

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

**Webinar
March 31, 2022**

Approved August 2, 2022

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve Proceedings of February 22, 2022** by consent (Page 1).
3. **Move to approve Option B: Implement electronic tracking requirements for federally-permitted lobster and Jonah crab vessels with commercial trap gear area permits, exempting Federal Area 5 Waiver permits from the vessel tracking requirement In Addendum XXIX. As a part of selecting Option B, have the Board commit to a multi-committee (Tracker subcommittee, Lobster Technical Committee, and Law Enforcement Committee) review of the vessel tracking program after two full years of implementation, including assessing the uses and the utility of the data to date** (Page 14). Motion by Dan McKiernan; second by Cheri Patterson. Motion carried (Page 27).
4. **Move that the Commission request that NOAA publish the final rule on vessel tracking by May 1, 2023, with an implementation date no later than December 15, 2023. States in conjunction with ASMFC staff will work in 2022 to develop an implementation plan, including a standard operating procedure and the request for quotes from vessel tracking companies. The results of this shall be reported back to the Board at a future meeting** (Page 27). Motion by Megan Ware; second by David Borden. Motion carried (Page 29).
5. **Move to approve Addendum XXIX to the Lobster FMP and Addendum IV to the Jonah Crab FMP, as amended today** (Page 29). Motion by Dan McKiernan; second by Cheri Patterson. Motion carried (Page 30).
6. **Move to adjourn** by consent (Page 30).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Bill Hyatt, CT (GA)
Stephen Train, ME (GA)	Maureen Davidson, NY, proxy for J. Gilmore (AA)
Sen. Dave Miramant, ME (LA)	Emerson Hasbrouck, NY (GA)
Cherie Patterson, NH (AA)	Joe Cimino, NJ (AA)
Ritchie White, NH (GA)	Peter Clarke, NJ, proxy for T. Fote (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Dan McKiernan, MA (AA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Mike Luisi, MD, Administrative proxy
David Borden, RI (GA)	Pat Geer, VA, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jay Hermsen, NMFS
Colleen Bouffard, CT, proxy for J. Davis (AA)	

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

Ex-Officio Members

Kathleen Reardon, Technical Committee Chair	Rob Beal, Law Enforcement Representative
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Staff

Bob Beal	Dustin Colson Leaning
Toni Kerns	Adam Lee
Maya Drzewicki	Mike Rinaldi
Tina Berger	Julie Defilippi Simpson
Emilie Franke	Caitlin Starks
Jeff Kipp	

Guests

Doug Adamson	Heidi Henninger	Scott Olszewski, RI DEM
Max Appelman, NOAA	Matthew Heyl, NJ DEP	Chad Power, NJ DEP
Pat Augustine, Coram, NY	Jesse Hornstein, NYS	Scott Schaffer, MA DMF
Richard Balouskus, RI DEM	Pat Keliher, ME (AA)	Somers Smott, VMRC
Joan Berko	Chip Lynch, NOAA	Lange Solberg
Fred Bever, Maine Public	Rich Malinowski, NOAA	Renee St. Amand, CT DEEP
Kurt Blanchard, RI DEM	Gregory Mataronas	Brian Thibealt
Gib Brogan, OCEANA	Eric Matzen, NOAA	Andrea Tomlinson
Beth Casoni, MLA	Patrice McCarron, MLA	Kara Villone, NH FGD
Bill Devoe, ME DMR	Conor McManus, RI DEM	Jessica Waller, ME DMR
Marianne Ferguson, NOAA	Nichola Meserve, MA DMF	Anna Webb, MA DMF
Joe Fessenden, ACF	Jeffrey Nichols, ME DMR	Craig Weedon, MD DNR
Erica Fuller, CLF	Adam Nowalsky, Port Republic, NJ	Erin Wilkinson, ME DMR
Sonny Gwin	Conor O'Donnell, NH FGD	Renee Zobel, NH FGD

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, March 31, 2022, and was called to order at 1:00 p.m. by Chair Jason McNamee.

CALL TO ORDER

CHAIR JASON McNAMEE: Welcome everybody to the American Lobster Management Board. We have a pretty focused agenda today, but why don't we jump right to it here. If you recall, we met on this topic. Actually, before I even start, I am going to apologize if my dogs start barking, I may have to mute for a minute and shoo them out of the room.

If I go silent all of a sudden that's probably what's going on, so preemptive apologies. We met on this topic about a month ago, and reviewed some questions, generated a few more questions and a little more work to kind of clean things up a little bit, elucidate things a little bit more, and here we are again to revisit the Tracker Addendum.

APPROVAL OF AGENDA

CHAIR McNAMEE: Let's get to it, and the first thing I will do is ask anyone for any edits, modifications, any changes at all to the agenda. Please raise your hand, so sorry. We will do sort of our normal strategy here of hand raising. After you raise your hand I will lower it for you, just so I can kind of keep track. Anyone interested in making any changes to the agenda, please raise your virtual hand.

Okay, I'm not seeing any hands. Can I have a motion from someone to approve the agenda as submitted? Okay, Cheri Patterson with the motion is there a second? I see Mike Luisi for the second. Are there any objections. Actually, Joe Cimino, I'm going to lower your hand. Are there any objections to the motion to approve the agenda as submitted?

All right, I'm not seeing any hands, so the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIR McNAMEE: Next, we will move to the proceedings from the last meeting. Those were published in the meeting materials. Does anyone have any edits, modifications, clarifications from the meeting proceedings? Please, raise your hand.

Okay, seeing no hands, can I have a motion to approve the proceedings? Motion by Steve Train, is there a second? Seconded by Cheri Patterson. Are there any objections to approving the proceedings as submitted, please raise your hand? Okay, I'm not seeing any hands, so the meeting minutes area approved. Great, that was quick, thanks everybody.

PUBLIC COMMENT

CHAIR McNAMEE: I want to take now a moment to allow for some public comment if anyone desires. Please keep in mind that this part of the public comment is for anything that is not on the agenda. If you wanted to introduce a new topic for us to take up at a subsequent meeting, now is the time for that. I will absolutely be allowing some public comment during the substance of the meeting, so there will be other opportunities. Anyone from the public wishing to make a comment on something that is not on the agenda, please raise your hand. Give it another minute, okay. Not seeing any hands, oh, I do have a hand, a couple hands. I jumped the gun a little bit. Okay, Brian Thibeault, please go ahead.

MR. BRIAN THIBEAULT: At this point in time your public comment, at this part of the meeting. Does it consist of an in favor or not in favor from the public, and justification for either one of those stances, or will that be later in the meeting?

CHAIR McNAMEE: Yes, thanks, Brian. That will be later, so this is just for items, if there was something that is not on today's agenda that you want the Board to consider. That is what this public comment is for, and then when we're talking about the Addendum itself, we'll have more public comment at that time.

MR. THIBEAULT: All right, Jason, appreciate that explanation, and carry on we'll be standing by. Thank you.

CHAIR McNAMEE: Okay, thanks, Brian. Next up I have Andrea Tomlinson, go ahead, Andrea.

MS. ANDREA TOMLINSON: Yes, hi, good afternoon, everyone. Andrea Tomlinson; I'm the former manager of New Hampshire Community Seafood, and I just wanted to let the management board know and Atlantic States Marine Fisheries Commission in general know that we are in the process of developing a New England Young Fishermen's Alliance.

We've been working on funding for that for about four years here, headquartered here in the seacoast of New Hampshire. The primary objectives right now are to develop a resourcing and networking organization of young fishermen and women between the ages of 18 and 45, and we've been funded by the USDA/AMS Program for three years, and we have a 3-year annual Deck Hand to Captain training program that we are starting to implement this year.

Six trainees, trained deckhands and sternmen in Southern Maine, New Hampshire and Northern Mass are eligible, and five-years minimum experience as a deck hand is required. I just wanted everyone to know that what I plan to do with this organization, the trainees as well, is to be a catalyst to renewing the interest of industry input in regulatory meetings such as these, Council meetings and where relevant New Hampshire Fish and Game meetings.

I just wanted everyone to be aware that we do have a legitimate organization in the process of being incorporated into a nonprofit, and we really look forward to joining the conversation, and getting young fishermen and women input. I understand from several regulators that there has been a big die-off in industry input and regulatory meetings, and I really look forward

to catalyzing that interest among the young fishing industry.

CHAIR McNAMEE: Andrea, thank you so much, super interesting, really psyched to hear about that. If anyone that is listening has questions, perhaps we could have you leave some contact information with Caitlin Starks at the Commission, and she could connect them with you for information. Does that sound okay?

MS. TOMLINSON: Yes, Caitlin has actually got my e-mail. I did submit a number of questions that I thought would be of concern to the industry. Jason, if you don't mind, if I could just add one more thing. What I'm realizing is there is a lot of obviously malaise amongst veteran fishermen, where they feel as though industry input has not oftentimes been listened to. I feel that this particular issue of requiring EM on federally permitted boats does create, it kind of creates a conundrum.

I just want to synopsise that I think we could all be thinking of, as we start to get more young fishermen input in the industry is, and I'll just ask a question to the management board is, how does the management board plan on justifying and convincing the industry that this EM requirement would actually be a benefit to the management of the industry and not a form of over surveillance, which is obviously a concern amongst the industry in general? I would just like to pose that question, thank you.

CHAIR McNAMEE: Thanks, Andrea, and I'm sure that will come up during our discussion of the bulk of the agenda today, so thanks for that.

MS. TOMLINSON: Appreciate it.

CONSIDER AMERICAN LOBSTER ADDENDUM XXIX ON ELECTRONIC VESSEL TRACKING IN THE FEDERAL AMERICAN LOBSTER AND JONAH CRAB FISHERIES

CHAIR McNAMEE: All right, so I'm not seeing any other hands up, and so I think we can now jump to the main topic today, which is to consider American Lobster Addendum XXIX on Electronic Vessel

Tracking in the Federal American Lobster and Jonah Crab Fisheries. This is for final approval of the Addendum. Caitlin, I'm assuming that you have at least a brief little presentation for us, so I will pass the microphone over to you.

MS. CAITLIN STARKS: As our chair indicated, I'll be presenting quickly on Draft Addendum XXIX to Amendment 3 to the American Lobster Fishery Management Plan and Draft Addendum IV to the Jonah Crab Fishery Management Plan, which I will just be calling Draft Addendum XXIX for the rest of the presentation for simplicity. In this presentation I'm going to cover the background briefly on this action. The objective of the Addendum, review the action timeline, and then go into the details of the proposed options.

Following that I'll go over some responses to some frequently asked questions, and wrap up with the Board action for consideration and next steps. Very briefly, since this has come before the Board a few times before. The Board initiated Draft Addendum XXIX to consider vessel tracking requirements for federally permitted lobster and Jonah crab vessels in August of 2021.

Leading up to initiating the Addendum for a few years, the Board has recognized the need for high resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fisheries to address a couple of critical issues that are affecting the fisheries. Specifically, the data are meant to be used to improve the stock assessments for lobster and Jonah crab, to help inform decision making to reduce fishery interaction with protected species, inform discussions related to marine spatial planning for other ocean uses like offshore wind development, and also to improve the efficiency of law enforcement efforts in the offshore area. The Board established this objective for the Addendum, which is to collect high resolution spatial and temporal data, to characterize effort in the federal American lobster and Jonah crab

fisheries for management and enforcement needs.

