the panel recommended as an interim go to a median-based fishing mortality, biological reference point. And in the next cycle when the size structured model was used in a benchmark

assessment try to evaluate the egg per recruit benchmark again and see if there was a way to estimate what would be, at what level of fishing mortality it would be sustainable based on that new information.

CHARIMAN WHITE: Well, yes, the alternative –- go ahead, Eric.

MR. SMITH: I was just going to make the point that I'm glad Mike said that because that's a point that the technical committee and the peer reviewers also agreed on. And there was just a minor disconnect. Everybody wants to get to Young Chen's model appropriately designed and used.

And I'm still not certain how long that's going to take but I thought our technical committee, I got the sense they thought it might take longer and therefore the median reference points were necessary because we just had too many problems with the old F10, that whole process. You know, just to capture it as "old F10."

The peer reviewers I thought were a little more optimistic and I thought they were saying, yes, use the interim ones but it shouldn't really take you too long and really the "gold ring" or the "gold apple" is to get that model properly constructed to be the basis of management in the future.

And I don't know. If we're only a year away from using that model or having that model peer reviewed -- in effect it has been peer reviewed but it needs a little more work. You know if we're a year away then I guess maybe Mark's point is a good one, that stay the course with the old F10 and just do the best you can. Try and build your biomass and reduce your F and get to using the new model.

But if we're three or four years away then there are problems that two assessments and two peer reviews now have identified with old F10 and that would be where you would want to use those interim measures. So I guess the question is how quick do we get to Young Chen's model in a useful way?

CHAIRMAN WHITE: Go ahead, Bob.

MR. GLENN: All right, relative to the size structured model developed by Young Chen, I think both, as you pointed out both the technical committee and the review panel put a great degree of hope that that technique is going to prove to be the appropriate methods for our future stock assessments and for the generation of reference points in the future.

The only thing that I'd caution the board about is either pausing on the current course of management and/or sticking with old reference points because of the fear of having to change in a year.

In the event that the "golden apple" or the "golden egg" doesn't end up being the "golden egg" one of the implicit -– there are a couple of implicit problems with the size structured model. It's not actually with the model; it's with: 1, it's with the amount of data that is required to parameterize that model.

Right now that model is currently parameterized for the Gulf of Maine. To be the effective basis for management for our U.S. lobster fishery we need to be able to apply it to all three stocks and that's why, one of the primary reasons why, it wasn't used in this assessment.

In addition to that, the ability for that model to internally calculate a percent EPR, a justifiable percent EPR reference point is going to be based on the existence of a

spawner stock per recruit relationship which for lobster to date has not been able to be developed and depending on the life history of the lobster may not exactly exist or may be too tenuous to calculate.

So without, while that model could be used to, as currently structured, simply generate an F10 percent, an F20 percent or an F-whatever percent, the ability to get biologically justifiable based on an MSY or some other fixed point reference point may not be an ability that we can produce in the future.

It's not, that's not something we can promise on delivery. It's something we hope to work towards. But if that relationship doesn't exist we would not be able to produce that.

So the board should be cautious in either, in making its decision by hanging too much future weight on what that model will be able to produce. It's very promising and I do fully expect to implement it. I just don't know if the final product necessarily will meet the expectations that I'm hearing right now.

CHAIRMAN WHITE: Eric, then one of the other options that we discussed at the last meeting was then to begin the amendment process and set up the framework for that for the next meeting. Is that something that you'd like to begin so that we don't lose time?

MR. SMITH: Yes, I guess if I understand Bob correctly and Mark, tell me if I mischaracterized your view, that's now, I'm more back in the realm now where we need to do something that is based on the median estimates for the foreseeable future.

And if that's the case then I think today we should charge staff with developing a plan amendment to adopt those reference points based on medians as they've recommended in the assessment for use for management in the foreseeable future.

That would be a minimum of what I think we ought to do today but do you want to start throwing motions around?

Okay, I move that the American Lobster Management Board charge staff with developing a plan amendment to adopt new biological reference points based on median F and median abundance trends as outlined in the stock assessment.

CHAIRMAN WHITE: Do I have a second to that motion? Pat, are you awake? Seconded by Pat Augustine. (Laughter)

MR. AUGUSTINE: Thank you, Mr. Chairman. I was awake but she hadn't finished typing yet and I was not going to second something I didn't agree with. (Laughter) I don't agree with it but I'll second it anyway. For discussion purposes, I'm reminded.

CHAIRMAN WHITE: Okay, Mark.

DR. GIBSON: Well, thanks Eric for getting it started. My, just respond to his inquiry earlier, my conundrum was if the only way we could get to an interim target was through an amendment but yet apparently through an addendum process we could continue to work with EPR-type standards it just seemed to be a difficult sell.

But having heard what Bob said about the so-called "golden apple" and the uncertainties of when it will be deliverable and implementable, this seems to be the only route to go. I would just like to know, is this the only, an amendment is a fairly large

process.

Are we going to restrict the amendment to just this or are we going to have other issues that may need to be brought into it such as the stock area management area question, equalization of gauge standards across the region. There are a whole bunch of other issues surrounding lobster management so I need to understand what Eric's intent is with just this particular motion.

CHAIRMAN WHITE: Well, two things, Eric, first of all if you could amend your motion to change the staff to the PDT.

MR. SMITH: That's fine.

CHAIRMAN WHITE: And second of all I think to your point, Mark, when we had this discussion at the last meeting it was to be very much more inclusive than what is being. I mean this can go into a full-blown amendment as the last one was. So if that's not your intention please say so.

MR. SMITH: Yes, well, actually the curve ball I got from them today was I had not realized we had to do a plan amendment and I thought if we could do this under an addendum we could do it in the course of between now and February or now and May. And an amendment, I just have the sinking feeling that that's going to tie us in a knot.

It may not be a bad idea, frankly, to at the risk of duplicating a little bit of effort -- we've done this with other plans -- start an amendment process and an addendum process and do what you can do by addendum and do the other things that you have to do by amendment by amendment.

And then maybe some of the things that we begin to flesh out as needs to happen in an expedited manner can happen and then the longer term things have to fall back into the amendment. Do you want me to revise this motion to cover both bases or do you want to take them sequentially?

CHAIRMAN WHITE: Bob, do we need to or is that?

