

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

May 1, 2023

Approved October 16, 2023

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of January 31, 2021** by consent (Page 1).
3. **Main Motion**
Move to select under Issue 2, Option B a trigger level of 38% (Page 16).
 Motion by Mr. Pat Keliher; second by Mr. Doug Grout. Motion amended (Page 16).

Motion to Amend

Motion to amend to select under Issue 2, Option B a trigger level of 35% (Page 16).

Motion by Ms. Cheri Patterson; second by Mr. Dan McKiernan. Motion passes (Roll Call: In Favor – NH, RI, CT, NY, NJ; Opposed – MA; Abstentions – DE, MD, VA, NMFS; Null – ME) (Page 18).

Motion to select under Issue 2, Option B a trigger level of 35% (Page 18).

Motion passes (10 in favor and one abstention from NMFS) (Page 18).

4. **Main Motion**
Move to select under Issue 2, Option B a modified “Measures Option 2” in which LMA3 and OCC move to a 6½ maximum gauge size in the final year of changes and do not decrease their maximum gauge size further. Initial changes to the gauge sizes for all GOM/GBK management areas should occur on June 1st in the following year. For example, if a trigger is tripped at the fall Annual meeting in 2023, a minimum gauge size change would be implemented June 1, 2024. Should a future stock assessment conclude that the GOM and GBK stocks are not a single biological stock, the Board can revisit the max gauge size decrease in OCC and LMA 3 (Page 18).
 Motion by Mr. Pat Keliher; second by Ms. Cheri Patterson (Page 19).

	LMA 1	LMA 3	OCC
Initial gauge size changes (Year 1 implementation)	Min: 3 5/16” (84mm) Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Intermediate gauge sizes (Year 3 implementation)	Min: 3 3/8” (86mm) Max: Status quo Vent: 2x5 ¾” rect; 2 5/8” circular	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Final gauge size (Year 5 implementation)	Min: 3 3/8” (86mm) Max: Status quo Vent: Status quo	Min: Status quo Max: 6 ½” Vent: Status quo	Min: Status quo Max: 6 ½” Vent: Status quo

Move to Amend

Move to amend that the increase in the escape vent size in LCMA 1 be implemented in year 5 after the trigger has been reached (Page 19).

Motion by Mr. Doug Grout; second by Mr. Steve Train. Motion fails (3 in favor, 5 opposed, 3 abstentions) (Page 20).

	LMA 1	LMA 3	OCC
Initial gauge size changes (Year 1 implementation)	Min: 3 5/16" (84mm) Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Intermediate gauge sizes (Year 3 implementation)	Min: 3 3/8" (86mm) Max: Status quo Vent: status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Final gauge size (Year 5 implementation)	Min: 3 3/8" (86mm) Max: Status quo Vent: 2x5 3/4" rect; 2 5/8" circular	Min: Status quo Max: 6 1/2" Vent: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo

Motion to Amend

Move to amend that the increase in the escape vent size in LCMA 1 be implemented in year 4 after the trigger has been reached (Page 20).

Motion by Mr. David Borden; second by Mr. Steve Train. Motion passes (10 in favor, 1 abstention) (Page 21).

	LMA 1	LMA 3	OCC
Initial gauge size changes (Year 1 implementation)	Min: 3 5/16" (84mm) Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Intermediate gauge sizes (Year 3 implementation)	Min: 3 3/8" (86mm) Max: Status quo Vent: status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Year 4	Vent: 2x5 3/4" rect; 2 5/8" circular		
Final gauge size (Year 5 implementation)	Min: 3 3/8" (86mm) Max: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo

Main Motion as Amended

Move to select under Issue 2, Option B a modified "Measures Option 2" in which LMA3 and OCC move to a 6 1/2 maximum gauge size in the final year of changes and do not decrease their maximum gauge size further. Initial changes to the gauge sizes for all GOM/GBK management areas should occur on June 1st in the following year. For example, if a trigger is tripped at the fall Annual meeting in 2023, a minimum gauge size change would be implemented June 1, 2024. Should a future stock assessment conclude that the GOM and GBK stocks are not a single biological stock, the Board can revisit the max gauge size decrease in OCC and LMA 3. The increase in the escape vent size in LCMA 1 would be implemented in year 4 after the trigger has been reached.

Motion to Amend

Motion to amend to strip the motion of the maximum size changes in OCC and LCMA 3 that are scheduled to go in this motion (Page 21).

	LMA 1	LMA 3	OCC
Initial gauge size changes (Year 1 implementation)	Min: 3 5/16" (84mm) Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Intermediate gauge sizes (Year 3 implementation)	Min: 3 3/8" (86mm) Max: Status quo Vent: status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Year 4	Min: 3 3/8" (86mm) Max: Status quo Vent: 2x5 3/4" rect; 2 5/8" circular		
Final gauge size (Year 5 implementation)	Min: 3 3/8" (86mm) Max: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo

Motion by Mr. Dan McKiernan; second by Mr. David Borden. Motion fails (4 in favor, 6 opposed, 1 abstention) (Page 23).

Main Motion as Amended

Move to select under Issue 2, Option B a modified “Measures Option 2” in which LMA3 and OCC move to a 6½ maximum gauge size in the final year of changes and do not decrease their maximum gauge size further. Initial changes to the gauge sizes for all GOM/GBK management areas should occur on June 1st in the following year. For example, if a trigger is tripped at the fall Annual meeting in 2023, a minimum gauge size change would be implemented June 1, 2024. Should a future stock assessment conclude that the GOM and GBK stocks are not a single biological stock, the Board can revisit the max gauge size decrease in OCC and LMA 3. The increase in the escape vent size in LCMA 1 would be implemented in year 4 after the trigger has been reached.

Motion passes 9 in favor, 1 opposed, 1 abstention (Page 23).

	LMA 1	LMA 3	OCC
Initial gauge size changes (Year 1 implementation)	Min: 3 5/16" (84mm) Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Intermediate gauge sizes (Year 3 implementation)	Min: 3 3/8" (86mm) Max: Status quo Vent: status quo	Min: Status quo Max: Status quo Vent: Status quo	Min: Status quo Max: Status quo Vent: Status quo
Year 4	Vent: 2x5 3/4" rect; 2 5/8" circular		
Final gauge size (Year 5 implementation)	Min: 3 3/8" (86mm) Max: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo	Min: Status quo Max: 6 1/2" Vent: Status quo

Move to approve Issue 1, sub-option B1 and sub-option B4. This combination of options will set a standard v-notch definition of 1/8" in LCMAs 3 and OCC, maintain the zero tolerance definition in LCMA1, and

establish a maximum gauge size in OCC of 6 ¾” for state and federal permit holders. It will also limit the issuance of trap tags to equal harvester trap tag allocations (Page 24).

Motion by Mr. Pat Keliher; second by Mr. David Borden. Motion separated (Page 24).

Move to Separate

Motion to separate B1 and B4.

Motion by Mr. David Borden; second by Mr. Dan McKiernan. Motion passes by consent (Page 25).

Move to approve Issue 1, sub-option B1. This option will set a standard v-notch definition of 1/8” in LCMAs 3 and OCC, maintain the zero tolerance definition in LCMA1, and establish a maximum gauge size in OCC of 6 ¾” for state and federal permit holders.

Motion passes (8 in favor, 1 opposed, 1 abstention) (Page 26).

5. **Main Motion**

Move to approve Issue 1, sub-option B4. This will limit the issuance of trap tags to equal harvester trap tag allocations (Page 26).

Motion to Amend

Move to amend to exempt the OCC from this requirement (Page 26).

Motion by Mr. Dan McKiernan; second by Mr. Pat Keliher. Motion passes (6 in favor, 5 abstentions) (Page 29).

Main Motion as Amended

Move to approve Issue 1, sub-option B4, except for OCC. This will limit the issuance of trap tags to equal harvester trap tag allocations for LCMA 1 and LCMA 3.

Motion passes (3 in favor, 1 opposed, 7 abstentions) (Page 30).

Move to approve Lobster Addendum XXVII, as modified today, with an implementation date of January 1, 2024 (Page 30).

Motion by Ms. Cheri Patterson; second by Mr. Emerson Hasbrouck. Motion passes (10 in favor and one vote in opposition from MA) (Page 31).

Move to request the Interstate Fisheries Management Policy Board approve the creation of a subcommittee to engage Canada’s Department of Fisheries and Oceans to discuss transboundary issues related to the importation of lobster as it relates to different minimum gauge sizes in the two countries. The subcommittee shall be made up of up to four members of the Lobster Management Board who have license holders that fish in Area 1 and/or 3, one representative from the National Marine Fisheries Service, and the Commission’s Executive Director or his designee (Page 32).

Motion by Mr. Pat Keliher; second by Mr. David Borden. Motion passes by consent with one abstention from NMFS (Page 34).

6. **Move to adjourn** by consent (Page 34).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Jim Gilmore, NY, proxy for B. Seggos (AA)
Stephen Train, ME (GA)	Emerson Hasbrouck, NY (GA)
Rep. Allison Hepler, ME (LA)	Jeff Brust, NJ, proxy for J. Cimino (AA)
Cheri Patterson, NH (AA)	Tom Fote, NJ (GA)
Doug Grout, NH (GA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Sen. David Watters, NH (LA)	John Clark, DE (AA)
Dan McKiernan, MA (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for L. Fegley (AA, Acting)
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Dave Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Shanna Madsen, VA, proxy for J. Green (AA)
Colleen Bouffard, CT, proxy for J. Davis (AA)	Jay Hermsen, NOAA proxy for A. Murphy
Bill Hyatt, CT (GA)	Mike Pentony, NMFS

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

Ex-Officio Members

Kathleen Reardon, Technical Committee Chair	Rob Beal, Law Enforcement Committee Rep.
Derek Perry, Technical Committee Chair	

Staff

Bob Beal	Tracy Bauer	Caitlin Starks
Toni Kerns	Julie DeFilippi Simpson	Anna-Mai Christmas-Svajdlenka
Madeline Musante	Chris Jacobs	Chelsea Tuohy
Tina Berger	Adam Lee	
Lindsey Aubart	Mike Rinaldi	

Guests

Dennis Abbott, NH, Leg Proxy	Caitlin Craig, NYS DEC	Angela Giuliano, MD DNR
Max Appelman, NMFS	Scott Curatolo-Wagemann, Cornell	Robert Glenn, MA DMF
Mike Armstrong, MA DMF	Monty Deihl, Ocean Fleet Svcs.	Melanie Griffin, MA DMF
Brendan Adams	Steve Doctor, MD DNR	Bo Hale, USCG
Sydney Alhale, NOAA	Sam Duggan, NOAA	Amalia Harrington, Univ ME
Chris Batsavage, NC DENR	Bill Dunn	Heidi Henninger, AOLA
Alan Bianchi, NC DENR	Julie Evans	Jay Hermsen, NOAA
Delayne Brown, NH F&G	Catherine Fede, NYS DEC	Peter Himchak, Cooke Aqua
Debbie Campbell	Glen Fernandes	Jesse Hornstein NYS DEC
Josh Carloni, NH F&G	James Fletcher	Jeff Kaelin, Lund's Fisheries
Beth Casoni, MLA	Marty Gary, PRFC	Emily Keiley, NOAA
Barry Clifford, NOAA	Matt Gates, CT DEEP	Tom Lilly
Haley Clinton, NC DENR	Diedre Gilbert, ME DMR	Chip Lynch, NOAA

Guests (continued)

John Maniscalco, NYS DEC
Conor McManus, RI DMF
Kevin McMenamin, Annapolis
Nichola Meserve, MA DMF
Kyle Miller, FL FWC
Lorraine Morris, ME DMR
Allison Murphy, NOAA
Jeff Nichols, ME DMR
Scott Olszewski, RI DEM
Gerry O'Neill, Cape Seafoods

Justin Pellegrino, NYS DEC
Stephen Pickard
Chris Pickard
Nicole Pitts, NOAA
Tracy Pugh, MA DMF
Marianne Randall, NOAA
Marcel Reichert, Walhalla, SC
Paul Risi, City Univ NY
Mike Ruccio, NOAA
Somers Smott, VMRC

Renee St. Amand, CT DEEP
Jessica Waller, ME DMR
Craig Weedon, MD DNR
Angel Willey, MD DNR
Erin Wilkinson, ME DMR
Chris Wright, NOAA
Phil Zalesak
Rene Zobel, NH F&G

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Monday, May 1, 2023, and was called to order at 12:45 p.m. by Chair Jason McNamee.

CALL TO ORDER

CHAIR JASON McNAMEE: Hi everybody; I think we're going to get started here. I'm still sorting a few folks out online, but I think I've got enough to get the meeting started here. Welcome everybody to the American Lobster Management Board. We had an agenda that was published, so I'm going to start with that. Are there any changes, or additions, or anything else to the agenda that we would like for today? Yes, Pat.

MR. PATRICK C. KELIHER: Under Other Business I would like to, after we've finished with the addendum issues, I would like to raise an issue around Canada. Then a second issue would be the northern edge that the Council has just taken up.

CHAIR McNAMEE: Thank you, Pat. Any other changes to the agenda? Yes, Dan.

MR. DANIEL McKIERNAN: I'm not sure it's a change to the agenda, but when we get into the action items, I would like to take certain aspects of Addendum XXVII out of order. Is that something we can deal with when we get to that item?

CHAIR McNAMEE: Yes, thanks, Dan. I was actually thinking the same exact thing. I will be sure to highlight that. Okay, any other changes to the agenda?

APPROVAL OF AGENDA

CHAIR McNAMEE: We've had two additions under Other Business. Not seeing any other changes to the agenda, look to approve the agenda as modified. Are there any objections

to approving the agenda as modified? Not seeing any; we will consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR McNAMEE: Next, we'll move to the proceedings from the January 2023 meeting. Are there any changes, additions, deletions to those proceedings from anybody on the Board? Okay, not seeing any hands around the table, Caitlin, anybody online with a hand up? Okay, with that are there any objections to approving the proceedings as submitted? Please, raise your hand. Seeing none; we will consider the proceedings approved.