This is the timeline of the Addendum's development. After it was initiated in August, 2021 the Board approved the Draft Addendum Document for public comment in December of 2021, and then the public comment period was held from December through January, 2022, during which we had six virtual public hearings.

In February, 2022, the Advisory Panel met to review the Addendum options, as well as the public comments, and provide advice to the management board, and then later that month in February, the Board met to review those public comments and Advisory Panel report, and at that February meeting the Board decided to postpone final action, in order to hammer out some more details and answer some questions about what implementing tracking requirements would involve and look like.

REVIEW MANAGEMENT OPTIONS AND FREQUENTLY ASKED QUESTIONS

MS. STARKS: That leads us to today, where the Board is considering final action on this Addendum. With that, I just want to go back over briefly the proposed management options, of which there are just two. Option A is status quo, or no additional requirement for electronic vessel tracking in the lobster and Jonah crab fisheries, and Option B is to implement electronic vessel tracking requirements for federally permitted lobster and Jonah crab vessels with commercial trap gear area permits.

Option B would require federal lobster and Jonah crab vessels that are issued commercial trap gear area permits to install an approved electronic tracking device, to collect and transmit spatial data, in order to participate in the trap gear fishery, and without an approved electronic tracking device federally permitted vessels would be prohibited from landing lobster or Jonah crab taken with trap gear.

Therefore, federal permit holders would be required to install an approved device before beginning a lobster or Jonah crab fishing trip with

trap gear. This option specifies that the device would be required to stay onboard the vessel and have power at all times when the vessel is in the water, unless the device is authorized to power down by the principal port state identified on the permit, which would be the state authority for that vessel.

Powering down could be authorized for reasons like the vessel needing to be hauled out for repairs, or if a device failure has been reported to the state authority for a few examples. Lastly, tampering with the tracking device or signal, including any activities that would affect the unit's ability to operate properly would be prohibited.

Option B as written proposes that the tracking requirements would apply to each of the federal permit categories listed in this table. These include all of the commercial trap gear area permits for Areas 1 through 5 and Outer Cape Cod, as well as the commercial trap gear Area 5 Waiver Permit, which allows the Area 5 permit holders to be exempt from more restrictive lobster trap gear specifications, and trap finding requirements, so that they can target black sea bass with un-baited traps. Just as another note, commercial trap gear Area 6 is excluded from the proposed electronic tracking requirements, because Area 6 is in state waters only. To clarify some more. The tracking requirements proposed under Option B would not apply to vessels that only have a state permit. It wouldn't apply to inactive federal permits that have been placed in confirmation of permit history status, and it would not apply to vessels that will not fish any trap gear during the fishing year.

Beyond those requirements, in Option B we also have information on how the program would be implemented, including minimum criteria that devices and vendors must meet, in order to be approved for use in the fishery. Descriptions of the administrative responsibilities and processes that would be needed at the Commission, state and federal

levels, and also how data collected by the tracking devices would be processed, stored and provided to managers.

For the minimum criteria and specifications that must be met by the tracking devices and vendors for approval for use in the fishery, first the devices must collect location data at a rate of one ping per minute, for at least 90 percent of the fishing trip, and this is to allow for the differentiation of fishing activity from transiting, and allow estimation of number of individual trawls by looking at the vessel track.

The data for each ping must include the devices current date and time, it's latitude and longitude, and identifiers for both the device and the vessel. Devices must also meet minimum accuracy and precision requirements, as well as ruggedness specifications that are suitable for the marine environment.

Lastly, device vendors must provide sufficient customer service as described in the Addendum, and must maintain the confidentiality of any personally identifying information, and other protected data in accordance with federal law. The implementation and enforcement of these tracking requirements that are proposed will require some different administrative processes at a few levels, including the Commission, state management agencies and federal levels.

At the Commission level if this Addendum is approved, a work group would be formed that will be responsible for reviewing available technology and approving devices for use in the fishery, and the information that's collected by that work group will be made available to the states and industry, so they can choose appropriate tracking devices from the approved list.

Then at the state level, states will be responsible for certifying that approved devices are installed on all vessels in the applicable permit categories before the vessel goes on a fishing trip, using a standard affidavit. The state responsible for each permit holder again would be determined by the principal

port location that is declared on that federal permit. GARFO will be providing that information to the states so they can determine which permit holders they are responsible for.

The states would also be responsible for providing support to permit holders, to help them comply with the vessel tracking requirements, and they would be responsible for data validation and compliance monitoring, including contacting permit holders if there are data issues that need to be resolved, like incomplete tracking data or mismatches between vessel trip reports and associated vessel tracks. Then at the federal level GARFO again will be responsible for providing up to date information to the states on ownership of American lobster trap gear area permits, and they will also incorporate the federal lobster EVTR data into their quality assurance program. For data processes, Option B outlines that the tracking data from this program will be housed by ACCSP. Tracking vendors will send the vessel location data to ACCSP and GARFO will send EVTR data, and all of those data must be submitted in accordance with the ACCSP trip locations API specifications.

Then with these data, ACCSP will be able to match vessel traps with trip reports, and as always ACCSP will maintain the data confidentiality in accordance with state and federal laws. As per trip reports, the state and federal agencies will still be responsible for ensuring compliance with data reporting requirements, so GARFO will be responsible for the validation of EVTR data and the state management agencies will be responsible for validation of trip location data.

Then to wrap up, before the Board gets into its discussion today, I just wanted to go through some of the questions that came up during the public hearings and at the last Board meeting, and provide some answers to those. In the meeting materials there is a full FAQ document with more detailed responses and some more

questions that I won't cover here. But I did want to highlight some of the important ones.

There were a lot of questions that came up about how many vessels tested the tracking devices, and what the failure rates of those devices were. Over the course of several projects, about 75 vessels tested cellular tracking devices in Maine, Massachusetts and Rhode Island. During the pilot projects there was only one report of a device that temporarily froze up and stopped working, but that problem resolved itself when the device was powered down and reset.

There were only a few other cases where devices stopped working, but that was because they were not properly hooked up to a power supply. Another question from the state perspective was about how states would be able to certify that vessels required to install tracking devices have done that, and the Addendum does provide information on this on Page 11.

But essentially the process that was recommended by the PDT was that the states would notify the appropriate permit holders of the requirement and the effective date, and would provide them with a standard affidavit, and the permit holders would then be required to return the signed affidavit to the state, to indicate either that they have installed an approved tracking device on their vessel, or that the harvester will not fish with trap gear for the duration of the fishing year.

Then once that affidavit is submitted, the permit holder will be allowed to fish, and when the states get that affidavit, they would then be able to verify that the device is transmitting data, and the state would also be able to send a notification to the harvester, to confirm that the device is functioning and they are getting the spatial data from their device.

The states also wanted to better understand how they would determine if a vessel is not required to have an electronic tracking device. For this purpose, GARFO will be sending the states the up-to-date information on American lobster trap gear

area permit ownership, and that will allow the states to identify the permit holders that are required to have trackers, and to complete the installation certification process that I just described. If a vessel that is required to have a tracking device or to report American lobster of Jonah crab landings with trap gear, but the state has not received a signed affidavit from that vessel, then the state will be able to identify an inconsistency with the Addendum requirement. ACCSP will also be comparing and matching the trip reports that come in, and the tracking data they receive on a routine basis, and they will generate reports on any non-matched trap and trip reports.

This will also allow the states to see if there are lobster pot trap landings that are not matched with a vessel track, and investigate whether that vessel has certified their tracking device or not. Another question that was raised at the public hearings was about what harvesters would be responsible for if their device were to stop working.

In a situation where the harvester notices that their device isn't working, for example if it has an indicator light, and they notice it's not on, or there is some other way that they see that it's not working. The harvester must then contact their state authority to report the device issue, and each state will establish a standard procedure for harvesters to notify them of device failure, such as a dedicated phone line or text line.

In other cases the state might notify the harvester that they are not receiving data from their tracker, but in either case the harvester would be responsible for working with the device vendor to get their device repaired or replaced, and the states all agree that in the meantime the harvester would be allowed to continue fishing for up to two weeks, but if the tracker had not been repaired or replaced after that two weeks, then the harvester would need specific authorization from the state to land lobster or Jonah crab.

There have also been some questions and concerns about who will have access to vessel tracking data. Similar to other types of fishery and proprietary data, vessel tracking data will be confidential and protected under federal and state laws that prohibit the disclosure of confidential data. These are data that can lead to the identification of individual data contribution.

Only individuals who have been granted confidential access by state or federal agencies will be able to access this data, and this would be restricted to managers, ASMFC staff and law enforcement officials that have signed the relevant nondisclosure agreement and gotten that confidential access.

Then of course it will be possible for harvesters to be given access to their own vessel tracking data. Then to answer the question of how tracking data will be used by law enforcement. These tracking data will not be available to law enforcement in real time, in order to initiate an investigation. This is not going to be a situation where law enforcement will be able to view the current locations of vessels in real time on a map.

But law enforcement will be able to use the data after the fact to support their operations, investigations and prosecution efforts. The last question here that I want to go over is how tracking data would be able to be displayed or presented, while still following the confidentiality laws.

The answer is similar to with other fishery data, any tracking data summary would have to include data from at least three harvesters, three vessels, and three dealers, in order to be publicly displayed. In cases where there are not three of each of those, the data would not be made public. That goes for confidential data records will not be released by the Commission, states or federal agencies in response to information request or a FOIA request. With that, these are the next steps for the Board to consider today. If desired, the Board can consider final action on the Addenda, and if approved today the states could begin their rulemaking processes to implement the requirements of the Addendum.

The Commission would also move forward with forming the work group that would identify and approve vendors and tracking devices for use in the fishery, and then federal rulemaking would also begin, and the guidance from NOAA that we've received is that they expect to be able to implement the tracking requirements in time for the 2023 fishing year. That is the end of my presentation, and I am happy to take any questions.

CHAIR McNAMEE: Thank you so much, Caitlin. Nice synopsis there. One of the big items that was discussed at the last meeting was funding, and you know what options there might be for funding, you know the acquisition of the trackers and things of that nature. I was wondering if I could go to Bob Beal to potentially make a few comments about that topic.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just real briefly. As everyone knows, the President signed a budget, I don't know two and a half, three weeks ago, and in that budget, there was 14 million dollars set aside for addressing lobster and whale interaction issues. That 14 million dollars can be used for three categories of work.

The first category is gear modification and marking, in response to the take reduction rules for North Atlantic right whales. The second category is what we're talking about today, which is electronic tracking. The third category is additional research to inform future take reduction plan decisions, so that is ropeless work, or something that may be of value as we move forward, and the Take Reduction Team and NOAA Fisheries address additional reductions that are needed for Atlantic right whales.

Of those three categories we've had some initial conversations with administrative commissioners and NOAA representatives, and the group clearly intends to set aside a portion of those 14 million dollars for electronic

tracking devices. The current goal is to purchase all the devices that are needed, and provide the first two years of service subscription, you know purchasing the subscription service for those trackers.

To be really blunt and direct. Congress has provided money that should support this initiative, and limit any expenses to the fishing industry. A pretty short answer, but happy to answer any questions, and I can fill out more details that people have. The bottom line is we are fortunate, and able to get money into this year's budget cycle. It looks like we can cover the expenses associated with this action.

