

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

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

August 6, 2024

Approved October 21, 2024

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of April 2024** by consent (Page 1).
3. **Motion to initiate an addendum to delay the biological measures implementation date of Addendum XXVII until July 1, 2025. Specifically, biological measures under Section 3.1 that created common size limits for state-only and federal permit holders fishing in Outer Cape Cod would be implemented effective July 1, 2025. Similarly, management measures triggered under Section 3.2 would be implemented by July 1, 2025 starting with the Year 1 measures, and subsequent management measures (additional minimum size increase in Area 1 in year 3; vent size increase in year 4; maximum size reduction in Area 3 and Outer Cape Cod) would be implemented by July 1 of the calendar year for which they are required. Trap tag issuance regulations regarding the routine issuance of 10% additional trap tags in Areas 3 and 1 above the trap limit or allocation would remain unchanged (Page 18). Motion by Dan McKiernan; second by Steve Train. Motion passes (9 in favor, 1 opposed) (Page 22).**
4. **Motion to approve Addendum XXX, effective today (Page 24). Motion by Doug Grout; second by Dan McKiernan. Motion passes with one abstention (NOAA Fisheries) (Page 26).**
5. **Move to adjourn** by consent (Page 31).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Jim Gilmore, NY, proxy for Assy. Thiele (LA)
Rep. Allison Hepler, ME (LA)	Scott Curatolo-Wagemann, NY, proxy for Emerson Hasbrouck (GA)
Stephen Train, ME (GA)	Joe Cimino, NJ (AA)
Renee Zobel, NH, proxy for Cheri Patterson (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Jeff Kaelin, NJ (GA)
Doug Grout, NH (GA)	John Clark, DE (AA)
Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Ray Kane, MA (GA)	Michael Luisi, MD, proxy for L. Fegley (AA)
Jason McNamee, RI (AA)	David Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Shanna Madsen, VA, proxy for Jamie Green (AA)
David Borden, RI (GA)	Sen. Danny Diggs, VA (LA)
Dr. Justin Davis, CT (AA)	James (JJ) Minor, VA (GA)
Rep. Joseph Gresko (CT) (LA)	Allison Murphy, NMFS
Bill Hyatt, CT (GA)	
Marty Gary, NY (AA)	

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

Ex-Officio Members

Tracy Pugh, Technical Committee Chair

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Chelsea Tuohy
Madeline Musante	James Boyle	

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person, and webinar; Tuesday, August 6, 2024, and was called to order at 2:45 p.m. by Chair Pat Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: I'm going to call the Lobster Board meeting to order. Good afternoon, everybody, my name is Pat Keliher; I am the Chair of the American Lobster Board. We are a couple minutes behind schedule. We've got a couple topics that may need a little additional time today, and I do have several members of the public that have traveled a long way, that I'm sure are going to want to speak during some of the topics where motions potentially are going to be made.

APPROVAL OF AGENDA

CHAIR KELIHER: Before we get to the meat of the agenda, do I have any objections to what the agenda is? Do I get approval of the agenda? Any modifications need to be made? Seeing none; approval of the agenda from April, 2024.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Did everybody have an opportunity to review those? Any additions, changes needed? Seeing none; we'll approve those minutes by consent.

PUBLIC COMMENT

CHAIR KELIHER: Is there anybody from the public that would like to speak on items that are not on the agenda? Again, items that are not on the agenda. Anything not related to Addendum XXVII or XXX. Not seeing any members of the public that want to speak, great.

PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENT FOR AMERICAN LOBSTER

CHAIR KELIHER: We're going to go right to Jeff Kipp, who has got a quick update on the Benchmark Stock Assessment. Jeff.

MR. JEFF J. KIPP: I'll just be giving a brief update on the ongoing benchmark assessment for lobster. Just to touch on the assessment timeline milestones that we've worked through so far. We did have a data workshop back in February of this year, and that was virtual, working through review of our available datasets and identifying data tasks.

We did just recently complete our first assessment workshop a couple weeks ago in New Bedford. We have had several periodic webinars and a number of biweekly modeler meetings between these workshops, and will continue with those as needed, moving forward in the process.

Just to touch on the topics that were covered at that first assessment workshop. We reviewed development of continuity models. I got into growth modeling and environmental driver data and analyses. We then talked about advancements to the continuity models that we'll be working on from this point forward, and also some alternative index of abundance development. We did review the remaining timeline with that workload in mind, and the SAS did express some concern with that timeline. There was also a couple of challenges we've run into so far. We've had slow access to confidential data for some external collaborators we're working with outside of the Stock Assessment Subcommittee, and also it was noted that 2023 data, which is the terminal year of this assessment will not be complete until around the time of our tentatively scheduled final workshop later this fall.