MR. ROBERT E. BEAL: Well, before I answer that just an observation. What really this motion would do would be kick off the development of a public information document that would then evolve, hopefully, into an amendment.

So what we've done, for example in the case of the eel fishery was, brought out a public information document that had a range of different issues that potentially could be addressed. Some were highlighted as amendment issues. Some were highlighted as addendum issues.

We had one round of hearings to kind of you know start the public dialogue on the different issues. And you know that is an option in this case. In other words, start one public information document that can be subdivided later on.

You make it very clear in the front of that document that your intent is potentially to subdivide that document into some, if you want to call it "fast-track" addendum issues and then some longer-term amendment issues and you can kind of.

You know I think it's less cumbersome having one PID out there versus a draft addendum versus a PID for an amendment. And it just seems to be a cumbersome process sometimes. But if the board thinks it's justified keeping two separate documents and two separate parallel tracks, then that's an option as well.

CHAIRMAN WHITE: Thank you, Bob. George.

MR. LAPOINTE: I think that's a good way of moving forward. I mean to Mark's point about being more inclusive, I agree with that. And I think you know we all need to confer with our staffs and see if there are other issues that need to be put in the mix before we tease them apart.

Because you know, if this is the amendment and the addendum that shift us toward Amendment 4, that's a huge undertaking and we need to really pay attention to taking stock of where we are as we move forward and I think that's going to take more time than we have. I think we all need to go back and think about what we think should be considered.

CHAIRMAN WHITE: So I think the answer is you're okay with where you're at, Eric, and we'll move forward with this motion.

MR. SMITH: As Bob has correctly advised, the motion should be -- is it the staff or the PDT who prepares a PID? PDT. Okay, it should be developing a public information document to consider adopting the recommendations of the stock assessment just completed and other issues identified by the states. Does that resonate with people?

CHAIRMAN WHITE: Is that what you wanted on there, Eric?

MR. SMITH: That's what I said. I guess I'm angling for people to say , no, I'd rather have it said differently.

MR. AUGUSTINE: I would agree with that but again I'm not sure that encompasses specifically the points that Mark had made and followed up by George. Mark –- I'm sorry, Mr. Chairman, could Dr. Gibson be a little more explicit, something that we could put in there to get our arms around it?

It just looks like it's going to be a monster. It looks like it's going to be another "two-armed gorilla" and we're going to task the PDT to go out there and flop around and a year from now we'll come up with a piece of paper that looks like it is heading us in the right direction.

I thought both the reports that we have were very specific in what the needs were that we should be addressing in this. And I just think we're opening Pandora's box. So if either of the commentators could make a comment to that, okay. If not, then I'll let it stand.

CHAIRMAN WHITE: George.

MR. LAPOINTE: I'll make one simple comment. There are non-state board members who should be allowed to identify issues as well, Brother Mears, in particular. I think, I don't know if it's opening Pandora's box but it might be Pandora's cousin's box that we're opening up.

I mean we need to look at the issues before us and those are tough. And I think the idea now is we should raise all of the issues, whether they be easy or difficult, whether they have been recommended by the technical committee or the peer review and put those up there.

And then, as Bob said, we then need I think to look at which ones can be carved away into an addendum to move more quickly and then which ones require an amendment because they're more difficult. So at this point I think it should be, you know, it should be all the issues people have.

CHAIRMAN WHITE: Okay, we need to wrap this up. Harry, you had a comment and then Mark.

MR. MEARS: I think with this new wording I'm okay.

DR. GIBSON: Yes, I mean I agree with what George said. The amendment is, a new Amendment 4 may be our last, you know, best chance to solve some of the difficulties we face in lobster management and I'd like to see it go forward with the consideration of all the important issues that the states have raised. And I named a few of them before.

Unfortunately an amendment is a very heavy instrument to get at some interim recommendations on mortality or reference points from the technical committee. But there seems to be no other way to deal with it so I'm fine with this at this point.

CHAIRMAN WHITE: Eric, would you just review it one more time and make sure it's what you wanted.

MR. SMITH: Yes, I have a question first, though. Bob, is there a way for us to consider some of the things that the technical committee had advised simply by an annual adjustment because those things are already spelled out in Amendment 3, and Toni, also? In other words, without having to do a PID and then go through a protracted process of a year or more?

I mean I was hopeful and I guess Mark has been saying the same thing, try and get some of the things, the "low hanging fruit" that would be useful towards rebuilding lobster stocks in Southern New England -- that's my narrow view on this –- without having to wait a year for a process to catch up.

MR. BEAL: Well, the majority of the lobster or I think all the lobster management changes have been done through an addendum. You know if it's an LCMT comes forward with a new proposal or you know any other adjustment that has taken place has, to date anyway, been done through an addendum.

So I think that's the course this board has taken is to draft an addendum, go out to public hearing and then potentially approve that addendum. So I think that's a little bit different than the annual specification process where there is just, you know, action at the board level and then it's done and the states go home and implement that.

So I think we do need that step of an addendum unless there is something that I'm not aware of in that document. But I think it probably requires an addendum.

MR. SMITH: Before I read the motion, is it fair, then, to presume that Amendment 3, I guess it was, or maybe it was even an earlier amendment, required us to get to F10 percent, whether it's the new F10 method or the old F10 method, get there by 2008?

And if we don't change anything in the next year or more of doing an amendment, our plan still says you have to get to F10 by 2008. Do we have to change something to at least adopt the F10?

I guess Toni said before as a plan addendum or an annual specification you could change your F10 numbers because that's what the plan was based on but you couldn't adopt the new reference points, the median-based reference points.

I just, you know part of what I'm angling for here is I don't want to get to six months before 2008 and have somebody say, you know, by the way, you still have to get all

the way from here to there in six months.

If we have to start the clock now and the next three years you know work our way to the target we're supposed to reach, I'd rather know it now and have three years to do it than know it after an amendment process.

So I'm really apprehensive about a couple of things, first that we do nothing right now and second that we do nothing and then have to "pay the piper" at the end. And that's –- what? Well, okay, January '06, January '07, January '08. That's my story and I'm going to stick to it. (Laughter) Yes, you may be right.

Okay, let me read the motion. That may not solve all my problem but at least it gets the ball rolling.

Move that the American Lobster Management Board charge the plan development team with developing a public information document to consider adopting the recommendations of the stock assessment and other issues identified by the states and the National Marine Fisheries Service.