CHAIR McNAMEE: Okay, thank you so much for that, Bob, super important and appreciate the info there. Here we are. Here is what I would like to do is I'm going to start with clarifying questions from the Board. Then once we get through, and I'm going to be really strict about just questions. If people start drifting over into comments, even though it goes against every fiber of my being, I will interject. I want to keep this moving along. I definitely don't want to go over an hour overtime like we did last time. We're going to get some questions answered, and then what I would like to do after I'm not seeing any more hands for questions is, I would like to get a motion on the board to kind of kick the discussion off.

Once we get the motion, then we'll get into the comment portion for the Board, then take some public comments once the Board comments kind of dry up. Depending on how things are looking, I'm going to ask that there be a time limit on the public comment. There are a lot of people on the call, just about 66 people.

We have two minutes each that puts us over time already. I'm going to start asking people to keep their comments to about two minutes. If we have time I will circle back if anybody didn't get to get all of the comments they wanted to make out. But I just want to be really clear up front I want to be fair, and allow everybody a chance.

Please start thinking about how to be concise and direct with your comments, so that we can give you a chance to speak, but not go way over our allotted time here. Okay, so with that let's start off with questions to either Bob or Caitlin from the Board, and I see Mike Luisi. Go ahead, Mike.

CONSIDER FINAL APPROVAL OF AMERICAN LOBSTER ADDENDUM XXIX

MR MICHAEL LUISI: Yes, thank you, Mr. Chairman. My question is kind of in line with the question that you asked of Bob already. You know I certainly support the tracking initiative. I think the data will be incredibly useful down the road in the future. But I come from a state in Maryland, where we have a very limited number of individuals who are participating in this fishery, and the administrative side burden that accompanies this type of system moving forward, is something that I need to certainly consider.

Along the same lines that you already mentioned, and maybe this is a question for Bob. You know we met as a group of administrative folks from the states, and there was talk about maybe hiring someone, or having someone, whether it's at ASMFC or within one of the states that could assist with some of the administrative burden of implementation of this type of system.

I just wanted to get some feedback as to what's been discussed since that call, whether or not that is still in play, because it makes a difference for a state like Maryland, as to whether or not we can support this initiative moving forward, given the burden that it would put on our staff, with such a small number of individuals, and just lumping one more thing on top of a group of people that are already maxed out. Maybe that's a question for Bob.

CHAIR McNAMEE: Yes, thanks, Mike. Bob, maybe I'll give you first crack at it if you want.

EXECUTIVE DIRECTOR BEAL: Yes, happy to respond, Jay, if you would like me to. Yes, Mike, thanks for the question. I probably should have said this in my opening comments a moment ago. The short answer is yes, the idea of administrative support, especially through the smaller states, is still in play. A couple thoughts, one is defining smaller state. What states would need assistance that only have a handful of permit holders at the most, and both scenarios that you talked about, Mike, are still being discussed. One is hiring someone here at the Commission or a contractor, or something along those lines to help out those states, generally in the southern range of the species, or hiring someone within a state, and have that person help neighboring states out up and down the coast with the administrative burden. The reality is, with something like this there is usually a pull for the administrative burden early on, to get everyone set up and make sure the data is flowing correctly.

You know, just make sure that the devices are installed, and all the other pieces associated with getting this up and running. That's kind of a pulse of activity at the beginning. Then we kind of go into what I call care and feeding mode, and we'll have to see kind of what the administrative burden of that part of it will be.

But I think the idea is to find someone, either in the Commission or in a state for a couple years, most likely, to help out the states, and make sure everybody is up and running, because I think the burden will drop off pretty significantly, once everybody is kind of used to this, should the Board approve it, and we can go from there. But definitely still a viable option for consideration.

MR. LUISI: Yes, I appreciate that, Bob, and just a quick follow up, Mr. Chairman. Bob, so the funding for that would come from these 14 million dollars, and then once that's exhausted, we would have to come up with a new strategy at some point?

EXECUTIVE DIRECTOR BEAL: Yes, exactly. These 14 million dollars will come to ASMFC, or at least a portion of it will, through a five-year cooperative agreement, most likely. We'll be able to spend that

money over a five-year period. I'm not saying that money will last necessarily that long.

But it's not short-term money that we'll have to burn through in one fiscal year, or anything like that. If the states all agree and it works with NOAA Fisheries, we can spread that money out over a couple few years to help out the states with all the different categories that I mentioned earlier on.

MR. LUISI: Yes, okay, that's excellent and it helps me a lot in deciding whether or not to support the initiative, so thank you very much, Bob. Thanks, Mr. Chairman, I'm done.

CHAIR McNAMEE: Good discussion, thanks for that. Next up I have Ritchie White. Go ahead, Ritchie.

MR. G. RITCHIE WHITE: A question for Bob. As far as timing on receiving these funds, what's that look like? What would the process be for deciding that Atlantic states would be buying all the units for all the fishermen with two years of service? How is that decided, and what would that process be, and how long would that take? This feels like we keep getting more unanswered questions or difficult questions to rush this through, so I'm starting to have some concerns. But anyway, if you could take a shot at those, Bob.

CHAIR McNAMEE: Bob, would you like to respond.

EXECUTIVE DIRECTOR BEAL: Yes, thank you. A couple questions in there, Ritchie. One is the timeline. To preface all my answers here, we're still working through these details. The budget was just approved a couple weeks ago. We really haven't formalized a lot of these conversations, so we're working through this kind of real time here.

The likely beginning of a cooperative agreement would be July 1. That would be when we can start actually spending money and moving

money to the states, if that is what the group decides to do. This will be kind of a group decision among everybody on this call, focusing on the administrative commissioners, because they have to be the ones moving money, and doing that sort of thing in state, but the collective agreement on how to use this money to get the most bang for the buck out of these dollars.

Most likely between now and July 1st, I think there would be a fair amount of work to do to come up with the agreement, and decide on some of the questions that you followed up with, Ritchie, such as. If the money comes to ASMFC, then what? Does ASMFC purchase all these actual units, or does the money get distributed out to the states proportionately, based on the number of active federal permit holders that they have?

Then the states are involved with purchasing the units, and it may not be one-size-fits-all. Maybe Maine, for example, since they're purchasing the most, would want money moved to them and they handle it, or not. You know I think it may be something different. A lot of those details still need to be worked out, but we can work on them.

Deciding who actually purchases a unit, I think is relatively easy. Deciding what unit are purchased, and what vendors are appropriate to provide the units to either the states or ASMFC then on to the harvesters. You know those are going to take a little bit longer. But I think we can figure it out by July 1st pretty easily, we just have to get some meetings together, and start talking about it. We just haven't had the money long enough to make a lot of decisions yet.

CHAIR McNAMEE: Thanks, Bob. Ritchie, with the response.

MR. WHITE: No, that's fine. Thank you, Bob.

CHAIR McNAMEE: Next up I have Steve Train. Go ahead, Steve.

MR. STEPHEN TRAIN: I don't know if this question is for Caitlin or Bob. Unlike Mike, we've got plenty of

lobster boats up here, and it's a huge part of the state. I've been talking to as many as I could since our last meeting. I'm not finding a lot of support for this at all. The biggest problems aren't putting the device aboard, it's what it is encompassing.

You know we use our boats to come and go from our islands. We use it to go grocery shopping. We use them to go visit friends down the coast, and this whole "Big Brother" concept when we're not fishing is bothering people. When we use them in state waters, now we're under another set of rules that the guys that don't have a federal permit aren't under. My question would be, is it possible to have this device only activate at the three-mile line, or only activate when the hydraulics are engaged and we're hauling? The law enforcement stated that it's important to know when the vessel is hauling and when it's not that would help. Well that certainly helps, because it would come on when it's hauling. But I can't get anyone to say yes, we need this, and I've had it aboard for two years. I'm one of the test boats. But I'm not getting a lot of support. Bob, is there any way or Caitlin, that we can get that to work there instead? It's not what we have in the Addendum.

CHAIR McNAMEE: I'll check in with Caitlin first, because this discussion has come up. Caitlin, did you want to respond to that first?

MS. STARKS: Sure, I can try, and then I may ask for backup. But my understanding is that because the Addendum did not go out to public comment with that concept, that at this point in time it would be difficult to change it so that it would only be activated at the three-mile line, or when the vessel is hauling.

MS. TONI KERNS: Jason, can I just go to a backup question as well? I'm not sure the devices are capable of, all of the devices we tested I am 99 percent sure are not capable of those types of triggers. Some of them may be,

but I would ask Bill DeVoe that question that they would even be able to do that.

CHAIR McNAMEE: I don't see Bill, but Bill, if you're out there and want to unmute and speak to that, please feel free.

MR. WILLIAM DeVOE: Yes, thanks, this is Bill. Yes, Toni, I think you summed that up pretty well that we would really be limiting our device pool if we made that a stipulation that there had to be a hauler sensor, which is something that we haven't even tested with these devices at present.

Additionally, putting the technical burden of figuring out when it's outside the three nautical mile line, which you know from a technical perspective could be quite complex, because the three nautical mile line is not exactly a simple line or elsewhere. Yes, I mean I'm not going to say that it couldn't be done, but you are really suggesting a total reworking of the entire Addendum thus far.

CHAIR McNAMEE: Steve, okay with the response?

MR. TRAIN: Yes, I'm okay with the response, as far as the equipment isn't available, but what if the power source was required to be turned on? Is it just not going to work like that? You have a separate switch on it, you hit it when you hit the three-mile line, you had to have it on when you're hauling. It seems like it would solve a lot of the complaints, and if you didn't have it on when you're hauling, you're obviously in violation. But if it can't be done because it's not in there already, it's a moot question.

CHAIR McNAMEE: Okay, I think I'll let that hang for now, Steve, and looking for any other hands with questions from the Board. John Clark, go ahead.

MR. JOHN CLARK: If I missed it, I'm sorry. I didn't catch whether LCMA 5 Waiver Permits were going to be exempt from this, and also if there was any follow up from GARFO as to whether LCMA 5 might qualify for de minimis for this. Not saying that we pursue that, I was just curious as to whether a decision had been made on that.

CHAIR McNAMEE: Caitlin, do you want to respond to that one?

MS. STARKS: Sure, right now as we're in the permit categories that are included do include the Area 5 Waiver Permit, so it would be the Board's decision of whether to change that or not. I think because we took it out for public comment it could be removed, so I think that the Area 5 Waiver Permit category could be excluded, as you indicated. I would like to hear from GARFO, I guess on the entirety of Area 5, but we did take it out for public comment, so that we were looking at the broadest range and it could be narrowed if needed.

CHAIR McNAMEE: Anyone from GARFO wishing to jump into the fray here? Jay Hermsen, go ahead.

MR. JAY HERMSEN: On that, a decision has not been made at GARFO as to whether or not Area 5 would be given de minimis status.

MS. KERNS: Mr. Chair, I did talk to Mike Pentony yesterday afternoon about de minimis status in general, which is different than exempting an entire area. The likelihood of GARFO approving de minimis status for states would be highly unlikely. Obviously, it could go through rulemaking, comments could be made. But due to some of the National Standard 4 rules about treating individuals the same way, the likelihood of de minimis is very low of moving forward.

MR. CLARK: Hey Toni, I just wanted to follow up on that. Mike said last week that de minimis for a region, such as a LCMA would be different than de minimis for states, and that's the reason that they might be able to consider it. Once again, I am not saying we're pursuing it, it would just be interesting for the future also, to know whether an LCMA could get de minimis rather than states. I understand the states cannot get de minis.