The SAS is recommending extending the assessment timeline one commission meeting cycle, and we just note that this will sync the timeline if we do extend, with the completion of the 2020 benchmark assessment, which was presented to the Board at the 2020 annual meeting in October. The items up

on the screen in black text here show the remaining milestones for our assessment timeline.

The dates crossed out are the originally scheduled dates for these remaining timelines, and the text in red is what the SAS is proposing for the extended timeline to complete the assessment. We would have a final assessment workshop, and we're proposing shifting that to February of next year, with the peer review workshop shifted to August of next year.

Then plans to present the assessment and peer review reports to the Board at the annual meeting in October of next year. That concludes my update, so looking for if there are any concerns or comments on the proposed shift to the timeline, and just any questions on the assessment update in general.

CHAIR KELIHER: Back to the Board, does anybody have any questions or comments for Jeff, or any concerns about that delay? I see one hand, Jason.

DR. JASON McNAMEE: No concern. Jeff, I was just wondering, and you might not be able to answer this, but just wondering if you could expand a little bit. I'm curious as to what the data issues were. Maybe to tailor your answer, I guess what I would be most interested in, is there something we can fix there so it doesn't happen again, or it was just a thing and you had to work through it?

MR. KIPP: Yes, I don't know that there is something there that we can fix. It was sort of a unique situation where we were working with some external folks to get access to commercial data, and that is to develop some socioeconomic indicators that we are hoping to include to advance the set of Model 3 indicators that we developed in the assessment, to include more of those socioeconomic aspects.

Just with those folks not being official members of the Stock Assessment Subcommittee, giving

that confidential data access was a challenge. A note that came along from that was that they were funded to do that work through Sea Grants, and also to help with the assessments as part of that funding. That funding mechanism is what allowed for that access to those data.

CHAIR KELIHER: Renee.

MS. RENEE ZOBEL: Yes, just to follow up on exactly that point, Jeff. I wrote that down as something that we run into a lot with our states and confidentiality regulations. I'm wondering if in the future, I know they were funded through Sea Grant, but if there is a way to contract them through ASMFC. I know that a number of states have regulations on the books where that would be an easy checkmark for access, versus somebody who is from an external or academic agency.

CHAIR KELIHER: Thanks, Renee, that is a good suggestion. Anybody else on the Board questions for Jeff? Seeing none, I mean the delay is what the delay is. We need to make sure that we're getting through that in a way that gives us the best results at the end of the time period. Seeing no other concerns, let's move right along in the agenda. Thanks for that, Jeff.

PLAN DEVELOPMENT TEAM REPORT ON CONSERVATION MEASURES FOR LOBSTER FOR AREA 2 AND 3

CHAIR KELIHER: Now we're going to go to Agenda Item Number 5, which is a Plan Development Team Report on Conservation Measures for Lobster for Area 2 and 3, and we're going to go to Caitlin Starks.

MS. CAITLIN STARKS: I'm going to go over the report developed by the Lobster Plan Development Team, PDT, in response to a task from the Board. This topic is related to the 2023 NOAA Interim Rule to implement the measures from Addenda XXI and XXII. Those two addenda were approved in 2013, and included the aggregate ownership task in LCMA 2 and 3, and maximum trap cap reductions in LCMA 3.

At that time those measures were intended to scale the southern New England fishery to the size of the stock, which has been found depleted in the previous stock assessment. But because a federal rule to implement those measures was not completed until 2023, there were ten years between the approval of the original addenda and the federal implementation.

Because of that gap, the Lobster Board as well as industry members have expressed concerns that there were some significant changes in the fishery during that ten-year time period. The Board thought these changes should be investigated further, so in January past the PDT was reviewing the conservation measures originally set in Addenda XXI and XXII, and making recommendations for alternate measures to achieve those reductions, inclusive of recommendations from the Lobster Conservation Management Team or LCMT.

The Board received a preliminary report from the PDT at the spring meeting, and today I'll go through the final PDT report. The PDT report has a lot of information in it, and I'm going to have to move fairly quickly through them. But the first part of the report contains analogies of the changes that have occurred in southern New England since 2013, and this includes changes in permit issued, trap allocations, maximum traps fished, latent traps, trips and landings, and the development of the Jonah crab fishery.

The PDT also considered the input provided by the Area 2 and 3 LCMTs, and provided some conclusions and possible management responses for Board consideration. The Board received a summary of the LCMT 2 meeting at its May meeting, but the LCMT 3 meeting took place in June, so to start us off, I am going to pass it over to Dan McKiernan to give a summary of that meeting.