PUBLIC COMMENT

CHAIR McNAMEE: The next agenda item is for public comment. This is public comment for things that are not currently on the agenda. Is there anyone from the public that wishes to make a comment on something, again that we're not already covering on today's agenda? Looking around the room here first, not seeing anyone. Looking over at Caitlin; nobody online either. We will consider there to be no additional public comment. I will come back to public comment in a few moments here, but we'll move past that item for now.

CONSIDER ADDENDUM XXVII ON INCREASING PROTECTION OF SPAWNING STOCK BIOMASS OF THE GULF OF MAINE/GEORGES BANK STOCK FOR FINAL APPROVAL

CHAIR McNAMEE: Next up is the main event. We're going to consider Addendum XXVII on Increasing Protection of Spawning Stock Biomass of the Gulf of Maine/Georges Bank Stock for Final Approval.

We're going to have a presentation from Caitlin Starks; both on the Addendum itself, as well as the Advisory Panel report. Then we'll come back, and then I wanted to offer a couple of comments. Dan McKiernan mentioned one of them, but I'll hit that stuff after the presentations and after you've cleared up any questions that you have. With that I

will pass it over to you, Caitlin, to take us through the presentation.

REVIEW OPTIONS

MS. CAITLIN STARKS: I'll be giving a pretty quick, hopefully, presentation on Draft Addendum XXVII itself, which is again on increasing protection of the spawning stock in the Georges Bank and Gulf of Maine stock. I'll start off today with some brief background. The Addendum timeline, background information on the draft Addendum, and then go over the proposed management options that are in the document.

Then after that I'll summarize the public comments on this Addendum and present the AP report, and then we'll wrap up with the Board's actions for consideration today. This Addendum was originally initiated in 2017, and then work on the Addendum was paused for several years, as the Board had to prioritize work on right whale risk reduction efforts, and then work on this Addendum was restarted in February of 2021.

In 2021 and 2022, the Plan Development Team developed this draft Addendum document with guidance from the management board, and in January of 2023 the Board approved the draft Addendum for public comment. Our public comment period occurred earlier this year from March to April 8th of 2023, and during that time we had 8 hearings that were held from Maine to New York.

Today the Board will consider selecting a management program and final approval of draft Addendum XXVII. As I mentioned, the Board originally initiated Draft Addendum XXVII in August of 2017, and this was in response to concerns about decreasing trends in larval settlement indices for the Gulf of Maine, which have been showing declines since about 2012.

At that time the Addendum was focused on standardizing management measures across the

lobster conservation and management areas, or LCMAs within the Gulf of Maine/Georges Bank stock. Then in 2021, after the Board received the results of the 2020 stock assessment and reinitiated work on this Addendum, the 2020 stock assessment highlighted some continued negative trends in the lobster stock indices in the Gulf of Maine and Georges Bank.

In the last five years settlement surveys have remained below the 75th percentile of their time series, and since the 2020 stock assessment was completed, which only included data through 2018, we've also seen some declines in the recruit abundance indices in the ventless trap survey and trawl surveys for the Gulf of Maine and Georges Bank. To give a visual of this, this slide shows the Gulf of Maine Young of Year Survey indices through 2021, sort of our last year of data that we have. The last three years of data are shown in red. You can see that there has been an overall downward trend in the settlement indices over about the past decade, with only one of the survey areas showing an increase in the last three years. Then this figure shows the Gulf of Maine recruit abundance indices from the trawl survey through 2021.

Again, the last few years of data are shown in red. You can see here that after it increased for a while in the 2000s and 2010, the recruits have also started to show declines in the last two or three years in most of the survey areas. With these trends in mind, the Board revised the objective for this Addendum, and it is now shown on the screen.

Given persistent low settlement indices and recent decreases in recruit indices, the Addendum should consider a trigger mechanism, such that upon reaching the trigger, measures would be automatically implemented to increase the overall protection of spawning stock biomass of the Gulf of Maine/Georges Bank stock.

The Draft Addendum also considers some options that would standardize some of the existing management measures within the Gulf of Maine and Georges Bank stock, which are aimed at improving or resolving some of the discrepancies

between measures in different management areas within the stock.

The proposed options are expected to have benefits for the stock assessment, as well as law enforcement and interstate commerce. Next, I'm going to go over the proposed options that were included in the Draft Addendum for public comment. Our proposed options in Draft Addendum XXVII are separated into two issues.

Issue 1 addresses the standardization of a subset of management measures within LCMAs and across the stock. Then Issue 2 considers implementing biological management measures that are expected to provide increased protection of the spawning stock biomass. Before I go into the proposed changes, I want to review the relevant current measures for the areas within the stock.

You've got Area 1, Area 3 and Outer Cape Cod, just make sure everyone is on the same page for what are the measures that were considered in the status quo options. The Area 1 minimum gauge size is currently 3 and 1/4 inch. Area 3 slightly larger at 3 inches and 17/32 of an inch, and Outer Cape is at 3 and 3/8 of an inch.

V-notching is required in Area 1 and in Area 3 above the latitude of 42 degrees and 30 seconds, and then Outer Cape Cod does not have mandatory v-notching. In Area 1 there is a 0-tolerance definition for possession of v-notched lobster, and in Area 3 the definition is a notch that is 1/8 of an inch, with or without setal hairs.

In Outer Cape Cod there are two definitions. For state permitted fishermen in state waters the definition is 1/4 of an inch without setal hairs, and for federal permit holders, regardless of location, the definition is 1/8 of an inch, with or without setal hairs. Then for maximum gauge sizes, LCMA 1 is at 5 inches, LCMA 3 is at 6 and 3/4 of an inch, and Outer Cape Cod there are two maximum sizes. For state waters there

is no maximum size, and in federal waters it is 6 and 3/4 of an inch. The options under Issue 1 are status quo, which is A, or B, which would implement some standardized measures upon final approval of this Addendum. Under Option B there are four sub-options that would define what those standardized measures would include. From the four sub-options the Board can select as many as desired, depending on which issues it wants to address. These are the four sub-options under B.

B1 would implement standardized measures within the Gulf of Maine and Georges Bank stock LCMAs, if there is a discrepancy within one LCMA to the most conservative measures where there are inconsistencies. This would result in the maximum gauge size in Outer Cape Cod going to 6 and 3/4 of an inch for both state and federal permit holders, and it would result in a v-notch possession definition of 1/8 inch, with or without setal hairs.

Option B2 would standardizes the v-notch requirement across LCMAs, such that v-notching would be mandatory for all egggers in LCMAs 1, 3, and Outer Cape Cod. Option B3 is to standardize the v-notch possession definition to 1/8 of an inch, with or without setal hairs for LCMA 1, 3 and Outer Cape Cod. Then Option B4 would standardize the regulations across the LCMAs, to limit the issuance of trap tags to equal the Harvester Trap Tag Allocation.

This means that no surplus tags would be automatically issued until trap losses occur and are documented. Moving on to Issue 2. These options focus on implementing management measures that would increase the protection of the spawning stock biomass. The options consider changes to the minimum and maximum gauge sizes, as well as corresponding escape vent sizes.

These are expected to increase the spawning stock biomass, and allow more lobsters to reproduce before they are harvested by the fishery. Including our status quo option, there are three total options under Issue 2. Within the options there are two approaches for implementing management changes.

The first approach is what is included in Option B, and this would establish a trigger mechanism, such that when a trigger is reached, it would result in predetermined management measures being implemented. The trigger would be based on a certain amount of decline in index, and I'll go into that in a moment. The proposed trigger index that would be used is based on multiple recruit abundance indices that are averaged over three years.

Then the second approach that we have is applied in Option C, and this would establish a predetermined schedule for future changes to the management measures. Under Option B the Board would establish a trigger mechanism to implement predetermined management measures when the trigger is reached. In this option that means the Board would need to define what the trigger level is, and what management measures would be implemented when that trigger is reached.

For selecting a trigger level, we have two options. Trigger Option 1 is that if the trigger index declines from its reference level by 32 percent, that would trigger the implementation of the management measures that are selected by the Board. Then Trigger Option 2 is a 45 percent decline in the trigger index. Just as a reminder, these two trigger levels are meant to approximate similar declines in lobster abundance. Our 45 percent trigger approximates the 75th percentile of the moderate abundance regime from the stock assessment. This figure is showing the trigger index that would be used under Option B to determine when the management measures would be implemented. This is calculated through 2021, with the available data, and the top left panel shows the combined index that would be used to determine when the trigger level is reached.

Then the three survey indices that go into that combined index are shown individually in the other three panels. These are the fall and spring trawl survey recruit indices and the

ventless trap recruit index. The two horizontal lines on each graph represent the proposed trigger levels of 32 percent and 45 percent.

The reference level that the index is compared to is based on the reference abundance timeframe from the stock assessment, which was 2016 through 2018. The index is scaled to that reference level. On the Y axis one represents the reference level and that is the 2016 to 2018 average of the indices that go into the index.

Then as the index values change over time, depending on additional years of survey data, they will either decline below 1 or increase above 1. Our most recent index value, which is the 3-year average from 2019 to 2021, is 0.765, and that is about a 23 percent decline from the reference value.

If Option B is selected the Board would also need to select the biological management measures that would be automatically implemented in the Gulf of Maine and Georges Bank stock when that trigger level is reached. We have two options for management measures that were proposed in the Addendum.

Measures Option 1 would change the minimum and maximum gauge sizes, and the escape vent sizes in a single year. Then Measures Option 2 would involve a series of gradual changes to the gauge and escape vent sizes over several years. Again, these are the current gauge and vent sizes in the management areas in the Gulf of Maine and Georges Bank stock.

This table shows the measures that would change under Measures Option 1. The changes from status quo are shown in bold. Under Measures Option 1, when the established trigger level is reached for the following fishing year, the minimum gauge size for LCMA 1 would increase from the current size to 3 3/8 of an inch. The escape vent size in LCMA 1 would be adjusted, corresponding with that minimum gauge size change.

The maximum gauge size in LCMA 3 and Outer Cape Cod would decrease to 6 inches. The proposed increase to the minimum gauge size in LCMA 1 is expected to increase the proportion of the population that is able to reproduce before harvested by the fishery. This is expected to have a short-term negative impact on the Area 1 harvest, but over time the harvest in weight is expected to increase slightly with the minimum gauge size increase.

The proposed decrease to the maximum gauge sizes in LCMA 3 and Outer Cape Cod are expected to enhance the stock resiliency by placing forever protections on a small proportion of the population, which includes the larger lobsters of both sexes. That change would be expected to have a small negative impact on the harvest number and weight. The proposed combinations of gauge and vent sizes are expected to maintain similar retention rates of legal-size lobsters and protection of sublegal sizes. The vent size that is proposed for Area 1 here is also consistent with the current vent size that is used in the southern New England management areas, where the minimum gauge size is also 3-3/8 of an inch.

Then this next table lists the management measures that would be implemented if Measures Option 2 is selected when the trigger point is reached. Again, the changes in each of the years are shown in bold. I want to note here that these final measures in this option in the last row are the same as what you saw in the previous option.

The difference is just that these changes occur gradually, as opposed to all at once. Under Measures Option 2, when the trigger level is reached it would start a series of gradual changes in gauge sizes for the areas in the stock, and the changes would occur every other year. The minimum gauge size in Area 1 would increase twice in increments of 1/16 of an inch.

The maximum gauge size for Area 3 and Outer Cape Cod area would decrease twice in

increments of 1/4 of an inch. The escape vent size in LCMA 1 would be adjusted a single time when the final minimum gauge size is implemented in that area. Then the last option under Issue 2 is Option C, and this considers implementing gradual changes to the gauge and escape vent sizes on an established schedule, as opposed to using a trigger mechanism.

There are three steps for proposed changes in this option. This table shows the measures that would change in each of those steps in bold font. The first set of measures would be implemented no later than the 2026 fishing year. In the first step there would be an increase in the minimum gauge size in Area 1 by 1/16 of an inch to 3-5/16 of an inch, and a decrease in the maximum gauge size in LCMA 3 and outer Cape Cod to 6-1/2 inches.

Then one year following that there would be a decrease to the maximum gauge size in LCMA 3 and Outer Cape Cod to 6 and 1/4 inches, and no change in LMA 1 in that year. Then in the third and final step, which would occur one year later, it would increase the minimum gauge size in LMA 1 to 3-3/8 of an inch, and decrease the maximum gauge sizes for LMA 3 and Outer Cape Cod to 6 inches.

The vent size in LMA 1 would also be adjusted in our third and final step. As a note, for any of the proposed options for LCMA 3 measures, the Addendum specifies that whatever measures are selected would apply to all of Area 3 permit holders, including those that fish in the southern New England stock.

PUBLIC COMMENT SUMMARY

MS. STARKS: That covers all of the options in the Draft Addendum, and I am now going to go over the public comment summary. Our public comment period started in early March, and ended on April 8. During that time, we had eight public hearings that were held for Maine, New Hampshire, Massachusetts, Rhode Island and New York.

Four of those hearings were in person and four were held virtually. Across the eight hearings there

were 214 public attendees. There might be some overlap in the individuals who attended multiple hearings. But in total during the comment period, we received 67 written public comments, 6 of those were letters from letters from organizations. These tables show the breakdown of the public hearing attendees and the number of comments that were provided at each of the hearings, which totaled to 159 comments provided within the public hearings, and then the breakdown of the written comments as well.

Then this larger table, I know it might be a bit hard to see, but I wanted to break down the number of comments that were in support of each option. Each of the options or sub-options that are included in the Addendum are shown in separate rows of this table, and in the far-right column are the total comments that were in support of each of those options.

The takeaway here is that the majority of comments were in support of status quo. But there were a number of comments that supported one or more of the other options. I will go into the reasons behind the support for each of those in the next slide. Across the comments that we received there were a few themes that were repeated by a significant number of people.