MS. KERNS: John, I guess I was thrown by the terminology, I apologize. There is the possibility of just not approving the Addendum for a permit category, so it would just be not included. But otherwise, de minimis would be a no go.

CHAIR McNAMEE: Are you okay with that, John?

MR. CLARK: Yes, fine, thanks. I just, like I said, just wanted to get some clarification on it. Thank you.

CHAIR McNAMEE: Next up I have Roy Miller, go ahead, Roy.

MR. ROY W. MILLER: I was wondering if I could probe just a little more on the question that John Clark raised, with regard to Area 5 Waiver fisheries such as sea bass potters and that kind of thing. Are we going to reach some sort of decision whether they are in or whether they're out, concerning this particular Addendum requirements prior to someone putting up a motion, or is it your intention, Mr. Chair that we would look to someone making a motion or someone modifying a motion on the board to include a possible waiver for the LCMA Area 5 Waiver Permit holders?

CHAIR McNAMEE: I was anticipating getting a motion, which may or may not have something like that in it, and if it didn't that there would be an ability to modify potentially, to allow it. I thought it made sense to try to get a motion from which to work from. That was my intent there.

MR. MILLER: Okay, thanks, Mr. Chair.

CHAIR McNAMEE: Next up I had Dennis Abbott. Go ahead, Dennis.

MR. DENNIS ABBOTT: A question for Bob. He mentioned ASMFC being responsible for procuring trackers. What would be the contractual problems in selecting a sole source for trackers for all the states, and how would you determine which way to go, cheapest, best, you know there are a lot of factors that would go into awarding a contract in some manner? Again, we still continue to have questions raised and questions raised, which makes

it difficult for me to consider supporting this measure at this time.

CHAIR McNAMEE: Bob, did you want to respond?

EXECUTIVE DIRECTOR BEAL: Yes, I'll chime in, Mr. Chair, if that's all right. Yes, you know Dennis, the decision that ASMFC will purchase all of the trackers hasn't been made yet. You know both options of states getting the money and states working with their industry to buy trackers, and/or ASMFC buying the trackers. Both of those options are still in play and can be discussed.

One of the steps that's outlined in the FAQs is you know if the Board does approve this today, we would send out a request for information from companies that develop the trackers and have them describe a series of features of their trackers, including price and other things, that we better understand which company trackers, what they're all capable of, what the cost associated with them is.

Then I think, so it really wouldn't be a sole source decision, it would be based on a number of characteristics the decision would be made which trackers to purchase. It doesn't have to be a one-size-fits all, if State A liked trackers from one company, and State B liked trackers from another company that's fine.

Or if State A wanted to pick all trackers from one company, and State B wanted to give their harvesters a list of three different trackers and they could purchase any of them and get reimbursed, that's fine too. It doesn't have to be this one-size-fits all for everybody. You know there are certain characteristics of data streams and reliability and other things that we need to be assured of, but there likely will be multiple options for trackers that can be put on different boats. I hope that helps, Dennis.

CHAIR McNAMEE: Is that good, Dennis? Was that an adequate response to your question?

MR. ABBOTT: Yes, thank you, Mr. Chair, I thought I indicated yes.

CHAIR McNAMEE: All right, next up I have Joe Cimino. Go ahead, Joe.

MR. JOE CIMINIO: I hate to belabor the Area 5 Waiver. I guess my question would be, if they were included would they be eligible to be funded or reimbursed, since the money was for the lobster fishery, and we're talking about sea bass potters.

CHAIR McNAMEE: Caitlin, do you want to take a crack at that, or Toni or Bob if you're the better person to respond please just jump in.

MS. STARKS: I will defer to Bob or Toni.

MS. KERNS: Bob, you can go ahead. I mean it's highly likely that all pot fisheries will have to make changes to their regulations due to whale regulations. As everybody knows, the Mid-Atlantic gillnet fishery and the pot trap fisheries are undergoing the Take Reduction Team process right now. I don't know if it's specific to just the New England fisheries or not.

EXECUTIVE DIRECTOR BEAL: Is it okay if I chime in, Mr. Chair?

CHAIR McNAMEE: Yes, please, Bob, thank you.

EXECUTIVE DIRECTOR BEAL: I think the short answer is yes, those fisheries would be eligible for reimbursement for trackers expenses. You know the intent here, there is a lot of language in the Congressional budget about lobsters and Jonah crab, but overall, I think the intent is to better understand pot and trap fisheries that have the ability to catch lobster.

Some of these other Area 5 permit holders that had the waiver do catch lobsters. I don't see a problem with it. It's only a very small number of individuals, most likely, that would fall into that category, so my immediate answer would be yes, I think we can accommodate those permit holders as well.

CHAIR McNAMEE: We're still on questions, we are getting towards two o'clock, but I've got another question here from Dan McKiernan. Dan, go ahead.

MR. DANIEL MCKIERNAN: I guess this is a question for Bob, just to clarify the response we gave to Dennis. Wouldn't it be a viable option for a state to take the list of approved vendors that will be produced by the Commission's subcommittee, and simply reimburse all participating vessels for say a common amount.

That if we were to study the cost for all of those in combination, and let's say you average them out and it comes to \$1,200.00. We could grant each applicant, eligible participant a grant, so to speak of \$1,200.00, and then they could go forward and purchase it on their own. Isn't that a viable option?

CHAIR McNAMEE: Bob, if you would like to respond, please do.

EXECUTIVE DIRECTOR BEAL: Yes, thanks. Yes, short answer is yes, Dan. If that's how a state chose to do it moving forward, taking the average cost, and reimbursing that amount to each of their active federal permit holders, that is a viable option, yes.

CHAIR McNAMEE: Dennis Abbott, I see your hand back up. Go ahead.

MR. ABBOTT: I forgot to get one other question in. A question for the federal agency. Where trackers are used in other fisheries, have they ever allowed trackers to be shut off at any time?

CHAIR McNAMEE: Go ahead, Jay, thank you.

MR. HERMSEN: In vessel monitoring they do allow power down if the vessel is out of commission, out of a fishery for an extended period. But with vessel monitoring it seems to be an active process. The unit is passively monitored, but a vessel does declare, makes declaration, or if they're declaring out of the

fishery for transiting between ports or something like that. There is an active element to it.

MR. ABBOTT: Follow up.

CHAIR McNAMEE: Yes, go ahead, Dennis.

MR. ABBOTT: Wouldn't it be possible that in the lobster fishery that we could allow such a situation to arise where a lobsterman could choose to have his tracker turned off?

MS. KERNS: Mr. Chair, if I could jump in. The vessel monitoring devices are very different than the cellular trackers. In some cases, the cellular tracker doesn't even have a power on/power off switch, Dennis. As Jay said, there is often a call-in requirement for VMS devices. Those devices are also connected to satellites, so they are constantly being monitored, whereas boats are not being monitored using the cellular trackers in a real time basis.

Like for VMS devices, if you go into a closed area enforcement is alerted, and then enforcement can alert the vessel; hey, you've gone into an area you're not supposed to be in. The devices work very differently. In some cases, you wouldn't be able to turn off your device, unless you disconnected the power system.

CHAIR McNAMEE: Okay, Dennis?

MR. ABBOTT: I guess I'll have to live with that, but it seems like a tracker could be designed with an off/on switch. It seems like they are just not trusting.

CHAIR McNAMEE: Senator Miramant, go ahead.

SENATOR DAVID MIRAMANT: Senator Miramant here, yes, unless the device is self-powered and required to be maintained and charged, it seems that just having a power on/off switch when it is wired into the boat would take care of that. Maybe a good option for private use. If they are not built with an on/off switch, you can certainly get around

that by having a power connection that is switchable.

CHAIR McNAMEE: any response, Toni or Caitlin to that?

MS. KERNS: I would defer to Bill, who is more familiar with a wider range of the devices. Like I said, I think some of the devices have on/off switches and other don't hat we tested.

CHAIR McNAMEE: Got you, Bill, do you want to jump in?

MR. DeVOE: Yes, I'm not sure that any of the devices that we tested had an on/off switch, per say. But certainly, if they lost power after a period of time they would no longer communicate. The challenge is that in doing that is that most of the devices that we tested have an internal back up battery that lasts anywhere from, depending on the device, a couple of days up to a year.

CHAIR McNAMEE: Okay, I'm not seeing any more hands for questions at this time, so as I requested, what I would like to do now is see if anybody on the Board would like to get us started with a motion, and I've got a hand raised by Dan McKiernan. Go ahead, Dan.

MR. McKIERNAN: I do have a motion, and I did submit it to Caitlin prior to the meeting, if she could put it up.

CHAIR McNAMEE: Can you see it yet, Dan?

MR. McKIERNAN: I do, yes. **My motion is to approve Option B, to implement electronic tracking requirements for federally permitted lobster and Jonah crab vessels, with commercial trap gear area permits, exempting Federal Area 5 Waiver Permits from the vessel tracking requirement in Addendum XXIX.**

As a part of selecting Option B, have the Board commit to a multi committee that is a combination of the Tracker Subcommittee, The

Lobster Technical Committee, and the Law Enforcement Committee, to review of the vessel tracking program after two full years of implementation, including assessing the uses of the data to date. If I get a second, I would love to speak to it.

CHAIR McNAMEE: Okay, thank you, Dan, is there a second? Cheri Patterson, are you seconding the motion?

MS. CHERI PATTERSON: Yes, for the sake of starting off the conversation I'll be seconding the motion, thank you.

CHAIR McNAMEE: Okay, we've got a motion, it's been seconded. I will come back to the maker of the motion to give us some more comment on the motion. Go ahead, Dan, whenever you're ready.

MR. McKIERNAN: I just want to please or urge with my fellow Commissioners how important this is, and I want to speak to experiences that I've had, as a state official over the last decade. We pointed out a number of really difficult issues that have faced the lobster fishery. We have a Monument on southern Georges Bank and the Sea Mounts.

We almost had a Monument enacted on Cashes Ledge. We have wind development that is coming to the Gulf of Maine, no doubt in federal waters. We have a Large Whale Take Reduction Plan that is very clumsy, and is always begging for more accurate data. We have aquaculture siting challenges, including a proposed steelhead farm just south of the Isle of Shoals being considered.

I can't tell you how many times I've been in meetings where I've pleaded with everyone in the room that they can't go away from whatever datasets have been collected, and think they know anything about the lobster trap fishery, because the data collection is so poor. This is an opportunity to improve that on behalf of the lobster fishery.

I personally take it very seriously the sustainability of this fishery, and the frustration that I and others, including elected officials have felt about defending

the lobster fishery, and explaining its footprint, has been among the most challenging issues for me professionally. I've been in meetings with coastal zone management, our state department of energy.

I've been at meeting with BOEM, urging them to pump the breaks on any conclusions about this lobster fishery, until we get better data. I really want to credit the pilot study that was done by Bill DeVoe and his colleagues, and some of my staff at DMF, for finding an inexpensive alternative to VMS, to allow this to happen.

Also, the thing that strikes me is, we have developed this lobster fishery into a multi, or a very, we emphasize participation in this lobster fishery. We don't have fleets, managed fleets, we don't have corporate fleets, except for some in the offshore Area 3, I will grant that. But by and large, this fishery is made up of a bunch of very small operations, and it's really hard to bring the necessary clout to the table, when you don't have corporate fleets.