CHAIRMAN WHITE: All those in favor of the motion raise their right hand.

MR. McKIERNAN: We're having some pain on this motion. Can we just ask a question before the final vote is taken?

CHAIRMAN WHITE: Okay, the two questions.

MR. McKIERNAN: The question is, issues identified by the states and NMFS, what is the process to bring it forward? What's the time frame? Would we include issues raised by the advisory panel as well?

I mean there seems to be a lot of issues that are floating out there for a lot of people at the table and we're not really sure how to get those, what is the vehicle to get them in or the process.

CHAIRMAN WHITE: Bob, do you want to take it?

MR. BEAL: I guess I'm not clear, either. Obviously the plan development team would be the group doing the work and they can, the plan development team can reach out to the states and set up a timeline that works for the states.

I think the one thing that is, going around the table the one thing I do hear is you guys would like to see a PID in as complete a form as possible by the February meeting. In order to do that a lot of things will have to happen and the notions from the states will have to start coming in and you know probably the next month will be about as long as you have to get your ideas in and the PDT having time to work and pulling this document together for early February.

CHAIRMAN WHITE: Gordon.

MR. GORDON C. COLVIN: I'm just a little scared by all of this. If I was Toni I'd be brushing my resume up. I'll tell you that. (Laughter) This has, I mean somebody, Mark mentioned an "800 pound gorilla." This is about ten "800-pound gorillas."

I don't really have a problem taking some appropriate, tightly-scoped and focused action with sideboards that focus on doing what we have to do to respond to the assessment. But this "and other issues identified by the states and NMFS" basically says the whole lobster management program is back up for grabs, all of it. And that is a workload that is difficult to comprehend.

I also wonder what this course of action says with respect to maintaining our commitment to implement our current egg production rebuilding schedule. When do we get the first motion to say, let's put all that on hold until Amendment 4 is done? Five minutes from now? February?

And you know have we really thought about what this does with the LCMTs? I don't think so. I'd be much happier with embarking on a course of action that takes us, that commits us just to the necessary steps to address the specific issues that float from the assessment.

I'm just about this close to saying I'm going to vote no on this motion because I just think it's too big and we don't really appreciate the consequences of it.

CHAIRMAN WHITE: Harry.

MR. MEARS: I think I will bring up the point I wanted to mention earlier and I think it reinforces what Gordon just said. I think it might be a bit early to charge the PDT in terms of writing a public information document.

Yet, I think we need to take action, but this is the reason I feel that way, that we've made a lot of statements about one of the key recommendations being used is to use median levels of fishing mortality as one of our reference points.

Yet I don't think the recommendation from the panel was that strong. It said it should consider and there was a lot of apprehensive that if we used recent median levels it would institutionalize high levels of fishing effort.

So if in fact we use that as the core of how we go forward in terms of how to frame our next step, whether it's an addendum or an amendment, I think there is some very key requirements for I think the technical committee probably to give us more guidance on whether or not this is a reasonable approach given the precaution given by the panel to go in this direction.

So, I think something needs to be done. I think the wording, as this indicates, is probably a bit premature and something needs to be done before then.

CHAIRMAN WHITE: Thank you, Harry. My question then, Eric, to expedite this then, would it be worthwhile to maybe remove the "other issues identified by the states" for now?

MR. SMITH: Yes. I'm glad we got those comments. I'm glad Dan asked the question and made people pause and Gordon made his point. I don't want this thing to paralyze us. And if that's the paralyzing thing then I want that out of there so I will amend or change my own motion to end it, put the period after "stock assessment."

CHAIRMAN WHITE: Can you add "and peer review"?

MR. SMITH: Sure. So in other words the plan development team will go through these two documents, sift out all the recommendations, possibly have options if there are some differences of opinion there, but it will be solely limited to the assessment and the peer review.

CHAIRMAN WHITE: Where did Pat go for the seconder?

MR. COLVIN: I'll second this motion.

CHAIRMAN WHITE: Okay. Can we now, then, take a vote on this motion?

MR. SMITH: Moved that the American Lobster Management Board charge the plan development team with developing a public information document to consider adopting the recommendations of the stock assessment and peer review.

CHAIRMAN WHITE: There is just a little confusion as to the second on it but I think that will pass the muster because we had another motion on the floor. All those in favor of this motion, please raise their right hand; all those opposed; abstentions; null votes. The motion carries. Moving right along, Addendum VII. Toni Kerns.

Addendum VII

MS. KERNS: Thank you, Pat. In the interest of time I'm going to go through this public comment rather quickly. Right now staff is passing out to the board some additional public comment.

It contains the Connecticut hearings -- public comment there, I believe was one fishermen there -- some comment from the National Marine Fisheries Service and three written comments that were e-mailed in to the comments box.

There is also being passed around the revised copy of the addendum that was e-mailed out to the board on Thursday and I will get to that after I go through the public comment. Four hearings were held for Draft Addendum VII.

The hearing in Rhode Island had 35 attendees. The hearing in Massachusetts had 28 attendees. The hearing in Connecticut had four and the town hall meeting in New York had three attendees. Most of the comments were fairly similar in many of the hearings.

Those included for those that were not in favor of the plan: that fishing mortality was not reduced; data in the plan was flawed; there was an inequity to fishermen; it inhibits business growth; lobster health was not addressed; and there were many implementation concerns.

In Rhode Island there were 11 people who spoke against the plan; in Massachusetts there were 18 people that spoke against the plan. Those comments that were heard that were in favor of the plan, people wanted to use Option A for the trap allocation. That's using the qualifying years of 2001 to 2003.

We must have transferability available immediately when the plan goes into place. They wanted to keep the gauge at 3-3/8 and to allow for a medical and a military appeal and to include a version of the monopoly clause.

In Rhode Island there were seven people that spoke in favor of these portions of the plan. In Massachusetts there was one person that spoke in favor. The public hearing attendant in Connecticut was in favor of Option B using the years 1999 to 2003 as qualifying years.

General comments. In the written portion those that were not in favor of the plan, there was 51 comments sent in that were not in favor. That included a form letter that had 47 signatures. There was implementation concerns, equity concerns, concerns with the data as well as inhibiting business growth.

Lastly, written comments that were in favor of the plan, most comments wanted to use Option A, qualifying years 2001 to 2003, again, transferability, keeping the gauge at 3-3/8, allowing for a medical and military appeal as well as including the monopoly

clause.