One of these is that there was a lot of concern about the economic impacts that could result from increasing the minimum size in Area 1, while still allowing imports of Canadian lobster that are smaller than the U.S. minimum size. Within the comments that address the options for v-notching, there were a significant number of folks that supported standardizing the v-notch definition.

However, it did seem that there was a preference among those individuals to go to a zero-tolerance definition, rather than 1/8 of an inch with or without setal hairs, because they didn't want to move backwards from the zero-tolerance definition in Area 1.

Regarding the proposed changes to the gauge sizes, a majority of the comments about this issue expressed a preference for smaller gradual changes to the measures, as opposed to implementing all of the changes at once. Then there were a lot of comments submitted, specifically about the proposed changes for the Outer Cape Cod management area.

In these comments people spoke about the unique situation of the Outer Cape fishery, and felt that it was not adequately considered in the Addendum options. In the comments that expressed a preference for status quo under Issue 1, which is to not standardize any of the management measures across or within LCMAs.

A number of people were concerned about the proposed changes would hurt the lobster industry and lobster population, specifically they referred to the increased restrictions that would go on to the commercial harvest, and the financial strain that would be caused by needing to replace or update their gear to meet the new requirements.

There were also many comments that said they were in support of the status quo option because the current measures are working and they don't need to be changed. They also thought that the proposed options for standardizing measures were not really for the benefit of the stock, but rather for the benefit of law enforcement. In the comments that supported some parts of Option B under Issue 1 to standardize some measures, there were a good number that felt that standardizing and increasing the strictness of v-notch requirements across the LCMAs will have benefits to the stock. Some people noted that it's a problem that lobsters that must be thrown back in one area can just be harvested in an adjacent area. One comment supported Sub-option B4, which would limit the trap tag issuance to the harvester allocation unless losses are documented, because they felt that this would help reduce the issue of lost and derelict gear.

Among the comments that were in support of status quo under Issue 2, that would not implement

any management changes to the biological management measures to increase spawning stock protection. A lot of these comments cited market or economic concerns, and many specifically mentioned the concern about Canada gaining a market advantage over the U.S. fishery if the LCMA 1 minimum gauge size is increased. As I mentioned at the beginning, a lot of comments in favor of status quo came from fishermen in the Outer Cape Cod management area.

Their comments expressed that because of its unique situation, the Outer Cape would be disproportionately harmed by the proposed gauge size changes. They mentioned that Outer Cape has a unique catch demographic, as well as a niche market for large lobster, and that also because of the cost of living in the area, which is relatively higher than in other areas, they would face more economic hardship due to the changes than other areas would.

Then in a handful of comments that were in support of the trigger approach for implementing management changes under Issue 2, there was a majority preference for gradual changes over a single change. Supporters of Option B felt that the proposed changes would increase the overall health of the stock, that it could bring higher quality product to the market and fetch higher prices, and provide more value to the marketplace.

Some comments mentioned that they supported a minimum gauge size increase over the maximum size decreases that are proposed, because of the greater overall positive impact it is expected to have on the stock. It was also noted that decreasing the maximum gauge would result in a permanent loss of landings, but increasing the minimum size would just delay those landings temporarily.

The comments that supported Option C for scheduled changes to measures, that they preferred this option because changing the measures as soon as possible would be the best

thing for the stock. They also said a minimum gauge increase is essential for the fishery to remain viable in the years ahead.

Some mentioned that they observed after the last time the gauge increased that there were benefits to the stock, and that we should act now while there is still time to reverse the negative trends that have been observed.

ADVISORY PANEL REPORT

MS. STARKS: Now I'm going to switch over to the Advisory Panel Report. Unfortunately, our AP Chair, Grant Moore, was unable to attend today so I'm going to give the AP Report on his behalf.

The AP met virtually to discuss Draft Addendum XXVII on April 10. Ten advisors were able to attend the virtual meeting and provide input. There was not consensus on a preferred set of management options that came out of that meeting. But the Advisors each provided their preferences and some comments on the proposed option. First, I want to go over the areas where the Advisors all agreed. There were a number of issues they agreed on. This includes a shared desire among them to look after the lobster resource. Some of them mentioned that they do not want to see Gulf of Maine have a similar outcome to southern New England. Many of the Advisors agree that v-notching has a positive impact on the stock, and they were supportive of standardizing the v-notch definition across the LCMAs in the Gulf of Maine and Georges Bank stock.

All of the Advisors also agreed that there could be economic impacts associated with the proposed increase to the LCMA 1 minimum gauge size, and that could create a disadvantage for the U.S. lobster fishery. Regarding the Issue 1 options, 5 Advisors supported Option B, with Sub-option B3, which would standardize the v-notch definition, and 1 Advisor also supported the other three sub-options as well.

Regarding Issue 2, 5 Advisors preferred status quo measures, stating that there is not a need to change

them at this point in time. Two of the Advisors did not give a preferred option, they were expressing that they were torn between the status quo option and Option B, but they generally felt unsure if changing measures at this point is really needed, or worth the cost to the fishery.

But they don't want to see the stock end up in a bad condition. Then when asked if they had to choose one of the options other than status quo, the majority of Advisors would prefer the trigger mechanism over the scheduled changes. All right, so that wraps up the AP report and leads us to the Board's Actions for consideration today.

First, the Board would need to select a management program from the proposed options in Addendum XXVII, including Issue 1 and Issue 2, and alternatively could propose modifications to the options.

CONSIDER FINAL APPROVAL OF ADDENDUM XXVII

MS. STARKS: Then once the Board has selected a management program then the Board can consider final approval of Draft Addendum XXVII, and that says VIII, but it should say XXVII. All right, and with that I can wrap up my presentation and take any questions.

CHAIR McNAMEE: Thanks so much, Caitlin. That is what we'll start with here are just questions for now, just clarifying questions, and we'll come back around to do the deliberations after that. Any questions for Caitlin on what she just presented? I see Jim Gilmore first, go ahead, Jim.

MR. JAMES J. GILMORE: Great presentation, Caitlin. I want to just clarify I have this right. If we did go to a gradual gauge change, that all of those numbers would be predetermined, so that we don't have regulatory authority in New York, and based upon our experience with Jonah crab the last two years, we've really got

to do this in one shot. If we're going to go through this we have to go through legislation. This would all be pre-prescribed, whatever and then we could do it in one event for our legislation, is that correct?

MS. STARKS: Yes, I believe that is accurate.

CHAIR McNAMEE: Next up I have Dan. No, okay, next up I have Steve Train.

MR. STEPHEN TRAIN: Thank you, Caitlin, for that that. I have a question that I think maybe Kathleen could answer it best. Sorry to put you on the spot. I was jotting down things while this was being presented. Basically, we're looking at things that show a decline, pull a trigger. We may need to increase the measure that will result in more eggs, and eventually those eggs will result in more lobsters. This is the process that we're looking at if any of this goes through, right?

MS. STARKS: Yes.

MR. TRAIN: We've had several years of declines. How many years after the trigger is pulled, did we put more lobsters back? Would those lobsters have eggs and become part of the fishery, be mature enough to be harvested or egg out?

MS. KATHLEEN REARDON: There would be an immediate... for the lobsters that are not caught there would be an immediate benefit, because those lobsters would have the opportunity to reproduce, the ones that are not caught. But the recruitment subsidy would definitely be a time lag. That recruitment subsidy is not actually considered in our simulation models. That would probably have a time lag of 6 to 8, 8 to 10 years. But there is immediate benefit for having those lobsters that are not caught to be able to reproduce, having the opportunity to reproduce rather than be caught.

MR. TRAIN: Just want to make sure I fully understand. I thought it was like 5 or 6 years. Whatever year we do this, or whatever year we actually have to trigger this, which may not be yet, probably isn't yet, will further decline until 6 to 8 years, maybe 10 until the recruit of the eggs of

those lobsters can start coming into the fishery to pick it up.

MS. REARDON: If you're talking about the eggs that need to hatch and then grow large enough to then reproduce again. That is where there is a time lag. There is uncertainty around that how fast they are growing. But there is an immediate benefit by having more of those lobsters available to reproduce, if other changes are happening within the system, where not as many of those eggs are surviving. That is where we see a potential buffer to ecosystem change.

CHAIR McNAMEE: Okay, next up I have Mike Luisi.

MR. MICHAEL LUISI: Thanks, Caitlin, for the presentation. My question I guess is a simple one. From the graphs that you showed, and please correct me if I'm interpreting this wrong, but there seemed to be reasonable declines happening, which was just mentioned, as well as in the juvenile production. Was I right? Did I see the graph right on juvenile production has also been in decline over the past few years?

I guess the question that I would like to ask about that is, with everything that I saw in your presentation, declines, the status quo seems to be heavily favored. I know that you went over the public comment as to some of the reasons why. I'm just trying to understand if there are these declines, why status quo seems to be the favorite for everyone involved.

MS. STARKS: I can try to speak to the public comments that I heard during the process. I think a lot of the favor for status quo comes from concerns about economic impacts to the fishery, associated with changing the gauge sizes. I think that those impacts are to be expected whenever you potentially restrict measures in this way. I think there was a lot of concern about that, which caused people to favor status quo. But like I mentioned, there were a handful of folks that did not see status quo as an option, and felt that it is necessary to

change the measures, in order to protect the stock.

CHAIR McNAMEE: Okay, two more in the queue here, David Borden.

MR. DAVID V. BORDEN: I also have a question for Kathleen. Kathleen, there was a lot of what I would characterize consternation voiced about the three surveys that are used in the index. I listened to; I think five different public hearings. In almost every single one of them it came up where members voiced concerns about it, how it was developed, how well it tracks future or predicts future landings. The question is, relative to those surveys, how well in the minds of the technical people do those surveys predict future landings? You can include the Rick Wahle survey in there, so it's four.

MS. REARDON: The combined index that Caitlin presented is actually only ventless trap, spring trawl survey and fall trawl survey from inshore Maine/New Hampshire survey as well as Massachusetts and ventless throughout the region. We are not considering part of the settlement survey from the different states as part of that trigger mechanism. It is informationally considered, but it is not part of that trigger index.

That trigger index is also focused on just one size of lobster, it's just under legal size. These are the sub-legals that we would expect to recruit into the fishery the next year. It's very close to that harvestable size, what will be legal very soon in the future. Within the conversations of the Technical Committee, we were looking at work that was done in the 2020 assessment. We wanted to create a trigger index that was related to the abundance of the whole lobster population.

In the process of the 2020 assessment, we did look at that recruit index of the 71-to-80-millimeter lobsters, and how those trends related to the abundance. We found that those trends in the surveys of those three surveys, do correlate well with the abundance. That is where we have some certainty on using those surveys between assessments as a proxy for what might be going on with abundance.

MR. BORDEN: How about with the Rick Wahle Survey? Did that also track well and predict future abundance catch?

MS. REARDON: It is not actually Rick Wahle's Survey; it is the state survey's data that is considered.

MR. BORDEN: I apologize.

MS. REARDON: We look at it as part of the data update, look at the settlement. But those lobsters are at least 6-8 years out from legal size. It is only surveying in shallow areas. We use it as kind of a red flag canary in the coal mine to say, something is changing. We did see changes since 2012, at least in Maine. We've had low levels of settlement in that survey. We were looking for trends in the recruitment indices from the trawl survey and the ventless trap since the assessment. That is one of the reasons we instituted the data update between the assessments.

CHAIR McNAMEE: Senator Watters.

SENATOR DAVID WATTERS: This is another kind of related to Steve's question, but from a different approach. I mean I can see our management technique is to do what we do to try to have increase in reproduction, and the assumption being that that will lead to abundance because of more recruitment.

But I guess my question to that though is, if the lack of recruitment is being driven by other factors, like warm air acidification or whatever it may be. I guess I had two questions. What confidence do we have then that these management methods will work, and then secondly, when might we know that they are not, and it may be these other factors that are driving the lack of recruitment?

MS. REARDON: The mechanisms for change is not something we have a lot of certainty about. We think it's changes in productivity, whether that is warmer water temperatures,

survivability, larval starvation, more predation from fish. It could be any of those things.

The guidance that we got from the Board and what the Technical Committee talked about, was if we have changes in the ecosystem ahead. How could we propose management options for the Board to consider that might provide more of a buffer to that ecosystem change. Increasing the protection of spawning stock biomass was the mechanism that was focused on and proposed.

CHAIR McNAMEE: Okay, all set with that? Great. Representative Peake.

REPRESENTATIVE SARAH PEAKE: Pat Keliher at the beginning asked to have added to the end of our agenda a discussion about Canadian competition and in effect Canadian regulations. The public hearings that I attended, some of those status quo people were concerned about an increase in the minimum gauge size, that that would lead to, and the question was then raised, well will Canada have to abide by that increase in the minimum gauge size?

If not, that puts us at an economic and marketing disadvantage, because there is a market for some of those smaller lobsters. I am wondering, as you reviewed all of the options again, and many of them include either through trigger or through timing, an increase in a minimum gauge size. If we need to have a Canadian competition discussion up front, so that we can understand what the total picture is, before we start to discuss these various options and going to them.

I would like to know what the impact of a decision I'm making is, maybe in the short term if there is no change in the Canadian regulations, or long term if that is going to be a number of years, a number of months, or never that they would match what our minimum gauge size is.

CHAIR McNAMEE: They are good comments, Representative Peake. I think, and so it sounds like your concern is like with a sequence of things here. Point taken, we will have the discussion, and the

folks around the table have had a chance to hear your concerns up front, so thanks. Tom Fote.

MR. THOMAS P. FOTE: I guess I always assumed that what Jersey does is what up and down the coast does, and I guess I'm wrong. We do not allow lobsters in that are below our legal-size limit, so Canadian lobsters less than our size limit cannot come in. Are we the only state that does that?