REPORT FROM LOBSTER CONSERVATION MANAGEMENT TEAM 3

MR. DANIEL MCKIERNAN: The LCMT 3 had not met in a number of years, and the reason for the delay from the possible Aoril timeline to the summer was we had to reconstitute the Area 3 LCMT, which we did, working with the other state directors who had vessels fishing within their state in Area 3. We had a meeting and four members and one alternate attended. As is mentioned, the purpose of the meeting is to provide guidance and insights to the PDT, as they were undergoing their work, which was very challenging, because the lobster fishery has not been well documented historically, because of the uneven requirements for catch reports, and also the fact that these statistical areas had to be so large it's hard to parse the effort and the landings to one stock unit or the other.

What the PDT heard from the participating members of the LCMT was, and as you just mentioned, take a strong look at the movement of these permits. We did see, and you've got to be showing this really, but just briefly to the forecasted, movement of the permits from the west to the east or from the south to the north.

The trend toward Jonah crab trapping that, even though you're seeing fishing effort it's not on lobster, it's on Jonah crabs. Also, the consolidation that has occurred in the 10 to 12 years since those other Addendums, XXI or XXII were instituted. The water was kind of passed under the bridge, in terms of achieving those goals, because of the consolidation. I think the results you are going to show reflect that which the members suggested the PDT examine, so I'll stop there.

MS. STARKS: Moving back to the PDT report, I'll start by going through the analyses the PDT put together, and I want to note here at the beginning that the PDTs state and federal data where possible, to give the most complete picture they could, available state and federal datasets did not always align, and some data were not available, and that is specified in the report in those cases.

The first thing the PDT looked at is changes in the number of permits issued by state for Areas 2 and 3 using publicly available federal permit data. This table is showing the permits issued by state for Area 2. You can see the total number of federal LCMA 2 permits has decreased substantially between 2014 and 2013 across all the states.

This next table shows the federal data for LCMA 3 federal permits issued to vessels that also has steadily decreased from 105 permits in 2014 to 76 in 2023, and most states have seen a decrease in the number of LCMA vessels, except New Hampshire. The PDT also looked at state level data for Massachusetts and Rhode Island, and this figure shows a declining trend in active permits landing in Massachusetts between 2010 and 2022 for both LCMA 2 and 3.

Area 2 is the blue line and Area 3 is the orange line. Just a quick note, on some of these figures they did add that vertical dash line at the 2013 year, so we can focus on changes after that point. The same declining pattern is showing in the Rhode Island data, but declines in the number of active permits is more pronounced in LCMA 2 than LCMA 3.

Moving on to changes in trap allocations. The PDT looked at allocations for LMA 2 and 3 permit holders, and as a note, we only had data since 2015 for this time series, because of missing data from Rhode Island for 2012 through 2014. This figure shows that in Area 2 allocations were reduced by 25 percent in 2016, and then an additional 5 percent each year between 2017 and 2021. Overall, between 2015 and 2023 there was a 45.4 percent reduction in the combined state and federal LCMA 2 allocations. Then for federal Area 3 allocation data, they reflect the 5 percent per year reduction in allocations that occurred over the 2016 to 2020 time period. The data show a 20.2 percent reduction in the allocation from 2013 to 2023. The PDT did note that these annual totals do not account for any allocation that is held on a permit that was in certification of

permit history or CPH for a given year. Next the PDT looked at the maximum number of traps reported fished each year between 2013 and 2022, using data reported to NOAA Fisheries, as well as Massachusetts and Rhode Island.

For LCMA 2, these data show a decline over the past 10 years with a 39 percent reduction in traps fished. Unlike the Area 3's trap allocation, the maximum traps fished in LCMA 3 have been pretty stable over the last 10 years, with only a 4.3 reduction from 2013 to 2022. Then to assess the number of latent traps in each area, the PDT compared allocated traps and maximum traps fished.

For Area 2 this comparison covers the years 2015 to 2022, based on the available data, and over that time period latent traps in Area 2 were reduced by 54 percent. In Area 3 there was a 64 percent reduction in latent traps from 2013 to 2022, with the lowest number occurring in 2020. Again, these do not include permits that are in certification of permit history, so those permits could have latent traps associated with them that are not accounted for here.

The PDT also wanted to investigate the idea that fishing effort in LMA 3, which spans both lobster stock, could have shifted from southern New England to the Gulf of Maine/Georges Bank stock. Looking at the number of trips in each stock area, which are shown by the columns. You can see that they were fairly evenly distributed earlier in the time series, but then overall numbers of trips in southern New England have declined, while the number of trips occurring in the Gulf of Maine/Georges Bank stock has been more stable.

Then looking at the Area 3 landings from each stock area, we see that they have been skewed towards the Gulf of Maine/Georges Bank stock area across the time series, but the percent of total landings from the southern New England stock has shifted from approximately 30 percent of the total to less than 10 percent.