Fishermen don't have a lot of time; they don't have sometimes sufficient resources to attend meetings. This is going to allow state officials like myself and others, to really do what I think is needed for the lobster fishery, which is to defend the turf of the lobster fishery, and make sure that it doesn't get rolled by all the things I just mentioned, Monuments, wind development, the Large Whale Plan and aquaculture. This is really, really critical, and I urge my fellow Commissioners to approve this.

CHAIR McNAMEE: I will now go to the seconder of the motion. Cheri, do you wish to offer any comment before I go out to the rest of the Board?

MS. PATTERSON: No, I don't necessarily. I do understand Dan's thoughts on having to defend the lobster fishing industry's footprint in federal waters, and it's becoming more and more difficult for me also, both in the arena of the

Atlantic Large Whale Take Reduction Plan as well as our future offshore wind issues. But also, I think that there needs to be some thought from the industry perspective. When they come to us and ask us about when rules are coming down, why is there no way for enforcement to occur in federal waters. Well, if there is no way for the enforcement to be able to determine where the fishing activity is occurring in a large portion of these offshore waters.

Then I'm not quite sure how we can address their concerns about enforcement out there, without some sort of manner to find where the fishing activity is occurring. Our future will be looking at offshore enforcement more closely, as we are able to obtain the machinery or the vessels or such to be able to get out there. I think that this is a way of also being able to stay ahead of that particular action also.

CHAIR McNAMEE: Okay, now I will go out to the rest of the Board. Please, raise your hand if you would like to make comment on the motion. I've got some hands raised; I'll go first to David Borden. Go ahead, David.

MR. DAVID V. BORDEN: I just want to make a couple of quick comments on the issue of the Area 5 Waiver, I support that in the motion. But I would ask my Mid-Atlantic colleagues to reflect on the fact that if the government is going to pay for this activity, the installation of the units, it may be real positive elements of that that could apply to the Area 5 fishermen.

In other words, those fishermen are still trying to deal with wind development and a whole host of other issues, where some decent spatial and temporal information would be really useful. Then the second comment I would make is on the review. I think that it's critical if we're going to approve this to include a review.

Kind of this language parrots to some extent a comment that I think Brian Thibeault from Point Judith made during one of the public hearings, that there should be a review of it after a couple of

years, to make sure it's being properly used for the intended purposes. The final point I would make is on the issue of enforcement.

One of the reasons that the Board go engaged in this entire exercise is because the Enforcement Committee over the past eight years has had numerous discussions about the need to improve offshore enforcement, and that has involved new vessels and the like. But one of the chief problems that they identified was the lack of good information on where the gear was set.

I think if you go back in the record, it was a unanimous agreement of the enforcement piece up and down the coast, that they thought that federal waters enforcement could be significantly improved if in fact there were tracking units on the vessel. Thank you.

CHAIR McNAMEE: Next up I have Ritchie White. Go ahead, Ritchie.

MR. WHITE: First, a question to the maker of the motion, and then a comment if I may. There is not an implementation date attached to this, Dan, and I wondered whether that is something that should be part of this. I know it may make a difference in my decision whether to support this or not. That would be the question, and then after the answer if I could make a couple of comments, thank you.

CHAIR McNAMEE: Dan, do you wish to respond?

MR. MCKIERNAN: Yes, thanks for that. I thought that there could be a second motion, but if you would like we could try to incorporate it into the main motion. All I can say is that the way I see this transpiring is we would approve this, and we would then ask National Marine Fisheries Service to begin their rulemaking. We were going to give the National Marine Fisheries Service the time that they needed to complete their rulemaking.

We were hoping that it could be done by May 1 of 2023. In my conversations with some of my fellow state directors and commissioners, there was a desire to then complete their state rulemaking on or about the same time or after, so that a state rule doesn't become incompatible with the federal rule. It was expected, and this was going to be in a second motion, Ritchie, to have this all implemented by the end of '23 by the individual states.

MR. WHITE: Okay, thank you, Dan. I guess my concern is that I'm certainly in favor of collecting this data; I think it's absolutely necessary. But I do have concerns about the unanswered questions, so the timing for me is important, because I would like to get answers. We were in a rush to meet this May 1st deadline to give the Feds a year, so May 1, 2023.

We got the answers to the questions last week, and we met with our fishermen Monday night. If now we are saying end of next year, then that would mean that we're not in a rush now, and if the Service takes a year, we could take another couple of months and delay this decision, and then get answers such as, how much money will be coming in, how are we going to use it. What is the impact to the fishermen from a financial standpoint?

I would think that we also should know from the industry that's going to produce this technology, and have something a little more definite than what we've received. I think that would help in all these decisions. I'm struggling with approving this now without more additional information. I'm going to want to hear more input as to the timing of this, and is it critical for us to pass this today, or can we wait and get more information?

CHAIR McNAMEE: On the timing, I would like to pass it over to Toni Kerns, if you would wish to speak to that.

MS. KERNS: Ritchie, I did talk with GARFO staff about timing several times, and Alli indicated to us that for NOAA to move forward they would need the Commission to pass the Addendum. In terms of this timing, it is essential to move forward today on

this, if that is the will of the Board, in order for them to get rulemaking done by next May.

CHAIR McNAMEE: I've got a stack of hands here. Ritchie, a quick follow up if you want, and then I've got a lot of other folks that want to speak.

MR. WHITE: Well, if there is going to be a motion to have implementation at the end of next year, then having this approved by the Feds the first of May would not be necessary, I guess. That's what I want to kind of understand. If we took another couple of months, and then approved it, and then the Feds took another couple of months, so it didn't get through their approval process until the first of July or something, then we still have plenty of time for the end of the year implementation.

MS. KERNS: I believe from what Alli had said on the call we did last time we are pushing the limits. Even waiting until now we were pushing the limits to get rulemaking completed by May. I'll let some of the states speak to their timing, but I do believe that some of the states need the federal rulemaking to occur before they can do their own state rulemaking. I don't know how much they need that federal rulemaking ahead of time or not.

CHAIR McNAMEE: It sounds like we have a motion in front of us. There is potentially a plan to follow up with a motion on the timing. Let's get a few more comments in here and see if we still like that plan, or we want to do something different. I apologize. I think I lost track of the order here, so I'm just going to go down my list. Sorry if you have had your hand up for a while. But first person I see is Megan Ware. Go ahead, Megan.

MS. MEGAN WARE: I'm going to speak in support of this motion today, and kind of align a lot of my comments with what Dan said earlier. But I think it's really clear that the lack of high-resolution spatial data is becoming a handicap

to this fishery, in terms of conversations that are going to shape the future of this industry.

I think a really relevant and timely example of that are the ongoing Take Reduction Team discussions. Obviously, the New England states have been through Round 1 of that, and in the absence of tracking data the result we got was measures which are very broadly applied, and very large closures, including almost a thousand square mile closure in the offshore Gulf of Maine.

We know that more phases of action are coming, both in the New England region, as well as the Mid-Atlantic, and we saw just this week updated decision support tool model runs which are showing where remaining risk is along this coast. I'm very confident that if our underlying data on this fishery does not change, that we're going to have the same result moving forward, which means more large closures and also importantly, an inability to assess the economic impact of those closures.

I just don't see that as a winning combination for this industry. I do want to be clear that I don't think tracking data is going to prevent these closures, but it does give us the ability to refine them, and anything that we can do to be more targeted in our measures moving forward, I think is a benefit to this industry as a whole.

I also want to note that the need for this data is not new. We've just gotten to a point where that need is becoming more and more prominent. We've had topics such as the Monument discussion or the Council TC Coral Amendment, which all required fine spatial resolution data, which we did not have.

Quite frankly, we got lucky in those discussions, particularly that the Council accepted the limited economic data we had. I think it would be naïve to think that those conversations are not going to come up again, and that this industry is going to find itself in a similar predicament. In terms of the implementation deadline and timeline, to Ritchie's question. I'm fully prepared to make a motion on that should this first motion pass, with an implementation date of December 15th. I think

Ritchie, to your point, that that may provide additional time for our conversation. I actually think that that time is going to go very quickly.

There are things that NOAA is going to need for their rulemaking, including the Standard Operating Procedures, and potentially the list of tracking devices will then need the NOAA Rule, and then that can precipitate the state-only gang, and each of those processes is going to take a couple of months. I actually think that we don't have a ton of time to make this decision. I think it would be wise to make that decision today.

CHAIR McNAMEE: Next up I have Maureen Davidson. Go ahead, Maureen. Maureen, we're not hearing you if you are speaking, and I am noticing that your little phone icon has gone gray. I don't know what that means.

MS. KERNS: Jay, then it might be good to go to someone else while she gets here audio pin connected.

CHAIR McNAMEE: Okay, we'll get you fixed up, Maureen, and come back to you. Next up I have Mike Luisi. Go ahead, Mike.

MR. LUISI: Since the motion was made, I've been going back and forth with a few of my colleagues down here off of the Area 5 fishing area. I guess there is a little bit of confusion as to the exemption in this motion, and who it would apply to. I wondered if staff or you perhaps, could clarify exactly who would be required to have a tracker and who would be exempt.

If somebody has an Area 5 Waiver, but also has a lobster permit. There is just some confusion on behalf of the southern states, and I didn't have the answers for folks that were asking me questions, so I thought I would bring it up here for the record, to clarify who would be required and who would not.

CHAIR McNAMEE: Caitlin, do you want to speak to that?

MS. STARKS: Yes, sure, Mr. Chair. In this motion the only permit category that would be excluded is that federal Area 5 Waiver Permit category, and that is the one that allows folks to target black sea bass. I believe to get that federal Area 5 Waiver Permit you have to basically say you are not going to target lobster. If you were to have a different area federal permit, so if you had let's say an Area 5 permit and an Area 3 permit, you would still have to have the tracker, even if that was a federal Area 5 Waiver Permit. I hope that helps clarify.

MR. LUISI: Yes, it does. Thanks, Caitlin. I'm struggling a little bit with the concept that since the government is going to be paying for these trackers, and it seems as if there is going to be funding available on the administrative end. I'm wondering whether or not these Area 5 Waiver Permit holders should fall in line with everyone else. You know even though they are fishing for black sea bass and maybe catching some lobster, I just feel like the data, it's kind of free information that we can access. Not free in the sense that nobody is paying for it, but you know the states aren't going to have to pay for it. I'm struggling a little bit with the idea that there would be a group of individuals who would be exempt here, and I'm thinking that perhaps it might make more sense just to include everyone. By striking this exemption from this motion, I have to give it a little bit more thought, but that is kind of where I'm settling in on right now, thanks.

CHAIR McNAMEE: Maybe I'll offer a thought, and that is, and Caitlin can correct me if I'm off base here. It seems like this motion might maximize the flexibility that you have. I don't think anything would stop one of these folks from getting a tracker if they wanted to. But I don't know if maybe the problem, then becomes with the funding source and eligibility for that. But I don't know if Caitlin, or maybe even Bob has a thought on that. But the concept is this would maximize the flexibility for those folks.

MS. STARKS: I can follow up, Mr. Chair.

CHAIR McNAMEE: Yes, please do.

MS. STARKS: Yes, I think you're correct that this motion would essentially say the folks with the Area 5 Waiver Permit do not have to have a vessel tracker, but they certainly could do that. My understanding is that there is a very small number of folks operating under that Area 5 Waiver Permit as is currently. It is a small group of folks that would be exempt and not have to have the trackers. I'm not sure, to Mike Luisi's point, it is kind of a minimal number that you're talking about here in the grand scheme of all of the other trap gear area permit owners.