MS. STARKS: I'll say I don't know if you're the only state that does that, but it is a state decision to make the gauge sizes a possession limit as well as a harvest limit. The Commission's FMP makes it a harvest limit, but some states, such as New Jersey, have implemented that as a possession standard as well, so that those lobsters cannot be anywhere in the supply chain in the state.

CHAIR McNAMEE: Ray.

MR. RAYMOND W. KANE: A question of Kathleen. The way I heard you explain it to the Senator from Maine. This whole management action is based on previous management models, static models. We're talking about the livelihoods of lobstermen, and we hear a lot about EBFM, we hear a lot about the changing temperatures in the Gulf of Maine.

When does this all get brought to light, because the way I'm looking at this is we're trying to manage this fishery the way we have in the past, with your trawl surveys, your ventless trap. When do we start accounting for temperature changes, salinity, acidification, different predator species in the Gulf of Maine that might be consuming eggs, young of the year when it's settled to the bottom? When do we bring that into our management actions?

MS. REARDON: I'm not actually sure how to answer that question, although I think in the 2020 assessment, we did bring in more of the environmental datasets to consider as part of

our Model 3 evaluation of what is going on with the stock. Looking at kind of stress indicators, temperature, other zooplankton. We looked at a number of different datasets as part of trying to understand what was going on with the lobster stock.

MS. STARKS: I just wanted to add something to that as well. During the discussions that the Technical Committee had when the PDT tasked them with trying to come up with some potential management options for this document. One of the things that the Technical Committee kept coming back to was that we don't have control over the environmental conditions.

But if we are able to have a larger spawning stock biomass, that if there is a good year, where the conditions of the environment are really good for the eggs and for recruitment, that there is a large spawning stock base there to provide that additional input into the population.

CHAIR McNAMEE: We've had one hand raised from the public, I'm going to just request, before I go to this person. We're still on the question-and-answer portion of the meeting here, so just keep that in mind. But with that I will go to Beth Casoni.

MS. BETH CASONI: I actually had my hand raised by accident; I apologize. I don't have a question at this time.

CHAIR McNAMEE: Okay, thanks, Beth, at least we know we can hear you when you do.

MS. CASONI: Right, thank you.

CHAIR McNAMEE: It looks like we've cleared up all of the questions, oh, no we haven't. Go ahead, David.

MR. BORDEN: I have one other question that relates to the issue of the impacts of the gauge increases. I talked to Kathleen briefly before the meeting. There was a lot of discussion about the impacts, at least in some of those hearings about the impacts being in a range of 20 to 30 percent

decline in landings, associated with a gauge increase.

I was just wondering what, and I realize this is a really difficult issue for the technical folks to answer, because there are a lot of different moving parts in it. But what is the technical do, how much of a loss, and how much of a gain we would get out of the gauge increase?

MS. REARDON: Thanks, David, for the question. There is a difference between short term cost and long-term cost. It's more straightforward in Area 1, where it's a recruitment-based fishery. We are fishing on that first molt of lobsters coming into the fishery that is being recruited. Short term, yes there is a cost in that first year.

But when you look at it in the more long-term, that is a delayed harvest, so those lobsters that are not caught in that year have that opportunity to reproduce, but also molt again, and can be caught at a heavier size. In the long term we would anticipate a lower number of lobsters being caught, but at a higher weight in the long term.

In the short term the Technical Committee talked about this. There was a meeting summary from April of 2021, where we did put some numbers to it, based on the growth matrix, and a 32ndth of an inch would be about 8 percent proportion of lobsters that wouldn't be caught if you changed a 32ndth of an inch, and a 16th of an inch would be about a 16 percent.

But the timing of management, whether you do it January 1st or in the middle of the year, that percentage is very uncertain, depending on how that management is carried out. Many of the Technical Committee members were not as comfortable throwing those numbers around. We were focused more about the long-term benefit of increasing the spawning stock biomass, and then what that impact would be over the long term. That's where we saw a

lower number but a higher weight total in the longer term.

MR. BORDEN: Follow up, Mr. Chairman. They gain in weight, Kathleen, after they molt? How does it affect the weight? I think Burton had done an analysis that indicated 6 percent increase in weight. But what I'm asking you is, what was the consensus of the Technical Committee?

MS. REARDON: In the simulation models that Burton and Jeff ran, and I will defer to Jeff if he wants to step in here. But going to 3 and 3/8, we estimated about a 5 percent increase, I believe, in weight and a decrease of 3.6. But those numbers are an estimate based on a model, and where the Technical Committee has uncertainty about where those numbers fall.

We do have some certainty about that directionality, of which direction it is likely to go. You are likely to see that benefit. We also estimated that we would have up to that size a 38 percent increase in spawning stock biomass. Those numbers are not certain, they are from a model. But the directionality, you would see, we would anticipate a big bump in that spawning stock biomass by changing that minimum gauge size.

CHAIR McNAMEE: Yes, Roy Miller.

MR. ROY W. MILLER: A quick question. Since the prevailing public sentiment at the hearings seemed to be in favor of gradual changes, as opposed to a one-year change. Refresh my memory with the options. There weren't times when more than one vent size change would occur in a fishery, was there, or was the vent size changed at most one time in the options? Which was it, Caitlin?

MS. STARKS: Yes, that is correct. The vent size is only proposed to change one time in any of the proposed management options, and that would be whenever the final minimum gauge size is implemented for the area. We're just talking about Area 1, because Area 1 is the only one where there is a proposed minimum gauge size increase.

Whenever Area 1 reaches its final minimum gauge size, the vent size would also change.

CHAIR McNAMEE: Eric Reid.

MR. ERIC REID: Just a question about the math. You said we would catch less lobsters, but they would be heavier. Why would we catch less? Is that a very short-term thing? I'm not exactly sure. It's probably short term.

MS. REARDON: You would catch less lobsters, because you have natural mortality as they are growing. You are going to lose some lobsters on an annual basis to natural mortality, plus some of those lobsters would be reproductive. But I'll defer to Jeff or Caitlin if they want to add to that.

IMPLEMENTING MANAGEMENT MEASURES

MS. STARKS: Just in general, the proposed changes would decrease the window of sizes that are available to the fishery. There would be a smaller amount of lobsters available to be caught.

CHAIR McNAMEE: Are you okay, Eric? Okay. I think that does it for questions, so let's go ahead and move into, oh, go ahead, Dan.

ISSUE 2

MR. McKIERNAN: No, not a question, but I wanted to move into the sequencing of some of our deliberations. What I would like to speak to is reversing, kind of the order that has been presented in the document, which is Issue 1, Issue 2. By taking out Issue 2 first, Issue 2 is the potential minimum size increase that's either based on a trigger or automatic.

That's where most of the resiliency is going to come. The Issue 1 tend to be more housekeeping measures or have smaller effect on the spawning stock biomass, and the resiliency, and it would be difficult to rationalize why we would do the Issue 1 actions if Issue 2

failed. I would like to see the Board Tackle Issue 2 first.

CHAIR McNAMEE: Yes, thank you, Dan. I'm in complete agreement and was going to suggest the same thing myself. Maybe I'll look around, is there anyone on the Board who does not like that idea? The suggestion is to just reverse the issues, tackle Issue 2 first and then come back to Issue 1.

The suggestion was made by Dan McKiernan and I was also contemplating making the same suggestion. Looking around the table, not seeing anyone jumping up raising their hand. We will move forward in that manner, thanks for that, Dan. One other thing I just wanted to say up front. This is simply because at least one of the options that we may take off, it's these triggers.

There are two numbers, right. They sort of bound the issue, but there is a continuum in between those two things. Over the years watching boards when they have that kind of situation, bounding back and forth a whole bunch of times on different numbers, and all of the substitutes and things like that.

I just want to say up front, I'm only going to allow one substitution at a time, so if somebody makes a motion, there is a substitution, we'll dispense with that. I don't want to layer substitutions on top of substitutions. I think that is procedurally correct anyways, I just wanted to be up front about that. One other thing I would like to attempt is, there were a couple of items in here that didn't get much discussion, so I am going to try and simplify our job here in a couple of spots, just to see if we can quickly drop out one of the multitude of options here.

When we get to those parts I'll ask the question, and see if we can simplify our job a little bit here. I just wanted to let you know what I was thinking there. I'm not trying to limit discussion or anything like that, just trying to gain some efficiencies if possible. Then finally, I will plan on at least one opportunity for public comment. I'm going to do that once we are ready to take action on some sort

of a final motion on the Addendum, so before we take action on it, but once we get through all of the Board deliberations.

You know there has been a lot of comments on this Addendum already, and mostly I'm concerned about time and we don't have a lot of time on the agenda here for this, so I want to make sure we are efficient and can get done what we need to get done today. If we're doing good, I will entertain additional opportunities, but I do promise to go to the public, but probably only do that one time once we get the two issues in some semblance of final shape. All right, so with that why don't we jump right to it. The first item here that we're going to tackle is Issue 2. This is the Implementing Management Measures to Increase Protection of Spawning Stock Biomass in the Gulf of Maine and the Georges Bank Stock.

Here is the first spot where I will ask the question, is there any discussion or any need to address the potential option to adopt management changes without the institution of a trigger mechanism? That is Option C. Is there anybody who wants to speak to that Option C? Dave Borden.

MR. BORDEN: I'll keep this really quick. I favor that option, but I talked to enough people around the table to gauge the sentiment on it. I just don't think it's going to go anywhere. The reason I favor that option, and I'm going to be really brief, is that having gone through the southern New England collapse, I was basically the State Director at the time.

Having gone through that, that was a totally awful experience, not only for the industry, but for the regulators. It was just astounding what the negative consequences were for a whole group of really hard working, dedicated individuals who had generations in their families that had grown up working the water.

Anything we can do to avoid that type of situation; I think we should do. It's the main

reason that I am very concerned about the triggers. It goes back to Steve Train's comment, he hit the nail on the head, the delays. If we set a trigger, we're essentially acknowledging the fact that we're going to allow the stock conditions to deteriorate until we hit that trigger.

Now I'll say right up front, I operate under no delusions here. I don't think that we can maintain the stock at historic highs. I think it's going to decline anyways. But it's a question of timing, when you react, because once we react if we get optimal conditions, it is still going to take eight years before you're going to see the recruitment in the indices.

That's a long time to allow a fishery that's worth two billion dollars, employs 30,000 people, and has particularly in eastern Maine, has coastal communities that have a 90 percent reliance on this for their economic activity. This is a really major decision on a part of the Commission. We're in a leadership position on it.

Now I'm concerned that these triggers, when we were talking about triggers originally, I was an enthusiastic supporter of the trigger, because we were talking about a trigger at 15 percent. Now we're talking about triggers at 30 percent, 50 percent, and it goes back to the question I asked Kathleen, about how well these indices track future landings.

If they do, you are essentially saying to coastal communities, you're going to lose 50 percent of your income before you recover from it. That's what my reservation is, I'm not going to make a motion, but I think it's the wrong strategy at the wrong time.

CHAIR McNAMEE: Thanks, David, words of caution are appreciated. You are not making a motion on that option, okay. Mike Pentony.

MR. MIKE PENTONY: Hi everybody, it's been quite a while since I've been able to attend a Lobster Board meeting in person, so I appreciate being here this afternoon. Yes, similar to David Borden, I'm not

going to speak specifically to making a motion on the immediate or specified approach.

But I did want to offer some sort of general comments about the resiliency framework, or resiliency addendum. You know I think we all acknowledge that the lobster fishery, particularly in the Gulf of Maine is under significant existential threats, I think from three avenues, you know the effects of climate change that we're seeing on the stock and recruitment. That's what we're focused on today.

But nobody around the table is forgetting or ignoring the threats to the lobster fishery, as we try to recover North Atlantic Right Whales in a way that preserves and maintains that fishery. There is also the train that's left the station for offshore wind, that I think we all acknowledge is coming to the Gulf of Maine.

Those are all presenting extreme threats to the lobster fishery. Unless we see some statutory changes, the challenges around recovering Right Whales in your lobster fishery, that is going to be something that we continue to face. The offshore wind issue I think, we sense that coming, and that is going to remain a challenge.

Ideally, I think we would be looking at ways to preserve and ensure the resiliency of this fishery, in ways that look for synergies across those three threats, in ways that we can mitigate those threats as meaningfully as possible. You know effort reductions, effort issues, aren't on the table today. The one thing that is on the table is gauge increases, to look at promoting increased recruitment.

I encourage the Board to be as aggressive as possible. We've heard some of the concerns, the concerns that David Borden raised, the concerns we've seen in some of the public comment and letters from some states, around the need to take action sooner rather than later, because of the delayed effect we see

before we're going to see increased recruitment to the fishery.

Like David Borden, I recognize that where we're going to end up is probably with some sort of trigger approach. But I just strongly encourage the Board to be as aggressive and thoughtful as possible, so that we can really ensure that we have a resilient fishery, rather than having a reactive fishery, where we are struggling to adapt or adopt to a stock in collapse. Thank you.

CHAIR McNAMEE: Thank you, Mike. Just maybe one favor for me. My ears never un-popped from the plane ride this morning, so just make sure you get that microphone up close. I did hear you, Mike, and thank you for that. But I'm just nervous that I might not hear folks, so thanks for that. You know a couple of notes of caution, but nobody looking to make a motion on Option C, so I think that kind of drops us back to, we're on Issue 2, remember. We've got Options A and B remaining. Pat Keliher.

MR. KELIHER: Back in 2017 I was the originator of the motion that started this Addendum. A lot has happened since then. I started to get gray hair; we have survived a global pandemic. I think Borden may have had more hair back then too. I think we may have set a record from delays, but those delays were needed, based on the issues that we were dealing with. I think we're at a time now, we're in a very different time in making this decision if we had of done these back in 2017.

We were at an even higher abundance. I appreciate David's words of caution here. I'm not willing to go there, but we do need to start a conversation around this trigger. I'm going to start with a motion, I think Caitlin has that. Besides the three public hearings in Maine, I've held seven zone council meetings, they were excellent conversations.