Those people that wrote in, in favor of the plan using the qualifying years 2001 to 2003, there were 78. That included two separate form letters, one with 38 signatures and another with 37 signatures. There was one person who wrote in with preference for the years 1999 to 2003 for the qualifying years for the plan which is Option B.

MR. SMITH: Before you move on, how many people did you say wrote in saying Option A? Where is that?

MS. KERNS: Seventy-nine and that included two form letters which are in the comments that were sent to you. I just put in one copy of the form letter with the number of people that either had signed on to that form letter or actually had sent in an actual copy.

And those form letters are the very last pages. And that was on the meeting CD or not the meeting CD, the additional mailing comments. And if you don't have those there are copies in the back of the room if someone could maybe pass those out to you if you don't have it.

And that is my very quick review of the public comment. And then to the copy of the plan that was just handed out to you that you also received on Thursday, after reviewing the public comment and seeing a lot of the concerns with implementation we put together some suggested language that will address these implementation concerns and some concerns with clarification in some portions of the document.

These changes to the document don't substantively change any parts of the plan. It just makes the document clearer and allows for better implementation. And so I'm going to assume that we have all gone through those changes.

There was one change that I did not make to the document that was e-mailed out to you but I did make in this document and I just want to point it out to you. And it is Option –- sorry –- under Option B in the trap allocation scheme which is on Page 8 of your document.

Under Number 2 it says, "predicted traps fished and a state's more accurate calculated or reported traps". We just added "the most accurate calculated or reported". And that's the only portion of the plan that was not e-mailed out to you. Do you have any questions on the public comment or any of the suggested language?

CHAIRMAN WHITE: Okay, to simplify this as we move forward I understand there is a motion. If you would read that motion in, Dan, I think that would simplify the discussion.

MR. McKIERNAN: Yes, I have a motion and I make this motion as coming from one of the states that was instrumental in crafting this plan along with the state of Rhode Island.

So my motion is to adopt Addendum VII as revised as of October 27, 2005, which is the document that we have today, with the following provisions. And there are eight provisions.

And the first one is to adopt Section 4.1, effort control, in its entirety, each of the main points. The second point here is trap allocation scheme. Option A shall be approved and all initial allocations shall be completed in 2006 to be effective in 2007.

The third point, future reductions in the trap allocation cap under Section 4.2.1.2 shall be accomplished through Option A which is a percentage reduction in each permit holder's application. Point 4, the addendum shall not establish allocations of B traps as noted in Section 4.2.1.3.

Point 5, transferability program, Section 4.2.1.4 shall be developed by the states. Point Number 6, anti-monopoly clause shall be adopted with Option A, the most conservative, which is a maximum of two permits held by any individual permit holder or person.

Point 7, the medical/military hardship provision, as seen in Section 4.2.1.6 shall be adopted. And Number 8, the minimum size for Area 2 lobsters shall be 3-3/8 until further changes in future addenda or amendments.

CHAIRMAN WHITE: Do I have a second to that motion? Mark Gibson. George.

MR. LAPOINTE: Thank you, Mr. Chairman. I have a couple of questions. One, there has been discussion about under 5, transferability programs shall be developed by the states. And so I just want some discussion on the part, particularly of Rhode Island, Massachusetts, about how long that would take just so we know where we're considering.

And then, secondly, under Item 7, the military, medical and military hardship provision being adopted, and the question is, because I'll tell you in the state of Maine we struggled with this, both medical and military hardships.

And a question to the jurisdictions involved is that would this be consistent with other, you know what they use in their states now if they have anything? Again, just because we found that to be an incredibly difficult thing to manage.

CHAIRMAN WHITE: I'll start off with Dan if you want to address that and then, Mark, do you have a comment to that?

MR. McKIERNAN: Well, in Massachusetts we don't have anything strictly comparable but I think it's a very small population of people to begin with who would be eligible because they would have had to have fished in '99 and/or 2000 and then stopped fishing during the performance years.

So it's not as if there is an unlimited or a very large pool of people who would be knocking on our door looking to have that appeal be submitted. And I'll refer to Mark.

DR. GIBSON: Yes, I would make similar comments. We don't have anything comparable in regulations right now. We have provisions whereby licenses or permits can be transferred under incapacitation so we would have to develop some new language to put this in place.

But I agree with Dan that it's probably going to be a relatively small pool of people to deal with under the way the terms are

written right now in the appendix.

MR. McKIERNAN: Pat.

CHAIRMAN WHITE: Dan, go ahead.

MR. McKIERNAN: And as far as transferability goes, the state of Massachusetts already has a transferability program for trap allocation in the Outer Cape plan. So in theory we could probably kick it off right away.

But we plan to work closely with the adjacent states and also NMFS to make sure that many of the allocations, for instance, are going to be accepted and that the process will be honored, because we don't want to start having somebody allocate, I'm sorry, transfer trap allocation, especially if it involves a federal permit to find out later that those transactions weren't approvable at the NMFS level.

CHAIRMAN WHITE: Other comments on the board, from the board? Eric.

MR. SMITH: Thank you. That's a great motion because it's clear and it you know gets at all the key points. My fundamental concern, and I only have one, is on Point 2. I've made this point before so I'll be as brief as I can but it's a substantial policy issue for this commission in my view and this board so we shouldn't take it lightly.

Point Number 2 up there says that the qualifying, if you read it in the context of the document, the qualifying period for the plan will be the years 2001 through 2003. Yet in the addendum that set this whole process in motion the board had voted for a qualifying period of 1999 through 2003.

Now I maintain that once the board did that, even though it was probably a year and a half ago, that was, if you will, an inviolable rule. It basically, winners and losers were created by who was in according to the rules in that five year period versus who would be out.

And if you will recall, the way I characterized the difference with what the LCMT and the two states came up with, if they had sat down and said, we understand the board said 1999 through 2003 but we're going to pick June 10th of 2003 because we think that's best and narrowing the field that much it just turned out that there are a certain group of people who had their maximum pots that they would qualify for and everybody else was just out of luck.

And I maintain and I use that one day qualifying period just as a ridiculous extreme to point out how wrong I think it is for a group of advisors with or without a state agency working with them -- because I do admire the level of work that went into this but I don't admire the outcome -- I believe that a group of advisors should not be allowed to change things like qualifying rules that have been previously voted on by the board.