MR. LUISI: That's very helpful. Thank you, Caitlin and thanks Jason, I appreciate that.

CHAIR McNAMEE: Next up is Steve Train. Go ahead, Steve.

MR. TRAIN: Maybe you knew this was coming, but I'm going to oppose this, and it's not because I don't understand it at all. I totally get everything Dan said and Megan said about the need. But it seems like all of that could be collected if the device was just effective outside the three-mile line. It doesn't seem that it's necessary to know when islanders are going to the doctors. It doesn't need to be on their boat then, doesn't need to be turned on.

The problem I've got with anything that comes top down that isn't supported by industry, is that it starts to build resentment and animosity. We've got, as Dan said earlier, 4 or 5 thousand small businesses. Most of the management practices we've put in have been bought into and are encouraged. I am not seeing support for this from industry, and as soon as you start to build that animosity, everything else about enforcement gets harder.

CHAIR McNAMEE: Next up I have Eric Reid, go ahead, Eric.

MR. ERIC REID: I agree with Mr. McKiernan and his rationale. It's already been proven that anecdotal information on fishing effort or location, when it comes to mitigation and compensation discussions, just doesn't cut it. They are all coming, we know it's coming. Offshore wind is coming. It's coming all the way down the coast, including in Area 5, or wherever else down the line you want to go, so a free tracker, I would be getting in line for that. But Mr. Train does make, that's a good comment, you know. These devices can start working when you go across the demarcation line. Of course, then it becomes a matter of cost. You know hooking it up to your hydraulics, now you're talking about exponentially higher costs.

It would seem to me that analyzing or figuring out whether or not it could activate when it crossed the demark, or start recording when it crosses the demark is a very reasonable request. I have a question about the motion itself, and I'll ask it to Mr. McKiernan. It says review the vessel tracking program after two full years, and there has been a discussion about implementation date.

Would that be two full fishing years? Does that work any better in this discussion? The last part of that sentence, including assessing the uses of the data. To me you can assess the uses all you want, but if the utility isn't there, what's the point? I would prefer that say, including assessing the uses and utility of the data to date. Those are my comments and thank you, Mr. Chairman.

CHAIR McNAMEE: Dan, do you want to respond to Eric's question?

MR. McKIERNAN: It would be my expectation that if this program kicked off universally by December 31, 2023, that we would be having this review after the 2024 calendar year were completed, the 2025 calendar year, and we would look at it in 2026. I think calendar year is more appropriate.

MR. REID: Okay, what about the uses of the data?

MR. McKIERNAN: You want more clarification on what each of these groups would be assessing its usefulness?

MR. REID: To me if you said including assessing the uses and utility of the data.

MR. McKIERNAN: I would take that as a friendly amendment.

MR. REID: Yes, okay. We collect a lot of data that we use, and don't know why we use some of it, and I won't mention any MRIP names or anything like that. But I would prefer to have the uses and the utility. Thank you.

MR. McKIERNAN: I meant that, so I would take that as a friendly amendment, if the Chairman would allow that.

CHAIR McNAMEE: Yes, and I think I need to check with the seconder as well. Does that modification sound okay to you, Cheri?

MS. PATTERSON: I'm fine with a friendly, thank you.

CHAIR McNAMEE: I see it appearing magically in front of us there. Thanks for that. It looks like we have Maureen back, so Maureen, go ahead.

MS. MAUREEN DAVIDSON: Thank you! I hit the wrong button and totally lost audio. I just sort of would like to get some reassurance that although LMA 6 is not identified in the motion, it will be exempt, and part of Option B to the Addendum. Is that a correct assumption for me?

CHAIR McNAMEE: Did you want to respond?

MS. STARKS: Me, Mr. Chair? This is Caitlin.

CHAIR McNAMEE: Yes, I thought that was a question to you.

MS. STARKS: Sorry, just clarifying. Yes, Area 6 is exempt from the requirement, and that is written in the Addendum.

CHAIR McNAMEE: Does that sound good, Maureen?

MS. DAVIDSON: Okay, yes, thank you.

CHAIR McNAMEE: Next up I have Roy Miller. Go ahead, Roy.

MR. MILLER: I'm struggling a little bit. I appreciate the maker and seconder of the motion including the federal 5 Waiver. But having said that, I'm thinking about what Mike Luisi has already said. I'm wondering how close we are, and this may be unanswerable, to having all the requirements of the Large Whale Take Reduction Act apply to gear in the Mid-Atlantic area, like gillnets and sea bass pots and so on.

If we're within a year or two of the full extent of those requirements reaching the Mid-Atlantic, then it seems that voluntarily having this tracking information would be useful. Making it strictly voluntary, I can't forget how many, if any, would purchase and install a tracker if they didn't have to. Some may, some probably wouldn't.

I'm struggling a bit as to whether the phrase, exempting Federal 5 Waiver permits should be struck or left in the motion. I could be persuaded either way. I'm wondering if anyone can help with a little more certainty, as to how soon measures like the Large Whale Take Reduction Act, all of those requirements are going to fall on those Mid-Atlantic fisheries that I already mentioned.

CHAIR McNAMEE: Maybe this is one for Toni. Did you want to speak to that question, Toni, at all?

MS. KERNS: Yes, Mr. Chairman, I can speak to it. The Take Reduction Team is meeting in the beginning of May to discuss different measures to address the gillnet and Mid-Atlantic pot trap fisheries. I am not sure what the implementation timeline will be for those types of measures. That is

rulemaking that NOAA would do, as the TRT comes up with measures for that area. But those discussions of measures will be happening this May.

CHAIR McNAMEE: Hopefully that is helpful, Roy. I'll keep going along here, and if you want to come back at that, please do. But next up I have Senator Miramant. Go ahead, Senator.

SENATOR MIRAMANT: I agree with Dan and others about the part that says we need the data, because we are choosing to defend the industry, because the measures taken so far seem like we have to do something, so we'll do this thing, even though we have no proof that it will save one whale or calf.

I don't like that approach, and I don't think that the industry should be resisting something that might prove that they are not part of the problem, which they know, and we know for the most part. I think they will embrace it. They are slow to embrace anything, so this doesn't surprise me.

However, Steve Train makes a good point that when you use your boat as your family car, you don't need to be tracked, and you don't need law enforcement on you when you're not working. I'm still going to support this motion, but that is where my reservation comes in. But I think we need the data to be able to keep defending the industry.

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

CHAIR McNAMEE: Sure could, go ahead.

MS. STARKS: I just want to clarify the point. It's been brought up at this meeting and during hearings about data being collected on harvesters when they're not fishing. I do understand the concern, I just want to make it clear that the data would not be accessible unless specifically requested.

From our discussions with the Law Enforcement Committee, it's not my understanding that they would be looking at everyone's data for every second that the trackers are on. When ACCSP gets the track data into their system, and they get the trip reports into their system, they can then look at those data to identify specifically when the fishing activity is occurring, and match that with a trip report, so that it is associated with a fishing trip.

The intent there is to have those data that are relevant to fishing easily accessible for management uses, and law enforcement could access those as well, but not to have all of their data from whenever else their vessel is running for anyone to look at. I do think you know those data would be stored.

They would be in the system if a law enforcement official had a reason to request them specifically, then they could probably get access to those. But it would have to go through the process of all of the nondisclosure agreements and confidentiality rules as well. I just wanted to kind of clarify how that process would work.

CHAIR McNAMEE: I thought maybe I would offer something as well, and that is I think the reason for the really rapid ping rate is, you know I think you can differentiate between when the boat is steaming and when actual fishing is occurring. I'm sure there is some potential there for conflating the two, but I think in general the tracks and the timing of those tracks. I think the data, you can audit it to understand when fishing is occurring and when it's not. There are techniques that can be used to better refine, and like Caitlin said, if it's not relevant anyways, that nobody would be looking at that data. Hopefully that discussion helps a little bit. I am not seeing any more hands from the Board for questions.

I do have at least one very patient hand that has been up here from the public, so I think I would like to transition now to some public comments. Again, before we get to the public comments, I just want to restate that I am going to try and keep these to about two minutes to start. I will come back around

if there is time, but I just ask folks to keep their comments concise at this point. Now is the time for members of the public to offer comment. The first hand I saw was from Brian Thibeault, so Brian, please go ahead.

MR. THIBEAULT: I'll try and get this all out in two minutes. I appreciate your patience. First, I wanted to kind of shift to the financial aspect, which I was happy to hear that that was a threat since the public hearings up and down the coast. But the numbers I hear, potentially with this administration we have 14 million allocated to the fisheries for TRT or whale management, perhaps implementation of this Addendum. I forget what the other scenario was.

When that money gets released and discussed in July, we still don't know how much this particular Addendum might procure from that amount. Quick math I've been doing while listening to the Board. With Mr. McKiernan's \$1,200.00 potential stipend, yes, we know what I meant, I apologize.

The quick math that I did was that comes out to 4.32 million dollars. That would be to put a monitor and unknown amount of cellular activity with that. Jumping to the next quick bit. As far as using this data for ocean management. I think we have sadly overshot that, as far as wind and whale. We needed this database for the industry to have helped us a decade ago.

I'm not sure if working forward from that point will help or hurt us. Having a closed area and watching and participating in what will now, with this data, show up as an intensity spot on an intensity mat. I fear that it could bring closures more abundant, actually, once they see the intensity in areas that are caused by a closed area. Thank you, Mr. Chairman. If there is time, I certainly have another two minutes, and I appreciate your patience.

CHAIR McNAMEE: Thank you, Brian. All right that was great, next up I have Andrea Tomlinson. Go ahead, Andrea.

MS. TOMLINSON: I would just like to echo Mr. Train's sentiment. I can speak certainly for the New Hampshire federally permitted lobster industry. I know that this is not supported by the industry. Speaking with some of the young lobstermen, they are very confused whether EM also means VMS. That was one of the questions I directed towards Caitlin as well.

A lot of the younger fishermen are confused with whether the EM is also comparable with the vessel monitoring system, and you know just to reiterate the sentiment of the young fishermen. They are concerned with kind of redundant reporting. I understand what Megan Ware is saying, as far as management aspects and how this would support management. But from an industry perspective, I think a lot of fishermen in general are feeling that there is a sense of redundancy here, you know with requirements for landings reports, for your federal dealer's permit being very stringent, and then requiring EM as well. Just to wrap up, just echoing what Steve Train was saying. A lot of the younger fishermen are concerned with not being able to turn the electronic monitoring system off. I'll stop there, thank you.

CHAIR McNAMEE: I'm not sure, Caitlin if that is you controlling the timer there, but I want to treat everyone equally, and sort of run that. But Andrea did great and kept to the two minutes. Next up I have Beth Casoni. Go ahead, Beth.

MS. BETH CASONI: All right, thank you, Mr. Chair, and I would like to echo the previous speaker's comments. We did submit a letter of comment opposing this. Our federally permitted fishermen in Massachusetts I'll speak to, are under some of the most restrictive Right Whale regulations anywhere.

I've heard from our members in the industry that they feel the rate of a one-minute ping is excessive, and it should be comparable to the other fisheries that are out there under VMS and electronic

monitoring. You know listening to everyone today, we've dealt with the LNG Hub Line in Boston Harbor. We've mitigated it. You've gone through the pains of not having the spatial data, and we see the value in this.