We've seen certainly an embracing of the use of a trigger, including in our easternmost areas, Zones A and B actually asking for probably the highest trigger on the coast, because they are seeing more, probably because of what they are seeing in their

traps for juvenile lobsters. But as you can imagine, with a 3,000 plus mile coastline, the opinions vary greatly.

But the need for action, I think, was certainly coming to the forefront. **I would like to make a motion, and actually Caitlin, if you could change the 40 to 38, please. I would like to make a motion to select under Issue 2, Option B, a trigger level of 38 percent,** and if I get a second, I'll give additional rationale.

CHAIR McNAMEE: Thank you, Pat, second from Doug Grout. Great, so back to you, Pat.

MR. KELIHER: Thank you, 38 percent is the halfway point within the range of the trigger mechanism from 32 to 45. It certainly is going to put us below 100 million pounds from a fishery standpoint for just the state of Maine. What I've heard consistently up and down the coast was we need to act, but we're coming down from an all-time high.

I think that is why people were willing to actually push for even the 45 percent. But frankly, from a biological standpoint, and for some of the issues that have been raised already, I'm uncomfortable going that far. I know frankly, some of the members around the table are not even comfortable with 38. I'm open for discussion, but would like to start it with this motion.

CHAIR McNAMEE: Doug, do you wish to add anything?

MR. DOUGLAS E. GROUT: Yes, I would support this. I also don't believe that we can wait until we get to 42 percent. I think that would be extremely dangerous. This might be a good compromise between 32 and 42, so thank you.

CHAIR McNAMEE: Cheri.

MS. CHERI PATTERSON: While I appreciate this motion and appreciate the compromise, I am still concerned about even a 38 percent trigger

level. I think that we need to continue to be a little bit more proactive than reactive. While we will likely be able to see if the trigger is tripped, we would be able to see if there is young of the year recruitment sooner than 8 years. You know we have the young of the year survey out there, we have the trawl surveys out there that would be picking up samples to determine what our recruitment will be coming into the fishery at least. But I still think that we need to be a little bit more proactive. **I would like to have a motion to amend to select under Issue 2, Option B, a trigger level of 35 percent, and if I can get a second then I can move forward with a reason.**

CHAIR McNAMEE: Seconded by Dan McKiernan, thanks, Dan. Okay, Cheri, back to you.

MS. PATTERSON: Again, this is a compromise, because I would have liked to have gone to the 32 percent, but I think this is the compromise between the 32 and the 38, and I think that this is still being on the proactive side than a reactive side.

CHAIR McNAMEE: Okay, Dan as the seconder.

MR. MCKIERNAN: I endorse Cheri's comments.

CHAIR McNAMEE: Senator Watters.

SENATOR WATTERS: My question is, if our numbers are from 2021, when will we know if we may have already hit this trigger amount level?

CHAIR McNAMEE: Do you have a comment on that, Kathleen or Caitlin does, hang on one second.

MS. STARKS: Sorry, I had to move locations, but the data update would have this information in it, and we will be presenting that at the annual meeting.

CHAIR McNAMEE: Okay, other comments.

SENATOR WATTERS: I guess that it makes it a little difficult to know, you know what we're saying in terms of implementation. I think if one imagines that we're not there yet then we've set a trigger and we wait awhile. But if we find out in the fall

that as a matter of fact, we are up pretty high or well beyond what is even being proposed. I guess that I am kind of affirming what Cheri has noted, that we probably need to maybe set a little more aggressive level, because we may already be beyond it.

CHAIR McNAMEE: Thank you, Senator. Ray Kane.

MR. KANE: I just have a couple of questions to the maker of the first motion, and then to Cheri on the amended motion. Pat, you said that your zones down east were more in favor of the highest trigger, which brings me back to my thought pattern that we all know that we've got this dynamic shift of all species to the east/northeast.

I can understand the lobstermen down east wanting the highest trigger. I would almost support a 40 percent trigger, but that being said, these are the motions on the table. I don't understand why we're talking about 35 percent, you just want to mediate, Cheri?

CHAIR McNAMEE: Go ahead, Cheri.

MS. PATTERSON: Yes, actually. I think that 32 percent was not very appetizing from the industry perspective, and from around this table. I wouldn't want to go above 35 percent, to be honest with you. If 38 percent is something that was presented in this motion, so I chose to take the halfway point to go there.

MR. KANE: Thank you, Cheri, thank you, Pat.

CHAIR McNAMEE: All right, so we had a motion that has been amended. Any additional discussion before we take the vote on the amended motion? All right, seeing none; why don't I give folks a minute or two to caucus, in particular if you don't have folks here at the table. I don't know, two minutes to caucus.

Okay, does anybody need a little more time? Mike is still standing up, are you okay? It looks

like he's heading back. **I think we are ready to go, so we will vote on the amended motion here. This is the motion to amend to select under Issue 2, Option B, a trigger level of 35 percent. Motion made by Ms. Patterson, seconded by Mr. McKiernan. All those in favor of the motion, please raise your hand. Is it a question, Roy? Go ahead.**

MR. MILLER: Could I request a roll call on that vote?

CHAIR McNAMEE: Yes, that would be.

MR. MILLER: I have my reasons for that, we want to see how much unanimity there are among the principal lobster states to the north of us.

CHAIR McNAMEE: Yes, thank you, Roy, I think that will help too with the hybrid situation we have here as well.

MS. TONI KERNS: I can just call the states out if you have everybody raise their hand.

CHAIR McNAMEE: You said you could do it, Toni.

MS. KERNS: Yes, if everyone just re-raises their hand that said yes, I'll call our name out. Put their hands up and I'll call the states out. If everybody puts their hands up, I will call your state name, and then that will be the roll call.

CHAIR McNAMEE: Okay, got you, I got you. Let's try again. **All those in favor, please raise your hand, and then Toni will call the roll here.**

MS. KERNS: Rhode Island, Connecticut, New York, New Jersey, and New Hampshire.

CHAIR McNAMEE: Did we get the hands online as well? Okay. All right, all those opposed please raise your hand.

MS. KERNS: Massachusetts.

CHAIR McNAMEE: Okay, any abstentions?

MS. KERNS: NOAA Fisheries, Virginia, Delaware, and Maryland.

CHAIR McNAMEE: Any null votes?
MS. KERNS: Maine.

CHAIR McNAMEE: Just checking down the table. Can you give me the numbers again, either Caitlin or Toni? It was 6 to approve.

MS. KERNS: It was 5, 1, 4, 1.

CHAIR McNAMEE: Okay, thank you. The motion passes 5 to 1 with 4 abstentions and 1 null. Thank you for that. Now the amended motion is the main motion. Any discussion on this now as the main motion, before we move forward with our follow up vote? Okay, seeing no hands, we're kind of in the same spot, so I don't know if there is a need to caucus.

I'm not seeing heads shaking around the table. Why don't we move forward and take the vote. We now have a main motion. **The main motion is motion to select under Issue 2, Option B a trigger level of 35 percent.** The amended motion is still the maker and the seconder, correct?

MS. KERNS: Property of the Board.

CHAIR McNAMEE: Okay, so we can go to the vote. All those in favor of the main motion, please raise your hand, we'll call them out again, please.

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Virginia, Maryland, Delaware, Maine, New Hampshire.

CHAIR McNAMEE: All those opposed, please raise your hand. Okay, didn't see any hands there. Any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR McNAMEE: Any null votes? No nulls. All right, so the motion passes. I got 10 to

approve with 1 abstention. It looks like I counted right that time. Great, okay thank you for that everyone. Let's move along here and I'll go to Pat Keliher.

MR. KELIHER: To continue on with Issue 2, I have a second motion prepared, I think staff has that. With this motion is a creation of a table to help us kind of follow the bouncing ball here, if you will. I would move to select under Issue 2, Option B a modified "Measures Option 2" in which LMA3 and Outer Cape Cod move to a 6-1/2 minimum gauge size in the final year of changes, and do not decrease their maximum gauge size further. Initial changes to the gauge sizes for all Gulf of Maine/Georges Bank management areas should occur on June 1st in the following year. For example, if a trigger is tripped at the fall Annual meeting in 2023, a minimum gauge size change would be implemented June 1, 2024. Should a future stock assessment conclude that the Gulf of Maine and Georges Bank stocks are not a single biological stock, the Board can revisit the max gauge size decrease in Outer Cape Cod and LMA 3.

CHAIR McNAMEE: There is a motion on the board is there a second to that motion? Cheri Patterson with a second. Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, just a quick comment for the record. I think when Mr. Keliher read that into the record, I think he said minimum after 6 and 1/2, in the first sentence. I think he meant maximum.

MR. KELIHER: I did.

EXECUTIVE DIRECTOR BEAL: I just want to make sure the record is clear.

MR. KELIHER: Thank you for that clarity.

CHAIR McNAMEE: Thank you for that clarification. Pat Keliher with the motion, seconded by Cheri Patterson. Pat, as the maker of the motion, I'll come back to you.

MR. KELIHER: One thing that I heard really clear from fishermen in Maine is the fact that if this is a resiliency addendum, and that we all should be playing a part in the resiliency of the stock. Certainly, we heard from our Technical Committee Chair the bigger biological benefit being those smaller lobsters in the minimum gauge size change.

But it is clear, based on comments that I've heard that the protection of those bigger, older lobsters, it's still incredibly important when it comes to stock resiliency. After having conversations with fishermen back home, looking at the data, understanding what the potential economic impact would be.

I've created this motion to be kind of less threatening for that standpoint on the max gauge size decrease, by pushing it out to the final year of implementation, so five years out. Again, I would just reiterate that this is one stock. There is some additional tagging data that is coming in that has raised some questions about that one stock. That is why I include information or a piece of this regarding the future stock assessment, where we could revisit that and make adjustments accordingly.

CHAIR McNAMEE: Great, thank you, Pat. Cheri, as the seconder, would you like to make a comment?

MS. PATTERSON: Yes, thank you. I do agree with what Pat had indicated, as well as get back to Mr. Pentony's comment on what is going to be happening in the future with the Atlantic Large Whale Take Reduction Team, and how that might be addressing resiliency in our future. It would be aligning better to have this offshore; you know the LMA 3 and such to be a size maximum change later on.

CHAIR McNAMEE: Other comments from the Board on the motion before us. Tom Fote.

MR. FOTE: I just asked a question for everybody over here and nobody has an answer, so I

figured a Mainer could tell me. How much does a 6-inch carapace lobster weigh? Steve's got it.

MR. TRAIN: Well, off the top of my head I would say 6 to 7 pounds, depending whether it's a male or female. But I'm not allowed to land them, so I'm not sure.

CHAIR McNAMEE: Doug Grout.

MR. GROUT: I will express support for this motion, although I do have one small adjustment that I would like to propose, based on some of the comments that we got in our public hearings regarding when the vent size change would take place. My motion which I sent out just recently is to **move to amend that the increase in the escape vent size in LCMA 1 be implemented in Year 5 after the trigger has been reached.** Essentially, move it down to that Year 5 implementation, as opposed to Year 3 implementation. If I can get a second, I will be glad to give my rationale before the Board.

CHAIR McNAMEE: **There is a motion to amend here, it has to do with the escape vent size.** Is there a second to the motion to amend? Seconded by Steve Train. Okay, back to you, Doug, for your reasoning.

MR. GROUT: When we were at public hearing, our lobstermen expressed more concern about having that vent size increase in the same year that we have the final gauge increase, because they already are going to be taking a hit in Year 1, and then Year 3 at least a temporary hit in their landings. They know that right now some of the current vent size, some of the legal sized lobsters are able to escape through the escape vent.

They were feeling that if we could delay the implementation of the vent size change, it would make it easier to handle the third-year increase in size. If we all remember, what we put in as vent size changes in the past, I'm pretty sure they were occurring after the gauge increases that we had.

It wasn't in the same year. That's my rationale, I'm just trying to see if there might be some support for

this just waiting a couple years. Some lobstermen may end up implementing it themselves right away on their own, but I think it's reasonable to give them a little bit of a cushion, or a little bit of a breather here.

CHAIR McNAMEE: Steve, do you wish to make a comment?

MR. TRAIN: I could live without this, but I do like this idea, it kind of slows down the too much at once thing a little bit. I think Doug hit the nail on the head with, a lot of people may do it anyway. You fill that parlor up with shorts, you're not going to get many counters in it anyway. Once those things start to change, I think you'll see people voluntarily moving that vent up before it's due anyway.

CHAIR McNAMEE: Okay, further discussion? Dave Borden.

MR. BORDEN: I'm still not fully understanding why this would be Year 5 vs Year 4. I mean we did this when I worked for the state of Rhode Island, we did this a number of times. I think we went through eight-gauge changes, maybe even ten. We always tried to follow the gauge change immediately, either the same year as the gauge change or the year after it we would change the vent size. This is talking about a two-year delay. I just don't get the logic of it. These two measures work hand in hand, and that is the way they are intended to work. I could see Year 4, you know some logic in that, but not Year 5.

CHAIR McNAMEE: Okay. Additional comments from the Board. Dan McKiernan.

MR. McKIERNAN: Question on protocol. What David Borden just said, wanting to insert Year 4, do we need to vote this down consistent with your desires to only have one substitute or amended motion at a time, so that we can come back with a Year 4 implementation of that, if that is the desire of the Board, given David's logic?

CHAIR McNAMEE: Looking down the table for a little help.

MS. KERNS: Go through the motions, it's the property of the Board at this point.

CHAIR McNAMEE: Right, so yes, we have to vote up or down, and then we can sort of move on from there. Thanks. Okay, so we have an amended motion before us. Why don't we take another two-minute caucus to discuss, then we'll come back and take the vote. Two minutes, please, that seemed to work last time.

Okay, it looks like everybody is back to the table, done discussing. I think we can go ahead and call the vote here. I will follow the same procedure. I will have you raise your hands and Toni will call out the states. **All those in favor of the amended motion, please raise your hand.**

MS. KERNS: Maine, New Hampshire, Connecticut.