So to me that's a fundamental flaw. Because the time is late and so forth I'm simply going to move to amend Point 2 to say "trap allocation Option B" which on Page 8 of the plan, the only difference between Option A and Option B are that Option B uses 1999 through 2003.

If we dispense with that issue one way or another then I think the sailing is clear on a lot of the other things because in all other discussions that have come on I think all the other problems have been pretty well ironed out.

And I applaud the two states, the principal

states in this region and the LCMT for all the work they've done. It's been remarkable. However, this one is a flaw and I can't vote for the motion as moved so I would move the amendment to be Option B with the years 1999 through 2003.

CHAIRMAN WHITE: Before I take a second on this I'd just like a point of clarification, Toni, if you would, please.

MS. KERNS: Eric, to address your question on the board's recommendation from Amendment 6 that said to use the years 1999 to 2003, if the board wishes they can alter an addendum through an addendum. So it's, you do have the ability to use 2001 to 2003 if you so choose, for clarification.

MR. SMITH: If I may, Mr. Chairman, that goes without saying. You know the board can change by a subsequent vote on a subsequent action anything that they've done in the past. That's how we amend plans. I understand that.

What I don't accept is without debate allowing an advisory group and part of the management agencies to put something different than what was previously voted in front of us without having that debate. So thank you.

CHAIRMAN WHITE: I need a second to the amended version, if there is one, please. Seconded, Dennis Abbott. Comments. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Before you start debate on this, staff adjusted the wording on this motion just a little bit and it might make sense to have the maker of the motion review that wording to make sure that we captured correctly what the intent was. Thank you.

MR. SMITH: That's fine.

CHAIRMAN WHITE: Dan, go ahead.

MR. McKIERNAN: I would have liked to have made this comment to the seconder but it has already been seconded. What you need to know is the ramifications of this kind of a change. And I appreciate Eric's concern about process but I think we're really trying to focus on the outcome more so.

And I will just point out to you that on Page 15 of the addendum you can see some Rhode Island and Massachusetts statistics and you can see, especially in Rhode Island, the decline in the number of fishermen who were active in the fishery. This is in the upper right-hand quadrant which says "potmen" and that's where you start to see the decline after 2000.

So when we showed this plan to the Area 2 LCMT or when we first started discussing this plan it really was modeled on the Outer Cape plan with a three-year time period. You know the best time period of all is one year because that really locks people in to the most recent performance.

But that's really unreasonable and doesn't take into account what we describe in the document as the single-year effect. So we went with three years and it was a convenient period to choose because in fact you can see that there is a substantial difference in the number of active fishermen in those three years.

We are clearly trying to capture this attrition through this plan. It is our intent to prevent trap growth and I would say even, well, to prevent trap growth back to those levels.

So I think if this is adopted what you need to be ready to do is to then maybe approve a reduction in traps because we estimate that if Option B, and this is in the document, if Option B is chosen, in order to have the same initial trap allocation then you'd have to reduce trap allocation by another 34 percent.

That could be 34 percent across the board. That's the way we've described it in the document. So, you know people are going to lose a third of their traps under that scenario.

And I think what is going to happen is a lot of guys who have left this fishery for five or six years are going to be given an allocation, many of them aren't even active anymore, that most likely they're going to be selling to someone who wants to get those traps back.

So it's really a policy decision. It's an allocation decision. But I think the ramifications really need to be considered before that option is approved.

CHAIRMAN WHITE: Thank you, Dan. Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. I don't know if I fully understand Eric's reasoning for this. Didn't the board approve these different options going out to public hearing? So in essence aren't we validating them as options when we did that?

CHAIRMAN WHITE: Eric, do you want to respond to that?

MR. SMITH: Yes, we did. And that was the conclusion of this same kind of debate in August I think. My point, and it is, whoever said it before, it is procedural rather than outcome based. Dan makes a good point.

And people have to make that decision in their own mind and decide. And either one of them is an appropriate conclusion. My point is, yes, we went out with two options to give the public an opportunity to comment and us an opportunity to debate.

And that's where Dan and I were in August that we kind of agreed right across the table that you know I said we could go out with both options as long as you understand I am going to come back and advocate for what the board originally voted because I think that's the proper thing to do.

But clearly if you look at it from an outcome-based and you don't want to have a large across-the-board then it's in front of the board to have to make that decision. I just didn't want to back into it. All right?

CHAIRMAN WHITE: John Nelson.

MR. JOHN I. NELSON, JR.: Mr. Chairman, I think that point has already been raised now. You know we put together, the board put together an addendum. It had options in there so it's not as if the public didn't have an opportunity to choose or provide comment on the various options.

I appreciate what Eric brought forward but where we consciously put in four options I think we've addressed that issue and it now is just determining which one is it that we wish to choose.

CHAIRMAN WHITE: Mark.

DR. GIBSON: Thank you, Mr. Chairman. First I wanted to thank Eric publicly for injecting himself into the Addendum VII process. He brought a lot to the table in terms of wordsmithing the text and thinking

through potential inter-jurisdictional problems, allocation problems and so forth.

And thanks for doing that. You helped us a lot. Having said that, though, I don't agree with the motion for a number of reasons. I always thought that first the '99 to 2003 as it stands in I guess it's Addendum VI was more of a general, I think it pivots on the distinction between qualifications and allocation as the overall qualifying set of years that would establish how many people were in the tent but we were free to use a subset of those years in terms of determining what the allocations are to be consistent with the board's guidance, that we ought to be trying to cap effort more towards near or at current levels.

And it's easy to understand that '01 to '03 is closer to real-time than is '99 to '03. So that makes a lot more sense to me to do that. And then Dan has already expounded on what the implications would be were we to drag in more effort from past years and then have to readjust after-the-fact to stay within the cap. So I don't support this. Thank you.

CHAIRMAN WHITE: More. Yes, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. In a broader view, I was looking at the comments that Ms. Kurkul made relative to Section 4.2.1, trap allocation. And I wonder if Dan through the point that he has clarified, that we should address or we should approve, addressed the concerns that she noted in her comments, specifically.

And I'm not sure they do. And they were: "since lobstermen may fish in multiple management areas and certain state and federal logbook data may rely exclusively on a three-digit area that straddles Area 2, 3, and 4 for the fishing location it is unclear how landings can be definitively assigned solely to Area 2."