But we really encourage the Board to be smart and surgical in this, and give consideration to the fishing industry that is being scrutinized every time they turn around. Steve Train had a great point. I know a lot of Maine lobstermen that use their vessels to go in between islands to visit friends, to go to Walmart.

You know there should be an off mechanism. They shouldn't have to be tracked while they are using it for their pleasure cruises. One of our members is down in South Carolina right now, and thinks he would be being tracked, because he's a federal permit holder. I really encourage the Board and the developers of these technologies to look at a mechanism that would allow for the fishermen to shut it off. If there is a concern about them shutting it off while they're fishing, their catch reports are a great way to cross-check their fishing effort. Thank you, Mr. Chairman.

CHAIR McNAMEE: Next up, I see Jay Hermsen, your hand is up. Feel free to unmute if you have something you wanted to offer.

MR. HERMSEN: Yes, Mr. Chair. I just wanted to ask if we were going to point out that Federal Counsel, Chip Lynch is on the line, to potentially shed more light on the implementation timeline issue.

CHAIR McNAMEE: Could you say that again, Jay. I'm sorry, I didn't process the question.

MR. HERMSEN: Sure, NOAA General Counsel, Chip Lynch is on the line, and can potentially shed more light on the implementation timeline issues that we were discussing earlier.

CHAIR McNAMEE: Oh, okay, thanks for that. Chip, maybe I'll come back to you. I've got one

more public hand up, and then I will come to you, Chip, if you're okay with offering something there. Just bear with me for a minute. Also, I'll note, Dave Borden, your microphone is unmuted. I just wanted you to know that. Okay, the next hand I have is Greg Mataronas. Go ahead, Greg.

MR. GREGORY MATARONAS: Thank you for the opportunity to speak. I could be a proponent of this EM. However, it has to be done correctly. I know that we are in a time of heavy scrutiny with the whale issue, and that this could potentially help us. However, I really feel like that's a double-edged sword, in the fact that the way the TRT is going about reduction is through co-occurrence scores and risk reduction scores.

Essentially, the more effort that is shown in a specific area that overlaps with commonly used right whale habitat, the higher the score is, the higher the risk reduction percentage could be. Those areas are generally focused on to be removed. While in my mind heavy fished areas should be protected, so that we're allowed to continue to earn a living. The TRT process essentially does exactly the opposite.

I could get behind this, but we need to do that right, and make sure that we're protected during this. Maybe that's in the uses and utility of the data. Another question I have is, I still don't see an answer on what happens if I row out to my boat, it's 2:00 a.m. and the monitor does not work? I see that we can have up to two weeks, but that sort of speaks to having permission to do so.

But what happens if I need to go fishing, that is my only flat come day that week, and it's 2:00 a.m., so that needs to be resolved. My other question is, I gillnet eight months out of the year. I lobster for four months. Am I going to be required to be having this monitor on while I go out gillnetting, as well? This is really required only for lobster trap fishing, so just a couple questions. Thank you, Mr. Chair.

CHAIR McNAMEE: Thank you, Greg. Caitlin, I don't know if maybe you wanted to respond to the last

two questions that Greg had. I think there are answers to them. Are you able to, Caitlin?

MS. STARKS: Yes, thank you, Mr. Chair. To the first question, with regard to, okay now I might be mixing them up in which order they came as provider. But with regards to if you have to have the tracker on for the entirety of the year if you only are fishing for lobster for part of it.

I think the language in the Addendum that allows for power down of the device would potentially allow a harvester, who is done fishing for lobster with trap gear for the year, and is no longer going to do that to have their device powered down for the remainder of the year, if they get authorization from their state.

I do think that is possible with the language that is in the Addendum. Otherwise, without that authorization I think the requirement would be to have the tracker on the vessel and powered at all times throughout the course of a fishing year. Then, if you could remind me the first question.

CHAIR McNAMEE: Yes, Greg, do you want to go ahead and remind Caitlin what her first question was?

MR. MATRONAS: Yes, I had just spoken to what happens if the device is malfunctioning at 2:00 a.m. Suppose you get off the boat the previous day, or whenever, it's working fine. Then it doesn't power on when you go to fish the next day. What happens then?

MS. STARKS: Thank you for the reminder. In that situation, what all the states have discussed is that they will establish some method of notification where a fisherman would be able to either call or text, or send some kind of notification in at any time of day, and just say hey, my tracking device is not working and I'm going out fishing.

Then they would be able to continue fishing, you know just by sending in that notification.

They don't have to actually talk to a state staffer. Even if it is two in the morning, as long as you can call in and leave a message or send a text, I think the states are all comfortable with that being enough, in order to allow you to continue fishing, and then when you get back from that trip, proceed with trying to get the tracker repaired or replaced.

CHAIR McNAMEE: Thanks for that Greg and Caitlin. Beth, I see your hand is back up. Do you have a follow up, no, okay? We did really good there, so I will go back around for another bite at the apple if anybody wants, and I see Brian Thibeault, your hand is up so please, go ahead.

MR. THIBEAULT: All right, we're going to try and save a few seconds with the unmute there. I see in the motion a two-year review. I'm going to use one of Greg's words that he used. I could be a proponent of this if done correctly. I've always been upset, been involved in fisheries management for as long as some of the directors have been here, and the Board members. I always hate to see a plan pushed forward because it has a date attached to it.

I would much, much rather see it implemented based on proper science, based on the proper usage and utility, more than it needs to be implemented just because of a date. With that being said, even if we did move to the next permit season, and continued a program where people were sampling it, you might get more positive results after that, because there will be more people paying attention to the small percentage of usages that are going on.

I just wanted to make that as a comment. The unknown footprint statement that was used by Mr. McKiernan, as far as stock assessments, et cetera, and the variabilities that are attributed to unknown effort. I believe all management measures are based on a maximum trap allocation, which has been captured with our trap reduction plans up and down the coast.

There is a data source that I can access right now that shows the maximum amount of traps allocated in certain LMAs based out of Rhode Island, I'm sure Maine has the same thing. I appreciate the time

again, I could be a proponent, just would like to see it done correctly. Thank you again for the second review, Mr. Chair.

CHAIR McNAMEE: Thank you, Brian. I've got another hand up, Lange Solberg, go ahead.

MR. LANGE SOLBERG: Thanks for entertaining my comment here. I just wanted to make a quick one. I'm with a vendor, Deck Hand Logbook. We have customers throughout the New England and Mid-Atlantic states, and we're always keen to listen to these conversations as a vendor stakeholder in these issues. We build a logbook platform that is GARFO approved. I just wanted to say that I do echo Steve Train and other's comments about concerns pertaining to vessel use that is of the non-fishing type.

We get a lot of feedback from our customers about similar concerns and privacy related issues, perceived or real. We're also hearing from our customers about, hearing concern about more and more hardware being required on the vessel to satisfy all of the different types of regulations, depending on the area and permit type, et cetera. Given that we're paying attention as a vendor to this, and we're trying to build a product and we have built a product that incorporates all sorts of different aspects of data collection into one solution.

I just wanted to iterate that you know the less hardware the better, and as we look at technical specs, as this gets fleshed out more and timelines. We would sure love to see flexibility and openness to the idea that, for example, a logbook solution could also double as a tracking solution, so long as it conforms to some of those ping rates and other parts of the tech specs. With that, that is my only comment. I appreciate the time, and over.

CHAIR McNAMEE: Thank you, Lange. Beth Casoni, I see your hand up again. Go ahead, Beth.

MS. CASONI: I just have one comment, and I meant to get this out last time. As offshore wind makes its turn into the Gulf of Maine in the near future, can the Board, should they vote to move forward with Addendum, could the Board please send a letter to BOEM, asking them to not delay, but encourage BOEM to use the data that will be made available, even if it's one year.

The one thing that was drastically missing, like Brian said from Rhode Island, drastically missing from the southern New England offshore wind lease areas, there was zero lobster data. Looking at the Gulf of Maine as it's the number one fishery, I would really like to see some of this data incorporated into any lease areas, call areas, before that train leaves the depot. Thank you.

CHAIR McNAMEE: Thanks for that, Beth, really good comments. We'll make sure we, I think it's implicit in the tail end of the motion there. But we've captured your comment, it's part of the record now, and I'm sure folks on the Board will remember that and make sure this data, if this passes, is in the mix. Thanks for that. I am now going to loop back to the Board.

Just one last pass to see if anyone has any remaining comments that they would like to make, and then I think what we'll do is take a three-minute caucus, and then I will call the vote. I'm looking for hands from Board members for any last comments, before we go into a caucus. Oh, I see Jay's hand again and I recall that I have completely forgot to go back to Chip. Chip, did you want to weigh in on the timeline issue that came up earlier?

MR. CHIP LYNCH: Thank you for recognizing me, Mr. Chair. I had what might be a legal perspective, and can answer some of the questions that I've heard from the Board. Briefly, if I can respond to the Area 5 Waiver Program, just for the Board's information. We have Area 5 permits that have been qualified in the usual course.

There is also a program wherein individuals can opt into the Area 5 Waiver Program, where they don't have to get trap tags, where they are subject to the

100/500 animal harvest limit. That is a subset of the Area 5 fishery. When the motion speaks to exempting Area 5 Waiver Permits, the motion would be recommending that a subset of the Area 5 Permits be exempted, not all of the Area 5 Permits be exempted.

I can understand the logic in that, because it's not a directed fishery in the Area 5 Waiver Program. I can also understand the logic of not recommending Area 5 in general, because it's de minimis. But just be aware that those are two very different recommendations. Of course, there is interest in information as it relates to whales, the vertical lines in the water, and there is also an interest as it relates to wind, and that is I think to Roy's point.

The TRT is meeting May 9, for sort of the Mid-Atlantic fisheries, gillnet fisheries. The idea is to have a rule in place by the end of 2023. We have a number of court cases that are being briefed right now, and are ready to pop. I don't know what the courts are going to rule in the not-too-distant future, and that may precipitate an advancement in what the Agency and the Take Reduction Team needs to do. Just be aware of that.

As far as some of the redundancy, and this gets into the timing issue. My understanding might have been different. I can tell you historically the Commission makes recommendations to NOAA, and NOAA has, because it's the federal rulemaking can be cumbersome. We always end up with a rule that follows the states.

It's never happened otherwise, I guess that doesn't say it couldn't, but it never has. The idea of having a rule in place in advance of the states in one year seems optimistic. But where there is a will there is a way. The redundancy issue with VMS, my understanding is that the federal rule would be something to the effect of all federal permit holders need to have a tracking system.

But to the extent that there already is a tracking system in place, or there is one that the states are doing. That would suffice. That's the way we thought the rule was going to potentially look, depending on the recommendation. That's some idea on timing, and some of the issues that we would be looking for and looking at from the federal government.

CHAIR McNAMEE: Thank you so much, Chip. Great info. Any hands from the Board either in follow up to Chip or otherwise? Not seeing any hands, so why don't we go into, let's do a three-minute caucus, and Caitlin if that's you with the timer, if you could get the timer going there. We'll come back, if you need more time, I'll look for your hand. But let's do three minutes, we'll come back and we will get to the vote on this motion. Three-minute caucus. Okay, that's the three minutes, does anybody need a little more time to caucus with their state? Please raise your hand if you do. Okay, not seeing any hands, so I'm assuming that folks are ready to vote. A question first to Toni. As this is final action, do you do a roll call vote, or can we still do the hand raising?