CHAIR McNAMEE: Okay, all those opposed, please raise your hand.

MS. KERNS: Rhode Island, Massachusetts, New York, New Jersey, NOAA Fisheries.

CHAIR McNAMEE: Any abstentions?

MS. KERNS: Virginia, Maryland, Delaware.

CHAIR McNAMEE: Any null votes? Okay, by my count the motion fails, I had 3 to approve, 5 to oppose, 3 abstentions. The motion fails. We're back to the original motion, and I have a hand up from David Borden.

MR. BORDEN: I would like to make the same motion that Doug Grout made, basically move to amend that the increase in the escape vent size in LCMA 1 be implemented in Year 4 after the trigger has been reached.

CHAIR McNAMEE: There is a new motion to amend, okay there we go. We have a new motion to amend made by David Borden, is there a second to that

motion? I saw Steve Train first. Back to you, David, to make comments.

MR. BORDEN: I won't belabor the point. I made it before, so that still stands. There is a synergy between these two, and this just line that up. You want these two actions to follow each other.

CHAIR McNAMEE: Okay, Steve. Steve is good, any other discussion on the amended motion? Doug, go ahead.

MR. GROUT: I just wanted to say I support this motion, since mine failed. It sounds like a good idea.

CHAIR McNAMEE: Well, that bodes well, thank you. Okay, can anyone raise their hand if you need some time to caucus. **Okay, so we have an amended motion here. It is similar to the one that was just made, but it drops it back a year, so it would be implemented in Year 4. Let's go ahead and call the vote. All those in favor of the amended motion, please raise your hand.**

MS. KERNS: **Maine, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia.**

CHAIR McNAMEE: **Any opposed? I don't think there is anyone left. Any abstentions?**

MS. KERNS: **NOAA Fisheries.**

CHAIR McNAMEE: **Okay, there was one person left. Any null votes? No null votes, okay so the amended motion passes. That now becomes the main motion. I'll let that get up on the board here and then we'll go ahead. Dan, go ahead.**

MR. McKIERNAN: **Yes, I would like to make a motion to amend to essentially strip this motion of the maximum size changes in Area 3 and Outer Cape Cod that is scheduled to go in**

according to this motion. Shall I give a rationale now?

CHAIR McNAMEE: Looking for a little help. We had an amended motion that passed. We didn't vote on it as the main motion, but can we entertain another amendment?

EXECUTIVE DIRECTOR BEAL: Yes, because you've cleared the slate of all the previous amendments, and now you are back to one main motion. Now, Dan is suggesting a motion that would amend the main motion again, so it's fair.

CHAIR McNAMEE: Thank you, Bob. Okay, so we've got a new motion to amend, has to do with the maximum gauge. I saw a second from David Borden, so back to you, Dan, for a rationale.

MR. McKIERNAN: I'm seeking to make the maximum size in Area 3 and Outer Cape static at the 6 and 3/4-inch size, because of the historic contributions that those areas made to the resiliency in the Gulf of Maine when the measures went in to protect the southern New England stock. We know that Outer Cape Cod and Area 3 both have portions of their fishery in the southern New England area.

For the last 15 years or so we did very little action concerning the Gulf of Maine/Georges Bank. We did a lot of activity attributable to the southern New England stock, which included aggressive trap cuts, included gauge increases. I would like to give those fleets the credit for those that have already been made.

CHAIR McNAMEE: We're still getting the motion up on the board here. But David, while that is being typed out, anything to add?

MR. BORDEN: Yes, I would just add to the points that Dan just made. You know since all the gauges were standardized in 1989, not to give everybody a history lesson. Since 1989 the minimum size in Area 1 has been 3 and 1/4. There have been 9-gauge changes in Area 3 since that period. Most of those

gauge changes took place right in proximity to the southern New England collapse.

When that took place the Area 3 industry, and I would point out that this is not just a New England issue, it goes all the way down. We have Maryland boats, six New Jersey boats, three New York boats. They are all fishing in Area 3. The industry opted to implement the most conservative measures throughout Area 3, instead of applying it just to southern New England and the Georges portion of it. We've been adopting more restrictive regulations for quite a period of decades actually.

The only think I would add to Dan's point. This doesn't get implemented according to the motion for five years. I think at least in our case, we're looking at other ways to contribute to the protection of spawning stock biomass, through things like a ring size, and so forth. We've got dialogues going with the Center staff about that. We oppose it at this time, but we are going to continue to work on it. I think that the Commission can easily add it to some subsequent addendum later on.

CHAIR McNAMEE: We've got the motion up there. I'm wondering, is the table correct? Okay. Further discussion on the amended motion? Steve Train.

MR. TRAIN: With all respect to my fellow Commissioners from Rhode Island and Massachusetts, I'm going to speak against this. We are dealing with a situation that was requiring the possible rebuilding the stock through egg production, and this needs to be shared through the range of the resource in the Gulf of Maine and Georges Bank stock are currently one stock. This is their share of what we need to do. It appears this motion would do away with that.

CHAIR McNAMEE: Pat.

MR. KELIHER: I'm going to speak against the motion to amend. What I was trying to do is

put some forever protections in place. It is clear that these management areas don't operate in biological isolation, so recruitment from Area 3 comes from growth of lobster within that area, and immigration of lobsters outside of that area.

The Addendum says that 70 percent of the new females in LMA 3 come from that immigration. This connectivity means that we all need to be chipping in, as far as resiliency is concerned. It's also trying to offset economic impacts here. With my original motion the addendum shows that when we do a 6-inch minimum, it would result in a 4.6 percent decrease. That was why I only made a motion to move it down a quarter of an inch, to help offset what that impact would be.

But again, I just want to stress that this is a joint stock between Area 3 and Area 1, Gulf of Maine/Georges Bank. It is one management stock. There is no isolation between these stocks as it currently exists, and I would urge the Board to support something that is in place in the future. I would also point out that the language that I included, if there is a determination that there is isolation, the Board can revisit this issue.

CHAIR McNAMEE: Cheri.

MS. PATTERSON: At this point I can't support the motion to amend. I think that since this is one stock that we are speaking of, that all need to be participating in the resiliency action. This was a very gradual, thought-out process to not have LMA 3 involved up until the fifth year, so if there is any further information in the future, then we can take action if need be.

CHAIR McNAMEE: Representative Peake.

REPRESENTATIVE PEAKE: I would like to speak in support of this motion. As we're talking about sharing responsibility, I would like to point out that status quo right now for the Outer Cape area is there is no maximum gauge size. Going from no maximum gauge to a 6 and 1/2 is a major, major contribution, on top of the contributions that have

already been made towards stock resiliency by the Outer Cape lobstermen.

I can live with 6 and 3/4, for both LMA 3 and OCC. But given that already the OCC lobster area, they have a larger minimum gauge size than any of the other lobster management areas, they are contributing in that way. For all intents and purposes, they have a shortened season because of right whale protections.

As I drove to get to Boston just yesterday, driving through the Beach Point Area I could see boats ready and traps ready and buoys ready. But the right whales are still in Cape Cod Bay. It used to be May 1, May 15 for the last several years, who knows. It could be after Memorial Day. The point is, there is no fishing that is going on in Cape Cod Bay, and on the back side of the beach. I think that 6 and 3/4 is a compromise that we should go with here. Again, as I said, I would like to point out for the OCC lobstermen, whose management plan was approved, that they are going from no maximum gauge to 6 and 1/2 under the original proposal, and this is why I believe this amendment offers a fair compromise.

CHAIR McNAMEE: Looking around the table, I don't see hands for further discussion. Can you please raise your hand if anybody needs time to caucus before we call the vote. Okay, let's do a one-minute caucus on this one. We're starting to get close to Menhaden time. One minute caucus. That was the one minute, New York, are you okay? I got a thumb up, great. **Let's call the question on the amended motion. All those in favor, please raise your hand.**

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York.

CHAIR McNAMEE: All those opposed, please raise your hand.

MS. KERNS: Maine, New Hampshire, New Jersey, NOAA Fisheries, Maryland and Virginia.

CHAIR McNAMEE: Abstentions.

MS. KERNS: Delaware.

CHAIR McNAMEE: Null votes, none. The amended motion fails. That brings us back. I think that is back to the previously amended motion, which is now the main motion. Anything else before we vote on the main motion? Toni.

MS. KERNS: I just want to make it abundantly clear that the language in the motion itself plus the table, are the things that we will be implementing. Since the table has vent sizes which are not in the language of the motion, it is in the text of the options that it does say is modified, but I want to put it on record, make it clear to you, the Board and the public for transparency.

CHAIR McNAMEE: Thank you, Toni, I appreciate that clarification. I'll wait for the cleaned-up motion to get back on the board here. I believe that is the correct motion that is up before us. I see nodding heads. Does anybody need time before we take a vote? Nobody is raising their hands, so **all those in favor of the motion up on the board here, please raise your hand.**

MS. KERNS: Maine, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia.

CHAIR McNAMEE: All those opposed, please raise your hand.

MS. KERNS: Massachusetts.

CHAIR McNAMEE: Abstentions.

MS. KERNS: NOAA Fisheries.

CHAIR McNAMEE: Null votes. None. Okay, the main motion passes, 8 with 1 opposed and 1 abstention; 9 in favor, sorry. I'm missing somebody. I must not be turning my head far enough. Thank you for that, so it was 9 to approve, 1 to oppose, 1 abstention. I believe that is it for Issue 2, I see nodding heads.

ISSUE 1

CHAIR McNAMEE: We are now back to Issue 1. Is there anybody who wishes to get a motion on the table for Issue 1? Pat.

MR. KELIHER: I think staff has a motion. Thank you. I've combined two here, so bear with me, and I'll ask the Executive Director to watch out for my dyslexia. **Move to approve Issue 1, Sub-option B1 and Sub-option B4. This combination of options will set a standard v-notch definition of 1/8 inch in LCMA 3 and Outer Cape Cod, maintain the zero-tolerance definition in LCMA 1, and establish a maximum gauge size in Outer Cape Cod of 6 and 3/4 for state and federal permit holders. It will also limit the issuance of trap tags to equal the harvester trap tag allocations.**

CHAIR McNAMEE: Okay, is there a second to the motion. Dave Borden with a second. Pat, back to you for rationale.

MR. KELIHER: Just briefly. The one thing that this Addendum was going to work to achieve was some consistency in regulations. As we all know, especially with v-notch definitions, they are all over the place. I think it doesn't bring them totally in line, but it brings them in line to a point where the LCMA's will be operating in a consistent fashion.

I've had some additional conversations with Dan McKiernan about some of the commerce issues that Dan has, which I was sympathetic to. That is one of the reasons I left them separate. Just quickly on the trap tag allocations. Maine has a very administratively heavy issue associated with ensuring that people aren't fishing 880 traps.

You have to go through a process to request trap tags if they are lost. We do not give the 880-up front. Honestly, I think we need to have equity here. There is, and Cheri has brought this up several times with the other motions. We all know we have a whale problem, so

ensuring that those 880 are not fished, does help eliminate some additional endlines, which I think, be it small, it's an important step in the right direction for those conversations.

CHAIR McNAMEE: David, as the seconder.

MR. BORDEN: The only thing I would like to comment on, I think Pat summarized things well. These are really two different motions. It might make sense to take the last sentence in the motion, separate them into two motions and discuss them separately and vote on them separately, because I think if we try to do it together it's going to get a little bit confusing.

I support what Pat has suggested here, but I have a number of suggestions to make when we get to the trap issuance. I think there is going to be a lot of discussion on that. My suggestion to Pat is he just agree to a perfection and separate it into two motions, just the last line, Pat.

MS. KERNS: David, are you making a motion to split?

MR. BORDEN: Well, I was hoping he would do it by a perfection, which I would agree to.

MS. KERNS: You already seconded it. It's a motion of the Board.

MR. BORDEN: Oh, I'll make a motion to separate it into two questions.

CHAIR McNAMEE: Okay, motion to separate, is there a second to that motion? Dan McKiernan. Just to clarify, David, you are just talking about separating out the last sentence of the original motion, correct?

MR. BORDEN: Correct.

CHAIR McNAMEE: There is a motion to split, let's go ahead and vote on that. All those in favor, please raise your hand. Okay, we'll go faster. Are there any objections to the motion to split? Seeing none, thank you, you probably saved us several minutes. Okay, so now we will have two separate

motions on this, because that motion passed by consent. Dan McKiernan, go ahead.

MR. McKIERNAN: Just a point of clarification. The Addendum states that these actions, which is Issue 1, would be enacted immediately upon adoption of the Addendum, but that is subject to rulemaking, so I'm hoping that it's within the expectations of the Board should this be approved, that that would likely be 2024. For the Commonwealth to enact any of these changes, I would be going to rulemaking so we would get done by the end of the year.

CHAIR McNAMEE: Pat, did you want to add to that?

MR. KELIHER: Obviously, every state is going to have different processes by which we have to go through from a rulemaking perspective. To that point I agree with Dan McKiernan that the implementation is upon final, we may have two dates on implementation at the end. I will look to Caitlin when we get to that point. We're going to have to have time to do rulemaking, but they will have to have time to do rulemaking.

CHAIR McNAMEE: Understanding that sort of pragmatism of that, is that kind of implicit in the motion, or do we need to say something explicit in the motion?

MS. KERNS: I think you can take it up during the implementation date of the document. But if anybody is concerned, we can add it to the motion.

CHAIR McNAMEE: Excellent. We are back to now the first half of the split motion. Are we okay to move forward with this?
Representative Peake, to ahead.

REPRESENTATIVE PEAKE: I would like to make a motion to amend this motion before us now, please.

CHAIR McNAMEE: Okay.