It's a different question but it's a question. And I'm not sure any of these have really been addressed. "Will participants in the North Cape Oil Spill V-notching program receive credit for the harvest and subsequent release of illegal lobsters in this section?"

"Also, how will federal permit holders who qualify under the federal program for Area 3 or Area 4 based on landings from the Area 2/3 overlap or the part of Area 4 that is within the three digit Area 537 be accounted for under this provision?

Now, maybe these are outside of the scope of what we're trying to accomplish and if they are please let me know. But those are questions that were in here and I wonder if they will be picked up somewhere else and be addressed elsewhere or is this just a subset that I should just throw in the garbage?

CHAIRMAN WHITE: Go ahead, Harry.

MR. MEARS: The concern which Mr. Augustine is referring to, although valid at the time we wrote the letter, was subsequently resolved through the current wording in the draft addendum.

CHAIRMAN WHITE: So, Pat, your –-

MR. AUGUSTINE: That's what I needed. Thank you.

CHAIRMAN WHITE: Any more comments from the board? Gil.

MR. GIL POPE: Thank you, Mr. Chairman. I am troubled by this whole thing and I'm not going to belabor the point but I think that through the use of control dates, no matter what they are, no matter what years

that we're using, that we are creating dedicated access privileges which is something that just came up in the reauthorization of Magnuson which we haven't had a chance to really discuss yet.

And I think that it creates dedicated access privileges which now exist in federal waters in state waters. And that, by the approval of this addendum that we're going to basically be mandating that in certain states that you will have to do this or else you will be judged out of compliance.

Now, these are things that it seems like we haven't had these discussions yet, that we're just doing them from the bottom up and that we haven't really had the main policy decision as to whether we accept this as a basic way of managing all our fisheries or not, not just the lobster fishery.

So, I see this as a huge, huge issue, at least in my mind as far as dedicated access privileges, not just for the lobster industry but also down the road for a lot of the other fisheries that we will be dealing with and how we're going to deal with them with from zero to three miles.

So, I'm very troubled by these draconian measures that George referred to earlier. I consider them draconian. I know we're way down the road in this but I just think that a lot of this, that we're doing is just unnecessary. Thank you.

CHAIRMAN WHITE: Thank you, Gil. Bill.

MR. ADLER: Thank you, Mr. Chairman. I share a lot of Gil's concerns and I will probably vote on this motion. However, I just want to go on record as saying that, first of all, based on the stock assessment that just came out where it said if traps are really not a good measure of reducing fishing mortality, that particular thing and here we are giving 200 or 300, whatever there are out there, individual trap limits that somebody has got to enforce, that aren't going to do anything to save a lobster, and that are just going to create consternation, bad feelings and everything else.

I know we've gone down this whole road about limiting traps for some reason, although they have already limited their traps by attrition. And here we're saying we've got to cut them down more or do some funny figures which in the computer is going to calculate I guess to a reduction in something where in reality where the lobster lives it's not going to do I don't think anything.

Unfortunately this is the road we're on and I'm just saying that I'm sorry that we have to do this, this trap game, because it's just hurting more people.

CHAIRMAN WHITE: Okay, I'm going to go to the public and this is on the amended proposal here. We'll go back to the main amendment so if anybody in the public has a comment to this specific issue, speak now. Okay, back to the board. The question has been called. Do you want to read it again? Yes, come up to the mike and identify yourself.

MR. FREIGHT: Roger Freight. I want Option B, trap limitation. They limit our traps in Connecticut to 800 traps. We can't make a living. The only reason we're making a living, my son is a fisherman. He has got my 800 traps. The lobsters are healthy and all.

If you keep limiting these traps you're taking food out away from the lobsters. The lobsters will not stay here. Our lobsters are

migratory. We've been actually farming them. In the '70s when we took the traps out by the first of the year we never had good runs.

There has been so many traps in Long Island Sound you could walk on them thanks to Hurricane Floyd. I talked that state into upping the escape vent from an inch and seven-eighths to an inch and fifteen-sixteenths to stop the short-tailers.

It was a multi-million dollar industry. I try to preserve the lobsters. I mean they threw a firebomb into my store and burnt it down. So I've been always trying to preserve the industry. And as a fisherman they always fought for territory, the old-timers.

Since the new young-comers came in I mean Long Island Sound was one mess of lobsters from one end to the other end because we fished all winter and we were actually farming them, throwing the shorts and eggers back.

I was the first gentleman to take Eric Smith and Lance Stewart to make the logbook in '74. I think the gauge size was an inch and -- three and three-sixteenths. They called it the best breeding grounds in the world.

I think you're way off base with the trap allocation. You're hurting the industry. You're going to bankrupt every fisherman. Lobsters, I was paying nine bucks a pound for chicks two years ago.

I mean we always had a special on 3.99 a pound. There in our Darianne Seafood in a rich, rich town. I mean I think I'd like to talk later but I think you're way off base. You're not helping the industry.

CHAIRMAN WHITE: Okay, more specific to the issue if you could, please, between A or B.

MR. BRIAN THIBEAULT: Yes, Brian Thibeault. I'm RILA secretary, Area 2 LCMT. I strongly urge the board to stick with Option A. Both Dan and Mark have given mass justification for it and the allocation process.

Before the LCMT level we had a series of facilitated meetings that were open to all industry members from all affected states, Connecticut, Rhode Island, Massachusetts. The facilitated meetings were all held on a majority vote.

All industry members were invited. All votes were majority. The process continued on. Once the final votes were made it got forwarded to the LCMT and Option A was just the strongest option.

It just fits the mandate that came down from the technical committee to capture attrition and freeze effort at the current levels and the only way to do that was, in my opinion, was to use '01 to '03. I mean, personally, I would rather use one year and one year alone but, as Dan said, that's just not an acceptable option. Thank you very much for your time.

CHAIRMAN WHITE: Thank you. Okay, back to the board. The question has been called. Okay, Eric, do you want to read that again, please.

MR. SMITH: Move to amend Point 2, that trap allocations shall be accomplished through Option B of Section 4.2.1.1.