MS. KERNS: Jay, we can do the hand raising. This part isn't the final action, it's the approval of the final Addendum. But by default, because I read the names of the states of the hands that are up, it ends up being like a roll call. It's really the final approval of the document that we would need technically a roll call.

CHAIR McNAMEE: Great, and then just a note is that Eric Reid will be voting for Rhode Island. Okay, so with that, hopefully that was clear to everybody. We have a motion, it was made by Dan McKiernan, seconded by Cheri Patterson. All those in favor of the motion, please raise your hand.

MS. KERNS: Mr. Chairman, I'm sorry to do this to you, but you made a friendly amendment, so do you mind reading the motion?

CHAIR McNAMEE: Well sure, is it okay if I read it?

MS. KERNS: That would be great.

CHAIR McNAMEE: All right, to reread the motion due to the friendly amendment. Move to approve Option B: Implement electronic tracking requirements for federally-permitted lobster and Jonah crab vessels with commercial trap gear area permits, exempting Federal Area 5 Waiver Permits from the vessel tracking requirement In Addendum XXIX.

As a part of selecting Option B, have the Board commit to a multi-committee (Tracker Subcommittee, Lobster Technical Committee, and Law Enforcement Committee) review of the vessel tracking program after two full years of implementation, including assessing the uses and the utility of the data to date. The motion was made by Dan McKiernan and seconded by Cheri Patterson. Are we good to go now, Toni?

MS. KERNS: We are good to go now.

CHAIR McNAMEE: All those in favor of the motion, please raise your hand.

MS. KERNS: I'm going to let the hands settle for just a minute. I have Connecticut, New York, NOAA Fisheries, Massachusetts, Virginia, Rhode Island, New Jersey, Delaware, New Hampshire, Maryland, and Maine. Make sure I have everybody. I will put the hands down. I'm ready to go.

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

MS. KERNS: I have no hands up.

CHAIR McNAMEE: Okay, any abstentions?

MS. KERNS: I have no abstentions.

CHAIR McNAMEE: Finally, any null votes?

MS. KERNS: I have no null votes.

CHAIR McNAMEE: Great, so the motion passes. Thank you all very much for that.

MS. KERNS: Caitlin can give you the count.

MS. STARKS: That was 11 in favor.

CHAIR McNAMEE: Okay, the motion passes 11 in favor, no objections, no abstentions, no null votes. All right, so that dispenses with that motion. I'll now look to the Board to see if there is a follow up motion, and I see Megan Ware's hand. Go ahead, Megan.

MS. WARE: As I alluded, I have a motion on the implementation date that I think staff has. Great, I will read this into the record. **Move that we request that NOAA publish the final rule on vessel tracking by May 1, 2023, with an implementation date no later than December 15, 2023. States in conjunction with ASMFC staff will work in 2022 to develop an implementation plan, including a standard operating procedure and the request for quotes from vessel tracking companies. The results of this shall be reported back to the Board at a future meeting.**

CHAIR McNAMEE: Motion made by Megan Ware; I see a hand up. I should ask the question, is there a second? I see a hand up by David Borden. David Borden seconds the motion. Okay, Megan, do you wish to speak to your motion?

MS. WARE: Yes, that would be great. You know I think it's important to move efficiently on this implementation, but also balance that with a sense of practicality. What I want to avoid is setting an implementation date that we can't meet, or that is going to result in a really rushed, empty process that undermines the efforts we're trying to take.

As the motion alludes to, I think there are a couple steps that need to happen between now and then to kind of operationalize this. The Addendum talks about a standard operating procedure. We need to develop a list of approved tracking devices. I suspect there may need to be some work by ACCSP to accept and match tracking data. I know some states, including Maine, are likely going to explore hiring a staff to work on this.

Then I think most critically, we need NOAA's rule for the federal reporting requirement, EVTRs could be

in place. With all that in mind, I think this motion clearly states that the Board is hoping for NOAA to move efficiently on the rulemaking process. It also acknowledges the steps that need to be taken. Then it sets an implementation date of December 15, acknowledging that some states may need a bit of buffer time to get up and running. But nothing would prohibit a state from an earlier implementation date if that is what they desire.

CHAIR McNAMEE: Thank you, Megan. David Borden, do you wish to speak as the seconder?

MR. DAVID V. BORDEN: Yes, thank you, Mr. Chairman, it will be brief. Megan, I think said it well. But I would just like to emphasize that I think one of the things that is really important is this issue of standard operating procedures and guidelines. Since a lot of the decisions that will be made build on the prior decision, that we need to get working on this.

Basically, have like a technical team start working through those technical issues, and resolve those as soon as possible. The last point I would emphasize. I think it's important to keep the Board apprised of developments on this issue. I think there should be like a report to the Board at every subsequent meeting on where this is. Thank you.

CHAIR McNAMEE: I have a request, and that is the word we, move that we. I am wondering if somebody would be willing to offer a friendly amendment to change the 'we' to the Commission. Megan, I see your hand up.

MS. WARE: I'm happy to make that change, and take that as a friendly.

CHAIR McNAMEE: David, is that okay with you?

MR. BORDEN: Yes.

CHAIR McNAMEE: Other Board members wishing to speak to the motion. Okay, Mike Luisi. Go ahead, Mike.

MR. LUISI: I just wonder, given that friendly. Since this is the Lobster Board and not the full Commission, if it would be better stated as Move that the Lobster Board request.

CHAIR McNAMEE: Okay.

MR. LUISI: If we're making a change there, I think that is more accurate. Just a suggestion.

MS. KERNS: Mr. Chair, typically when the Commission sends letters over to NOAA, in particular for documents that we approve, usually you send it on behalf of the Commission, but Bob, you can correct me.

CHAIR McNAMEE: Okay, so maybe we're okay with the modification that we've made. Thanks for bringing it up though, Mike, just to check. All right, I will go out for some quick comments from the audience, and I see Brian Thibeault's hand up, so go ahead, Brian.

MR. THIBEAULT: Thank you again, Mr. Chair. Just obviously, appreciate the Board hearing this whole topic out. I hope some weight went into it, into your thoughts. Through the whole public comment process in this, I listened to every state up and down the coast. Again, the financial aspect seems to be the biggest concern by fishermen. I request out of the Lobster and Jonah Board, and I know the Amendment can't get changed here, or that the motion. That this money needs to come through, needs to be enough of it, needs to be allocated to this project for the success rate of it, and would just like to have that in everybody's head as the Board is apprised of the progress into the future. I just feel that is a very important part of it. Again, up and down the coast that seemed to be one of the larger questions. Whether it's Mr. McKiernan's grant idea or any other part of the process, that just seemed to be very important.

If that money does get delayed, have respect please to the industry of that potential implementation date possibly gets moved back the same amount of duration that the money could get delayed. That's

it. Again, I appreciate the time to speak at the meeting, and have a good afternoon.

CHAIR McNAMEE: Thank you, Brian. Okay, not seeing any other hands from the public. I'm going to come back to the Board. Any remaining comments from the Board? No seeing any hands, so let's go ahead and caucus. Let's do, I think folks are okay here, so let's just do one minute.

I just want to make sure people have time to communicate, so a one-minute caucus, and we'll come back and take the vote. All right, does anybody need any more time, please raise your hand. Okay, not seeing any hands. I will call the question. All those in favor. Actually, Toni, is this another one where I should read it because of the friendly?

MS. KERNS: Yes, I think so. Sorry.

CHAIR McNAMEE: It's quite all right, I hope my dogs don't bark again. Move that the Commission request that NOAA publish the final rule on vessel tracking by May 1, 2023, with implementation no later than December 15, 2023. States in conjunction with ASMFC staff will work in 2022 to develop an implementation plan, including a standard operating procedure and the request for quotes from vessel tracking companies. The results of this shall be reported back to the Board at a future meeting. Motion by Megan Ware and seconded by David Borden. All those in favor of the motion please raise your hand.

MS. KERNS: Letting the hands settle. I have Maine, Maryland, Delaware, New Hampshire, New Jersey, Rhode Island, Virginia, Massachusetts, New York, and Connecticut. I will put the hands down.

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

MS. KERNS: I have no hands.

CHAIR McNAMEE: Any abstentions?

MS. KERNS: NOAA Fisheries. I'll put the hands down.

CHAIR McNAMEE: Finally, any null votes?

MS. KERNS: I have no hands. Caitlin can give you the count.

MS. STARKS: That was 10 in favor, 0 opposed, 1 abstention from NOAA Fisheries, and 0 null votes.

CHAIR McNAMEE: All right, thank you for that, Caitlin. Okay, so we have a motion on the Addendum, and then a motion on the timeline. Caitlin, Toni, is there any other motions that need to be made for this action?

MS. STARKS: Yes, Mr. Chair, we will need a motion to approve the Addendum as amended today. I think I have a motion that Maya can put up as a standard.

CHAIR McNAMEE: I'm already getting some interest here on the Board. Wait for that to pop up on the screen here. Looking for someone to make the motion to approve Addendum XXIX to the Lobster FMP and Addendum IV to the Jonah Crab FMP as amended today. Anyone wishing to make that motion please raise your hand. I've got hands already, and I saw Dan McKiernan's first. Thanks for that, Dan. Then anyone willing to second the motion. I see Cheri Patterson.

MS. PATTERSON: Yes, thank you, I'll second the motion.

CHAIR McNAMEE: All right, so we have a motion, it's been seconded. Let's see, any comments from anyone on the motion? Joe Cimino, I see your hand is up. I don't know if that was for a second or a comment, oh there it goes. Dan or Cheri, did you want to make any comments? Maybe not, not hearing any. All right. I think we're okay to not caucus on this one. Why don't we go ahead and go right to the question? All those in favor of the motion please raise your hand.

MS. KERNS: I have Maine, Maryland, Delaware, New Hampshire, New Jersey, Rhode Island, Virginia, Massachusetts, NOAA Fisheries, New York and Connecticut. I'll put the hands down, I think that's the full Board.

CHAIR McNAMEE: To be sure, any objections to the motion? Not seeing any hands. Any abstentions? No seeing any hands, and any null votes. Not seeing any hands. **The motion passes. I think that one was 11 in favor, no objections, no abstentions, no null votes.** Thanks everybody. Now is that all of our business on the Addendum, Caitlin or Toni?

MS. STARKS: I think that is all, Mr. Chair.

CHAIR McNAMEE: All right, I've got a hand up. David Borden, go ahead, David.

MR. BORDEN: I'll make this really quick. When Bob Beal was discussing funding for this action, I think he used two years, and I know that the State Directors administrators are going to be considering whether or not it should be two years or more. I would encourage the state administrators to appropriate money to cover it for three years. Thank you.

CHAIR McNAMEE: Thank you for that advice, David, I appreciate it. Okay, is there any other business? That was our one action item for today, nothing else left on the agenda. Is there any other business that anyone would like to bring before the Board? Looking for a hand. Not seeing any. I think that does it. Thank you all very much for that. It took a while to get here, but I think that was a really important action today, so good work to the Board getting through that. Oh, I've got a hand up, go ahead, Dan.

MR. McKIERNAN: Jay, excellent job running the meeting today.

ADJOURNMENT

CHAIR McNAMEE: Thank you very much, Dan. I appreciate it. Do I have a motion to adjourn? I've got a hand up from Steve Train, is there a second? Hand up from Cheri Patterson. Any objections to adjourning the meeting? With that we will adjourn the meeting. Thank you everybody, have a good evening.

(Whereupon the meeting adjourned at 3:30 p.m. on March 31, 2022.)