REPRESENTATIVE PEAKE: To read as follows. Move to approve Issue 1, Sub-option B1. This option will set a v-notch definition of 1/8 inch in LCMA 3, and will set a v-notch definition of 1/8 inch in OCC to be implemented upon the trigger previously voted on by this Board in Option 2 being met. Then the rest of the language stays as written.

CHAIR McNAMEE: Okay, there is a motion to amend. Is there a second to the motion to amend? Last call for a second for the motion to amend. Okay, motion fails for a lack of a second.

MS. KERNS: Sarah, is that the intent of what you said?

REPRESENTATIVE PEAKE: Let me read it. What my intent was, was that the change in the v-notch definition would only be implemented when the trigger was met.

MS. KERNS: For Outer Cape only, right?

REPRESENTATIVE PEAKE: For Outer Cape only, correct.

CHAIR McNAMEE: Since the motion wasn't up there when I called for the second, I'll do one last shot at a second. Okay, so still no second for the amended motion, so it fails for lack of a second. Okay, Roy.

MR. ROY W. MILLER: Mr. Chairman, wondering if you could help me clear up a little bit. With the wording in this motion, are we consistent with what we just passed, which is no longer before us, regarding Issue 2? I think we are, at least for the OCC of 6-3/4 inches. But how about LCMA Area 3? This motion is silent, I think, for LCMA 3, is it not? In terms of maximum gauge size? It's already set at 6 and 3/4?

CHAIR McNAMEE: Correct.

MR. MILLER: Okay, thank you.

CHAIR McNAMEE: Back to the split motion here. Are we ready to call the question? Does anybody

need time to caucus? All right, so let's go ahead and call the question. **All those in favor of the motion, please raise your hand.**

MS. KERNS: Maine, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia.

CHAIR McNAMEE: All those opposed, please raise your hand.

MS. KERNS: Massachusetts.

CHAIR McNAMEE: Any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR McNAMEE: Any null votes? Okay, so the first half of the split motion passes 6 to approve, 1 opposed, 1 abstention. I think now the second half of the split motion, move to approve Issue 1, Sub-option B4. This will limit the issuance of trap tags to equal harvester trap tag allocations. Discussion on the motion. Go ahead, Dan.

MR. McKIERNAN: I would like to request a friendly amendment, and create an exemption for the Outer Cape lobster permit holders, and I'll tell you why. It's a very unique area, in that there are 66 permit holders fishing about 27,000 traps, and the average among these fishermen is about 420. The area is trap starved, and just about, I would say everyone is fishing to their limit.

Including many who fish single trap operations because of the challenges of the harbors that they leave, such as Nauset Inlet, where about a third of our fishery is. I would ask that the Outer Cape fishermen still be given a 10 percent extra trap tag allowance. The difference between us and Maine is that Maine is responsible for the trap tag issuance, whereas we allow the fishermen to go directly to the vendor.

If we go to this kind of a system, there is going to be inordinate delays, whereas each fisherman loses a few traps, and that's going to happen season long. They would be contacting us, and then contacting the vendor. I just don't think administratively it is worth it. I would beg for the Commission's indulgence to create an exemption for the Outer Cape Cod. Like I said, there is at least more than half of the fishermen fish less than 500 traps.

As opposed to like in Area 1, where the average might be like 5 or 600, but people are still allowed to get 800 trap tags. There are some extra trap tags, even in the Area 1 system, for those who aren't fishing up to the limit. But that is a trap limit, whereas in the Outer Cape it is a trap allocation. **I would beg the Board, or someone to give me a second on my motion to amend, to exempt the outer Cape Cod from this particular motion.**

CHAIR McNAMEE: Thanks, Dan, there is a motion to amend to exempt the Outer Cape from the rest of the motion there. Is there a second to that motion? Seconded by Pat Keliher. Dan, you gave reasoning on it, anything else? Okay, Pat, anything you want to add?

MR. KELIHER: Just concur. After I understood the issue of the fishery down there in discussions with Dan, I can see what the need is so I'm okay with it.

CHAIR McNAMEE: Steve.

MR. TRAIN: I just have a question for Dan. I think I support this. You said most of the guys fished 500 or less. But how many are fishing 800? Do you have a lot of guys from Area 1 fishing 800 that you're not going to give it to, or are you going to give the extra tags to the guys with 800 in that area?

MR. McKIERNAN: The answer is 8. Out of the 64 permit holders there are 8 of them, and they fish in the kind of the very rough area, that eastern cape shore with a lot of storm surge, and trap losses happen.

MR. TRAIN: Thank you.

CHAIR McNAMEE: Mike Luisi.

MR. LUISI: I can support this. I just thought that Dan had mentioned a percentage over an equal harvester trap tag allocation. Dan, did you say something about 10 percent? Maybe that should be in there if that is the case.

MR. McKIERNAN: Currently my state and New Hampshire issue, or allow the issuance of 10 percent additional tags over the trap limit, or in this case the trap allocation for Outer Cape. I would like status quo to allow them to continue to get 10 percent.

MR. LUISI: Okay, that clears it up, thanks.

CHAIR McNAMEE: Toni.

MS. KERNS: It's the FMP that allows for that, just as an FYI.

CHAIR McNAMEE: It is already codified, great, okay. Mike Pentony.

MR. PENTONY: Not a question to the motion to amend, but the overarching motion. You know the Addendum document just says to limit issuance until trap losses occur and are documented. I just want to ensure, because ultimately a piece of this will fall to the federal side to implement as well.

I just would like some additional information, or clarification in terms of what are the states requiring or accepting as sufficient documentation? What would be acceptable, to make sure that we've got consistency, not only in the regulations, but in the documentation standards we're using that we're applying before we issue the additional 10 percent.

Because there are a couple handfuls of permit holders that get their trap tags from us. Right now, we just issue the full 110 percent, and want to make sure that we're operating in a consistent manner. But also, because we're the Feds, we have to make sure that we're being

really clear or transparent, in terms of what is required in order to do the document for the trap losses. If somebody can provide me a little bit more information, I would appreciate it.

CHAIR McNAMEE: Does anybody, I wonder, does the Commission have a comment on this, so it's kind of a state situation? Dan, go ahead.

MR. McKIERNAN: I guess I would ask that we be given time to resolve this question. I don't have a good answer, because we get so few requests now, except in a catastrophic loss situation, and we allow them to get a completely new set. But for someone to get just a small number of replacement trap tags, I agree with Mr. Pentony that we probably need consistency.

If we could do that as a committee after this meeting, consulting the state of Maine, what their standards are, because Cheri in New Hampshire and I will be doing something a little bit new, in terms of that standard. I would welcome developing that standard with our federal partners.

CHAIR McNAMEE: Okay, so it sounds like, oh David, go ahead.

MR. BORDEN: This is a question I ask out of ignorance. If somebody has an Outer Cape endorsement, and an Area 1 endorsement, are there any permit holders that have permits in both? If so, how do we handle that, because you're going to have two different rules.

CHAIR McNAMEE: Go ahead, Dan.

MR. McKIERNAN: The answer is no. We don't have any individuals who are permitted in more than one area in Massachusetts, and since the Outer Cape to my knowledge is exclusively a Massachusetts fleet, it is not an issue.

CHAIR McNAMEE: David.

MR. BORDEN: My problem with the exemption, I am supportive of the attempt here to kind of simplify the rules on this. I talked to Pat about the

burden on his staff. Then when you start factoring in, as Mr. Pentony said earlier. There are a multitude of other considerations we should think about, like whales and vertical lines.

It's highly desirable to kind of start winnowing down the traps that are in the water. In my own case, in another capacity to represent the offshore guys. Most of the offshore guy's fish their full allocations. I'm not exaggerating, they've done it through a very rigorous criteria put in. To get them they had to land 25,000 pounds of lobsters over two years and so forth. The trap allocations are really tight, in the case of some of the offshore boats.

If you do this then what happens when a scalloper comes along and it clips the end of a trawl, and takes 15 or 20 pots? There is no mechanism other than catastrophic loss for them to get those tags back. I actually came to the meeting more in the mindset of supporting cutting the percent down from 10 percent to say, 3 percent to move in the right direction. But also, to recognize that to try to lessen the burden on people like Pat and his staff.

CHAIR McNAMEE: Just quickly back to Mike Pentony's comments. It sounds like this sort of defined what triggers that is something that will be dealt with after the meeting, so just getting that recorded into the meeting proceedings here, so that we do in fact follow up on that is good. Go ahead, David.

MR. BORDEN: I would just like to pursue the response Dan gave. I appreciate the response, but we all have to factor in, we've got other areas. We've got Area 4, Area 5, Area 2, and I know for a fact there are lots of multi-area boats, so we have to factor those considerations into any of this. I think this is only applying to 3, but we have two 3 boats, right? If an Area 2 boat can get 10 percent and an Area 3 boat gets 0, how are we going to handle that?

CHAIR McNAMEE: I do not have an answer to that. Any response, Dan to David's questions?

MR. McKIERNAN: David is right. In Massachusetts we allow the Area 2 fishermen to also order 10 percent additional tags, because like Outer Cape, many of them are trap-starved. They took a 50 percent cut in traps, so it is very similar. He brings up a good point. I guess I don't have an answer to that.

CHAIR McNAMEE: Okay, David, one more time, and then I think we're going to need to make a motion.

MR. BORDEN: I apologize for my repeated dunks in the tank. My suggestion here is a somewhat complex issue. I think we recognize; it may make some sense to table this and just include consideration of this in a subsequent action, that's all.

CHAIR McNAMEE: Toni or Bob.

MS. KERNS: One, for all of our rules when we have two different rules, the most restrictive rule applies if you're fishing in multiple areas. That could apply. I mean if someone would ask me what I would have said to you, I would have said the most restrictive. But if it's the Board's intent to not move forward with this, then you would just vote this down and it would be status quo, you wouldn't have to table it.

CHAIR McNAMEE: Okay, so we will take the vote on this, and depending on the way the Board feels about it, it can be voted up or down. Go ahead, David.

MR. BORDEN: I had somebody whispering in my ear that the other way to solve this is to exempt Area 3 in the same motion. I think you have provided us guidance, Mr. Chairman, you don't want motions to amend. You want to deal with one motion at a time, is that correct? We have a motion to amend on the floor.

CHAIR McNAMEE: Right, so if we were to move on this motion, what you're thinking about we could

make a subsequent amendment to the main motion, would that work?

MR. BORDEN: Correct.

CHAIR McNAMEE: Okay, so we have a motion to amend here, let's dispense with that motion. **I'm going to call the vote. All those in favor, please raise your hand.**

MS. KERNS: Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey.

CHAIR McNAMEE: Okay, all those opposed.

MS. KERNS: No hands.

CHAIR McNAMEE: No hands, any abstentions?

MS. KERNS: Rhode Island, NOAA Fisheries, Virginia, Maryland, Delaware.

CHAIR McNAMEE: Any null votes? Okay. All right, so the motion to amend passes, 6 to 0 with 5 abstentions. Thank you, Jeff, I should just stop giving the numbers and just look over at Jeff's hand signals. **No null votes.** Now we have a complete motion, I'll wait for that to get crafted up on the board here. I see, except for OCC, got it. We have a main motion up on the board. I'll give folks a minute to take a look, and then David, anything to add here?

MR. BORDEN: Could I request a one-minute caucus?

CHAIR McNAMEE: Yes, in fact let's do a two-minute caucus. All right, we have a motion in front of us. Is there anything further before we go ahead and vote on this motion? Pat.

MR. KELIHER: I'm kind of in a bind because of what may come next here, but if there is a subsequent action. If this goes through, then everybody has to issue 800, minus Outer Cape Cod, right. The Outer Cape Cod would be exempt. If there is a subsequent action to

exempt another area, or allow a small percentage. Then we have an equity issue between LMA 1 and any other area. I'm very cautious. It's a fairness issue, right?

Maine has done the right thing for years in a very administratively burdensome process. If we're going to go in that direction, and other areas are going to get a pass or to allow to do something different, then Maine should be given the same opportunity. I'm just a little concerned about the direction we're going to go here.

CHAIR McNAMEE: David.

MR. BORDEN: A question for Bob Beal or Toni, I guess. Do we have an option here of postponing this, while we do what Pat wants us to do, which is get together and talk about it? In other words, we approved the Addendum without this provision, but postpone this provision to a subsequent meeting?

EXECUTIVE DIRECTOR BEAL: Well, you could approve this Addendum without this, and that would be it. If you wanted to then take this issue up, you would have to initiate a new Addendum. You could pause the consideration to this Addendum right now, and not approve anything today.

Try to sort something out here and bring that back at a subsequent meeting. You couldn't approve the Addendum today, sort of hold this issue in a parking lot, and then come back and make it part of an addendum that you approved today. It's you either approve the Addendum today without this, or you pause the whole thing and try it at a subsequent meeting.

CHAIR McNAMEE: Thanks for that, Bob. Dan.

MR. McKIERNAN: I appreciate Pat's concerns, but the motion itself is even a little bit misleading, because it talks about issuance and trap tags equal to harvest or trap tag allocations. When the truth is, we talk about trap tag allocations in an area that has an effort control plan, and so that is Outer Cape, Area 2, Area 3 et cetera. Really, Area 1 has a

trap limit of 800, and I think Cheri and I are both sensitive to the concerns of Gulf of Maine Area 1 fishermen with the different standards on trap tag issuance. I would be certainly willing in Massachusetts, because the plan doesn't require us to issue an extra 10 percent.

I'm certainly willing to constrain the Area 1 fishermen to 800 tags, and use a Maine-like standard, because when Maine didn't opt for the 10 percent extra tags, they did it on their own volition, and they were very successful. We're kind of looking to kind of adopt that model to some degree.

But Area 3 and Outer Cape have trap limits that are license specific, and it's just really painful to squeeze down those last few trap tags out of the business, because if they loose or if they want to replace a trawl, it's nice having a few extra trap tags. But these are really trap-starved areas. I would ask that the Board approve these, and it's my intention to adopt a Maine-like approach to Area 1.