CHAIRMAN WHITE: Okay, to that motion. All those in favor of the motion –- do you want to caucus? Excuse me, you've got 30 seconds to caucus. Okay, all those in

favor of the amended motion raise their right hand; there must be somebody opposed; all those opposed; null votes; abstentions. The motion fails. Back to the main motion. Questions by the board to the full motion. Yes, Harry.

MR. MEARS: Not a question, a comment. Is that okay?

CHAIRMAN WHITE: Yes.

MR. MEARS: I'm going to support this motion. It's certainly a culmination of several months of work where there was considerable discussion, negotiation, on various loose ends in terms of how it would work.

I do not underestimate the importance of what we would yet have to go through if this motion passes in terms of our own public comment period and the various type concerns that still need to be addressed by the coordinating committee that is referenced in the addendum.

There is some baseline allocation questions in terms of how federal permit holders will be matched up with state permit holders and also some very key questions in terms of how the transferability would actually transpire when the time period would come.

I'm convinced that based upon recent communications and the openness of the parties that we can resolve those issues as we need to. So, once again, I will support this but I do want to emphasize that there will be several other issues that we will need to address, one of the more important ones being a justification of the regression formula that is used for the qualification period.

That would help us immensely as we go forward for our public comment period. I don't think I need a motion. I do understand that there is a justification that can be provided to facilitate the public comment period for the federal government when that time comes. Thank you.

CHAIRMAN WHITE: Thank you, Harry. Any more comments from the board? Okay, to the main motion, comments from the audience. All right, I'm back –- oh, one more.

MR. AL EAGLES: Thank you, Mr. Chairman. My name is Al Eagles. I'm a lobster fisherman from Newport, Rhode Island. I started fishing 45 years ago and I've been doing it continuously for the last 33 years.

I'd like to say I support the Option A, plan A. The only thing I have a problem with is under this list, Number 7, the hardship provision, I've given this quite consideration and I believe that should be expanded.

I know it's a contentious issue but there are a few gentlemen in our port that have been fishing all their lives and have just got to the point where they've bought their own vessels in the last few years and they're fulltime commercial fishermen.

They're fishing 800 traps at the current time. But under the qualifying criteria if you use 2001-2003, they will not get their 800 traps. And one particular fisherman, he has about a half a million dollars invested in his operation.

Like I say, he has been doing this all his life. He was a captain on an offshore boat but now he owns his own vessel. And I feel that that option, that seven for appeals, should be expanded to include other people and given their say, their due process whether they

qualify or not.

But I think that door has to be open to them. I just don't think you can shut those people out. The main reason is they didn't know this plan was coming down the line. You know this is retroactive and they were building up their business not knowing this was going to affect them.

So I feel that they should be able to approach an appeals panel and make their case for staying in business with their 800 traps. I feel very strongly about that. Other than that I agree with the whole plan.

I think it's a great plan for conservation, capturing the attrition rate. I think we need to do it. But I really think you have to think twice about that, opening the appeals process to those gentlemen. I think with the military and the medical I just think it closes out everybody else and I don't feel that's right. Thank you very much.

CHAIRMAN WHITE: Thank you very much. Any other public comment? Back to the board. Gil.

MR. POPE: Very quickly I just have to say one more thing, that with this plan there is going to be some people that are going to do well. And that's great. And I hope that they do well. But just remember that there are going to be a lot of people as soon as this goes through they're going to be out on the streets. Thank you.

CHAIRMAN WHITE: I was premature before. Specific to proxies, meeting-specific proxies to this meeting are ineligible to vote. I'd like a show of hands. All those –- John.

MR. NELSON: Yes, thank you, Mr. Chairman. Just in regard to the public comment are the states that are involved going to have a process in which they review folks that are eligible on this and do have an appeal process as necessary? I would think they would probably have that as a standard procedure but I just wanted to see if that was so.

CHAIRMAN WHITE: Dan or Mark.

DR. GIBSON: Well, I would just point out that there are several levels. At the addendum level there is a provision to establish a coordinating committee to review appeals to ensure that the different, the jurisdictions are treating individuals in the same way and using the same decision rules.

And of course within any state agency any individual can appeal an allocation or an administrative decision you know through the, in the case of Rhode Island our Administrative Procedures Act.

Anybody can avail themselves of an appeal to our department and I'm assuming there are opportunities within other state departments as well so I think there is an ability here to consider appeals. I'm not suggesting that they're necessarily going to prevail but I think there are multi levels here for the possibility of appeals.

CHAIRMAN WHITE: Is that what you were going to say, Dan?

MR. McKIERNAN: Yes. (Laughter)

MR. NELSON: Thank you, Mr. Chairman.

CHAIRMAN WHITE: Thank you, Dan. Bill.

MR. ADLER: I just want to get this with Dan and Mark. So in other words, there is this opportunity. If this passes as written, there is still this opportunity open where

someone gets a chance to say his two cents on this thing, right? That's what you said, Mark?

DR. GIBSON: Yes.

MR. ADLER: Without me changing anything.

DR. GIBSON: In Rhode Island that's always the case. Any decisions, you know, made by our marine fisheries agency relative to license holders, permits and so on can be appealed through the department's internal process. But there is also a coordinating body established here which will have the state and federal agencies on it. And it says, "to review appeals."

MR. ADLER: Very good. And Dan, I'll make sure he has that. Yes, okay.

CHAIRMAN WHITE: Eric.

MR. SMITH: I can't let this go the way it's going. I believe in this motion. I'm going to vote for this motion. I'm going to encourage these two guys to support me.

Notwithstanding the comment about the appeals, there are certain things that are appealable: data disputes; under Number 7, medical/military hardship. But it was very carefully crafted out and put in the plan and it went to public comment.

I don't think we should raise false hopes for anybody who thinks that anything is appealable because if someone bought a boat in 2005 and had been an employee for 20 years before and thinks that by fishing in '05 and having a permitted vessel that doesn't have its own history to qualify for an allocation, to think that person can appeal that point, no, that's why you set a qualifying period.

And we just had that debate and we decided it's going to be '01 through '03. So let's not raise false hopes in trying to answer questions. Some things will not be appealable and that's just one of the hard realities of this kind of a program. I happen to think it's the right thing to do so I'm going to support the motion.

CHAIRMAN WHITE: Mark.

MR. MARK McSALLY: I think Eric hit the nail on the head but from Rhode Island's perspective, my practice there, if you had an ability to file the appeal you may. But the basis of it has to exist in the regulation or the board action.