CHAIR McNAMEE: Any further discussion? I think we're ready to call the question here. **All those in favor of the motion up on the board please raise your hand.**

MS. KERNS: New Hampshire, Maine, Massachusetts.

CHAIR McNAMEE: All those opposed.

MS. KERNS: Rhode Island.

CHAIR McNAMEE: Abstentions.

MS. KERNS: Connecticut, New York, New Jersey, Delaware, Maryland, Virginia and NOAA Fisheries.

CHAIR McNAMEE: Null votes, none. Okay, I'm not going to say numbers until I see them up on the board here, but I'm fairly certain that the motion passed. **Motion passed 3 to approve, 1 opposed with 7 abstentions and no nulls.** All

right, I believe that is it for Issue 1. I think we have now dealt with both issues in the Addendum, so we're ready for a final motion to approve the Addendum as modified today. Is anybody ready to make that motion? Toni.

MS. KERNS: Mr. Chair, in order to move us a little bit faster, we have suggested that you add an implementation date when you make that motion.

CHAIR McNAMEE: Okay, so when we make that motion, we would like to also add an implementation date. Cheri, did you want to make that motion, and if you would be so kind as to add the implementation date as well.

MS. PATTERSON: Yes, I would like to move to approve Lobster Addendum XXVII, as modified today, with an implementation date of January 1, 2024.

CHAIR McNAMEE: Okay, we have a motion before us, is there a second? I see Emerson with a second, Emerson Hasbrouck. Cheri, anything you want to add as the maker of the motion?

MS. PATTERSON: Dan, would that work for your rulemaking process? I mean that is several months out.

MR. McKIERNAN: Yes.

CHAIR McNAMEE: Anything else, Cheri?

MS. PATTERSON: No, I think that that would be able to address everybody's concerns to actually have it implemented in time. Thanks.

CHAIR McNAMEE: Great, thank you, Cheri. Emerson, anything to add?

MR. EMERSON C. HASBROUCK: No, but I am going to defer my time to my co-commissioner here, Jim Gilmore.

CHAIR McNAMEE: I see another hand, Representative Peake.

REPRESENTATIVE PEAKE: Just before we take a vote, I'll telegraph to the Board that I don't know how the delegation will be voting, but inside our delegation I will not be supporting this, not because I don't support conservation measures, but I feel that the economic impact and what we are asking the Outer Cape lobstermen to do in participating in this. I cannot support this motion, and the lack of support for seeking a compromise leads me to the unfortunate position, being somebody who I consider myself a conservationist, having to take a no vote for this particular motion.

CHAIR McNAMEE: Thank you, Representative. Jim Gilmore, go ahead.

MR. GILMORE: I'm not opposed to the motion, it's just as my comments were earlier. We have to do this legislatively, so we will try to make that deadline, but I will just about guarantee you we are not going to make it. For again, our history with Jonah crab. It took us two years to get that in. Secondly, we don't have a legislative commissioner right now to help us with our legislature.

We could have some challenges facing that. That being said, our fishery is extremely small. We have 9 permit holders left, and I think only 4 of them are actually fishing. If that delay does occur, I don't think it's going to have a drastic impact on the resource. Just with that caveat, we'll be supporting the motion.

CHAIR McNAMEE: Okay, further discussion? Pat.

MR. KELIHER: Just quickly. Understanding Mr. Gilmore's issues on timing. I think the biggest issue from compliance is going to be gauge. I think you would have well beyond 2024 to deal with that issue.

CHAIR McNAMEE: Okay, does anybody need time to caucus, please raise your hand. We're way over time. Thank you for not raising your hand. I did sort of promise I would go to the

public. Is there anybody, we're kind of way over time, so I'm hoping there are no hands. Okay, no hands online, thank you for that.

Why don't we go ahead and call the question and get this done. **All those in favor of the motion to approve Lobster Addendum XXVII, as modified today, with an implementation date of January 1st 2024. All those in favor, please raise your hand.**

MS. KERNS: Maine, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, NOAA Fisheries, Maryland, Delaware, Virginia.

CHAIR McNAMEE: Any opposed?

MS. KERNS: Massachusetts.

CHAIR McNAMEE: Any abstentions? Any null votes? All right, the motion passes 10 to approve, 1 opposed, 0 abstentions, 0 null votes. Great, thank you all very much, good job. We have a few agenda items left here.

UPDATE FROM WORK GROUP ON IMPLEMENTATION OF ADDENDUM XXIX: TRACKER DEVICES IN THE FEDERAL LOBSTER AND JONAH CRAB FISHERY

CHAIR McNAMEE: I think what we decided is we'll do the quick update on the tracker devices. We'll do a quick update on the Jonah crab assessment, but we are going to skip the Conservation Management Team roles agenda item, and we'll address that at some other point. With that, Toni, I'll turn it over to you for the update on the trackers.

MS. KERNS: I'm going to skip my slides and just quickly go through the trackers. We are well on our way in moving forward with the trackers. Massachusetts has already gotten over 200 trackers on vessels. ACCSP is seeing those tracks in the database. Things have, I think, been going pretty smoothly along the way, so it's great news. Three states have put in their implementation plans to NOAA Fisheries, two of them have been approved.

Maine is the one that has not yet, but being under consideration, and we are working on the southern states. If you see an e-mail from me, please make sure that you respond either in the affirmative or the negative from the southern states, so I can finalize that up. We, just as an FYI for the trackers. The Tracker Workgroup is going to consider a new tracker in June, so we may have another device onboard by the end of June. Any questions?

CHAIR McNAMEE: Questions for Toni? Seeing no one around the table, anyone online with questions? Any hands raised? No, okay, thank you, Toni. Appreciate that.

PROGRESS UPDATE ON 2023 JONAH CRAB BENCHMARK STOCK ASSESSMENT

CHAIR McNAMEE: Let's move on to an update from the Jonah crab assessment. Whenever you're ready, Jeff.

MR. JEFF J. KIPP: For a quick update on the Jonah crab stock assessment. The Jonah Crab Stock Assessment Subcommittee met two weeks ago in New Bedford for the Assessment Workshop. We anticipate at least two more meetings, depending on how our next goes, which will be a SAS meeting to tie up some loose ends that remain from that Stock Assessment Workshop. Then we will meet with the full Technical Committee in July, to present and hopefully have the assessment approved by the Technical Committee for peer review. Our peer review is being planned currently for slightly later than what we originally had on our timeline of July, we're planning for late August, but we still are on track to present out the assessment and the peer review to the Board at the annual meeting. That's it for my update.

CHAIR McNAMEE: Thank you, Jeff, questions for Jeff on the Jonah Crab Stock Assessment process? Not seeing any hands around the table, any hands online? No hands online. All right, thanks for that, Jeff, appreciate it.

OTHER BUSINESS

CHAIR McNAMEE: As I mentioned, we were going to skip the second to last agenda item, but we still have Other Business that was brought up at the beginning of the meeting. The first had to do with consultation with our Canadian counterparts, so Pat, I'll look to you to address that one.

MR. KELIHER: Caitlin does have a motion that I've prepared for this conversation. It was noted by several people, including Representative Peake, around the issues of uncertainty with importation of lobster. Maine in particular has our own unique problem with the gray zone, where it is disputed waters around the border between Maine and Canada.

Around Machias Seal Island, where we have roughly about 130 fishermen, who if the trigger is pulled and they are fishing under a smaller gauge, or a larger gauge at the minimum end, will be catching lobsters, throwing them back, and Canadian fishermen will be catching them and able to retain them, literally fishing right beside each other.

I think the time has come for us to address this gauge issue directly with Canada, and I would **move to request that the Interstate Fisheries Management Policy Board approve the creation of a subcommittee to engage Canada's Department of Fisheries and Ocean to discuss transboundary issues related to the importation of lobster, as it relates to different minimum gauge sizes in the two countries.**

The Subcommittee shall be made up of four members of the Lobster Management Board, who have license holders that fish in Area 1 and/or 3, and one representative from the National Marine Fisheries Service, and the Commission's Executive Director or his designee.

CHAIR McNAMEE: We have a motion on the board. The motion is seconded by David Borden. Pat, do you wish to offer anything else on the motion?

MR. KELIHER: No, I think that was offered up front. I front loaded, Mr. Chairman, I front loaded.

CHAIR McNAMEE: David, anything as the seconder?

MR. BORDEN: Nothing to add, other than the fact that these are fairly complicated issues, and I think we need to get on with the discussion.

CHAIR McNAMEE: Ray Kane.

MR. KANE: I turn to Mike Pentony. I have been told to understand these transboundary meetings are always difficult. What are your thoughts on this, Mike?

CHAIR McNAMEE: It looks like Mr. Pentony is consulting with legal counsel, so give him a minute. Mike, do you wish to answer Ray's question?

MR. PENTONY: Could I ask the indulgence of the Board to restate the question?

MR. KANE: Yes, Mike, thank you. I understand these transboundary discussions are always difficult. Can you give us your feed on this, your thoughts?

MR. PENTONY: Yes, they are difficult. I was consulting with legal counsel, because this motion, it's difficult to understand what the structure would be, in terms of a normal bilateral government to government discussion between the U.S. and Canada. My inclination is to abstain on this.

Then discuss with our International Affairs partners in the Department of State to see what might be made of this motion, should it pass. I wasn't prepared to fully comprehend and think through the implications of this, so I hope the Board will understand that I don't have any kind of definitive answer for how this might work.

CHAIR McNAMEE: Representative Peake.

REPRESENTATIVE PEAKE: Of course, as a legislator, my bias is always in favor of legislation. I know that Maine has an active federal delegation, and particularly your Senators, who care deeply about all of your fisheries that are there, but in particular the lobster fishery there. I guess a question for you, Pat is, are they in the loop on this?

Is this something that we should be speaking with our federal partners? My congressmen, my two senators, other members of the Congressional Delegation from Massachusetts, to put this on their radar screen so we have, either as a negotiating stick that federal legislation is possible, or to more fully engage them in whatever this rulemaking process might be.

CHAIR McNAMEE: Pat, go ahead.

MR. KELIHER: Thanks for that question, Representative. The Maine delegation is very informed when it comes to the gray zone issues. Senator Collins, in particular, has met with the fishermen that fish the gray zone out of Cutler. She has not, I don't believe, been brought up to speed so much on the importation issues.

But we'll certainly be having conversations with here on those. Here I'm not thinking this is a federal legislation issue, right. This is going to have to be an agreement between the countries. But I look at this as kind of a who's on first, right? The United States Marine Fisheries Commission is the primary management responsibilities for American Lobster.

Not to cut out the Agency, but the Agency is also very involved with those direct country-to-country conversations. We deal from a state of Maine perspective, directly with EFO on issues of concern one-on-one. I believe that they would engage with us on this. The gray zone this year in particular won't get resolved, unless the World Court steps in. But conversations around the inequities that are in place with them. If Canada understands that volume of lobster that may not be able to come into the United States for processing, would be significant. I would think that alone would be

something that they would want to discuss with us, and how we could potentially rectify it in the long term.

REPRESENTATIVE PEAKE: Thank you.

CHAIR McNAMEE: Okay, any further discussion on this? Oh, sorry, Bob, go ahead.

EXECUTIVE DIRECTOR BEAL: Yes, I just wanted to follow up on Mike Pentony's comments, and buy him and his Agency 48 hours. Just remember this is going to go to Policy Board for consideration. I think two days from now, maybe there can be a little bit more insight from NOAA Fisheries. They probably can't fully analyze it, brought to State Department and all those other things. We can see what we can do, or they have some more insight on Wednesday.

CHAIR McNAMEE: Okay, **let's go ahead and call the question here. All those in favor of the motion, please raise your hand. Sorry, I'm going to go backwards here. Are there any objections to the motion? I will call are there any abstentions, one abstention. The motion passes by consent.**

NORTHERN EDGE SCALLOP FISHERY, NEW ENGLAND COUNCIL

CHAIR McNAMEE: All right, so Pat, I've got one more from you and that was on the interaction with the scallop fishery.

MR. KELIHER: Thank you, Mr. Chairman, I'll be quick. The New England Fisheries Management Council is considering allowing scallop access on the northern edge of Georges Bank. At their April meeting the Council initiated the action, and approved goals and objections for the action. Given the population of large female lobsters in this area, this action is likely going to be of interest to this Board, because of those interactions.

I don't think we need to task the TC with anything at this point, but I wanted to put it on

the Board's radar screen. I think it's an important issue. The Lobster Board did provide comments at a previous action, the Omnibus Habitat Amendment 2 Action. That is when the scallop access to Northern Edge was considered in the past. Maybe we could just dust off those comments, and then take this issue up at the next Lobster Management Board.

CHAIR McNAMEE: Toni, go ahead.

MS. KERNS: Just to let the Board know. Michelle Bachman did reach out to Caitlin, and Caitlin has reached out to the TC. We've provided them the last report that we had, which is, I believe from 2012. Then Burton gave us some new information that we will work with Michelle to give her as well. We did engage the TC some.

CHAIR McNAMEE: Okay, great, thanks for bringing that up, Pat. Do you need anything on that beyond? Go ahead.

MR. KELIHER: Just one very quick issue. We've passed an addendum, Addendum XXVII. We still obviously have pending whale rules. Mike Pentony talked about it from a resiliency standpoint at the beginning. This probably goes without saying, but if we do see new whale rules before this trigger, before any triggers are pulled, or even in the interim between triggers. I think we as a Board and the TC need to understand what the relationship to resiliency is, and we may need to revisit that issue. But I just wanted to put that on the record.

ADJOURNMENT

CHAIR McNAMEE: Thanks for that, Pat. Okay, I think that brings us to the end of our agenda. Can I get a motion to adjourn? Motion made by Ray, second by Mike Luisi. Any objections to adjourning? Seeing no hands; we are adjourned.

(Whereupon the meeting adjourned at 3:25 p.m. on Tuesday, Monday, May 1, 2023)