So without that being included, there is no appeal, as Mr. Eagles raised, for the person that bought a vessel this year or last year or two years ago. So I think that's the false hope that Eric made reference to and that's clear. You wouldn't be able to appeal that in Rhode Island. It would be dismissed.

CHAIRMAN WHITE: Any further board comments? Okay, to the main motion. Joe, do you need that read again? Okay. (Laughter) All those in favor of the main motion raise their right hand, please. What? Okay, 30 seconds for a caucus.

Okay, Bruce, are you all set? All those in favor of the motion raise their right hand; all those opposed, like sign; abstentions; null votes. The motion carries. Did you get that? FMP review, Toni.

2005 FMP Review

MS. KERNS: Thank you, Mr. Chairman. The 2005 FMP review was mailed to you in the meeting CD. Many parts of the FMP review will need to be updated due to the

release of the stock assessment being made public at this meeting so the only section that I am going to report to you is the recommendations and issues and those are on the last page of the document.

These recommendations are in no particular order. With the release of the new stock assessment and a possibility of the new reference points there may be a need for a change in management.

The PRT is recommending that the commission conduct a socioeconomic assessment to evaluate the impacts of the assessment results and recommendations to be placed in for management.

The PRT, the Recommendation Number 2 is that the PRT believes the ability to judge the success or failure of management measures versus stock units basis is critical and recommends that the TC should explore this further.

The PRT is also concerned about the ability of the lobster management program to respond to changing stock conditions and believes that this should be explored through the potential use of biological triggers as Pat had brought forward earlier.

And, lastly, the information collected under the ACCSP program will play an integral part in area management and the PRT encourages the full implementation of data collection programs and logbooks through ACCSP.

And some of these recommendations are recommendations that you saw through the stock assessment, just to see that there is consistency throughout all the bodies recommending the same things to the board. And that is all.

CHAIRMAN WHITE: Thank you, Toni. George.

MR. LAPOINTE: I want to make a motion to accept the 2005 FMP review with the understanding that the information from the newest stock assessment will need to be included in the report.

CHAIRMAN WHITE: Thank you. Seconded by Pat Augustine. Comments on the motion. Any objections to the motion? The motion passes. David, our new advisory chair, welcome back.

Advisory Panel Report

MR. DAVID SPENCER: Thank you very much, Mr. Chairman. In the interest of time I'm going to condense my report and focus on the recommendations that the AP would like to make to the board and forego the discussions leading up to those recommendations.

First I would like to thank Pat White and Bob Glenn for their attendance at our September 28th AP meeting. It was greatly appreciated by the advisors and provided a wonderful opportunity for direct dialogue with the TC and the board.

And I hope the presence of the board chair and the technical committee chair becomes a regular occurrence at our advisory meetings so thank you. The recommendations that we would like to present the board after our discussions are as follows.

There are six of them. Mandatory coast-wide reporting for state and federal waters. We would recommend that there be a committee meeting including industry, TC, state and federal managers, to design a minimum standard reporting system. And

we also make a recommendation in the current proposed rules to add mandatory reporting.

We also would recommend that there be a meeting of the transferability committee to discuss uniform measures in adopting transferability in the upcoming management plans. We also would recommend that a study be conducted on the most effective placement of vents for escapement.

The fifth recommendation has to do with the Long Island Sound health and we feel that the research projects in that area should be cooperative effort between science and industry and the results of those studies should include recommendations for solving lobster health problems.

And, finally, we would recommend that a workshop be conducted for further discussion of landing versus possession laws in the state. Thank you very much.

CHAIRMAN WHITE: Thank you, David. And I would urge the board to consider these recommendations as we move forward. I know many of them will be and have been in the discussions that we've had.

The board spent a considerable amount of time on these issues and I thank David for not going into it. (Laughter) But it certainly is reflected in the recommendations that they have made. Thanks again, David. Yes, Bruce.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. Just I need clarification, the last item, Dave, that you mention, the possession versus landing, would you just quickly elaborate on that?

MR. SPENCER: I think there was some concerns by industry members that there are obviously different gauge sizes in different states and for the ability, some states have a possession law; some states have a landing law.

And some people felt that the ability for lobsters to move into certain states may have a negative impact on all of us at some point. And it was an issue that has been looming out there for quite a while. And we feel it just needs some discussion at the board level.

CHAIRMAN WHITE: Other comments from the board or questions? Harry.

MR. MEARS: Just a quick comment. I strongly support these recommendations, particularly Number 3, with the transferability committee. I think it's an opportune time even to start it as soon as we can and look at the remaining work that we have under Addendum VII before us to make that committee have its first homework. Thank you.

Compliance Update

CHAIRMAN WHITE: We'll work on that. Any other comments from the board? Okay, Toni Kerns, compliance findings.

MS. KERNS: Just to wrap up the compliance findings from the last board meeting where two states, Massachusetts and Connecticut, were found out of compliance, you received in your briefing CD the letters bringing Connecticut back into compliance.

And as of October 3rd the Secretary of Commerce sent a letter bringing Massachusetts back, the commonwealth back into compliance with the plan and so, therefore, there are no compliance issues in lobster management as of today.

Congratulations. (Laughter)

CHAIRMAN WHITE: Thank you, Toni. I had no notification of anybody wishing anything under other business. I don't see any more hands. Eric. (Laughter)

MR. SMITH: So brief, Mr. Chairman, it will just be remarkable. Unless -– were you going to say something about Bob Glenn? I'd like to make a quick comment. The chairman of our technical committee has served admirably for three years and I know a couple of us acknowledged that earlier in the discussion but things always ring a little hollow when you just say "thanks" and everybody nods.

So we thought we should basically get Bob a gold Rolex but then we looked at the budget, Bob, (Laughter) and we realized that all we could do is offer you a round of applause for your good service. (Applause) And please pass that on to all the members. I really mean that. I mean I'm just real pleased with the outcome of your long labor.

CHAIRMAN WHITE: Thank you, Eric. Pat, you have a motion.

MR. AUGUSTINE: **Motion to adjourn**, Mr. Chairman. Thank you.

CHAIRMAN WHITE: Accepted. Thank you all very much for your patience. This was not easy and I appreciate your participation.

(Whereupon, the American Lobster Management Board meeting adjourned on Monday, October 31, 2005, at 5:50 o'clock, p.m.)

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