A caveat with this analysis is that before April 1, 2024, federal lobster only permit holders were not required to submit vessel trip reports, so federal data on activity and landings here is not comprehensive. The PDT wanted to get an idea of how representative the data are of the LMA 3 fleet, so they looked at the percent of permit holders that did have a reporting requirement throughout the time series. They found that on average about 80 percent of the vessels had a federal reporting requirement across that time series.

Next, hearing that input from the LCMTs about the Jonah crab fishery playing a role in the changes in the lobster fishery, the PDT examined data on Jonah crab landings and fishing effort. There are several important caveats to this analysis. First, the mixed crustacean nature of this fishery makes it difficult to determine whether a fishing trip should be considered directed effort for Jonah crab or not.

Based on input from the LCMT 3 June meeting trip where Jonah crab landings were 80 percent or greater of the total landings of Jonah crab and lobster were classified as directed Jonah crab trips. Note that that method that is used to determine what direct versus indirect trips are would definitely impact the analysis. Then second, Jonah crab, the fishery is heavily influenced by the market, so that has been variable over the last several years, and this is something that was supported by the LCMTs comments. It makes it difficult to understand what is causing some of the trends we see in the Jonah crab fishery.

That said, the PDT analysis shows the majority of Jonah crab landings are caught in the southern New England lobster stock area, and it's been like that since 2013. The percent of Jonah crab landings that come from southern New England versus the Gulf of Maine/Georges Bank lobster stock haven't varied by much, but it does show a slightly decreasing trend since 2013.

The number of trap pot fishing trips landing any quantity of Jonah crab from the southern New England stock area, which is shown by the blue line at the bottom, increased from 2010 to around 2018, followed by a decline in the number of trips landing Jonah crab. The red line at the top shows the number of trap pot fishing trips landing any quantity of Jonah crab from the Gulf of Maine/Georges Bank lobster stock area. As you can see that has been a lot more variable.

Then here we're looking at the number of directed Jonah crab trips, which again was defined as trips where Jonah crab comprised 80 percent or more of the total combined landings. For southern New England directed trips were highest from 2014 to 2018, but have been decreasing since then.

Then the number of directed Jonah crab trips in the Gulf of Maine/Georges Bank stock area has been variable, but since 2013 we see an increase and then a decrease. The PDT noted that there isn't really a clear relationship between the decline in the southern New England area and the changes in effort in catch in the Gulf of Maine/Georges Bank stock area in the most recent years, but that could be due to those market factors that could also be driving Jonah crab effort.

The part of the PDT task to consider input from the LCMTs was accounted for, and as you have heard, some of these analyses took those LCMTs advice into consideration. Additionally, the PDT responded to the few things raised at the LCMT meetings. First that LCMT 2 members talked about how in the last few years federal lobster permits have frequently been sold as part of other transactions that have resulted in those permits leaving the Area 2 fishery altogether.

Based on the PDTs analyses they agree that this trend is reflected in the data. Then the LCMTs also talked about the control date that was in the NOAA interim rule, which was May 1, 2022. They recommended changing it to a future date or removing it, and the PDT commented on this, saying that if a future control date were put in place that might cause some speculation and an increase in

effort if harvesters were to attempt to purchase more traps in advance to bolster their allocation.

If the Board doesn't want to pursue ownership caps as part of this management strategy for Area 2 and 3, then a new control date would not be needed. Then at the Area 3 meeting it was stated that the southern New England fishery has scaled itself back since 2013, with reduced effort also shifting east and moving to the Jonah crab fishery, and they mentioned that logbook data would be able to show these shifts. The PDT didn't have access to logbook data for this analysis, but they agree it could be helpful to look at them, and specifically looking at the number of trap hauls by stock area over time. The PDT also agreed with the LCMTs that it does seem there has been a shift in effort in landings to the Gulf of Maine/Georges Bank portion of LMA 3. The PDT discussed some possible approaches that the Board could consider if it was just to reduce exploitation of the southern New England stock.

However, the PDT did not really have recommendations on measures that could directly reduce the size of the fishery, which was the intent of Addenda XXI and XXII. As the analyses show, it appears that the size of the southern New England fishery has already been reduced, despite the rules from Addendum XXI and XXII not being implemented federally.

The options the PDT discussed for reducing exploitation of the stock were seasonal and spatial closures, v-notching, output controls like trip limits or quotas, and reducing latent effort. The PDT noted that these measures have been discussed by the Board previously, and that there have been various concerns with them, and those are discussed in Addendum XVII. I'm not going to go into a lot of detail.

But regarding the closures, the PDT noted they could reduce landings during high exploitation periods, but the industry does rely heavily on those periods. Then spatial closures may help,

but we can't predict this gear would just be then moved outside of the closure area. Then for v-notching, it's been discussed to protect reproductive females, but there have been concerns raised by the TC about further skewing a sex ratio of the southern New England stock, as well as disease and increased regulatory discards.

Trip limits and quota management in the lobster fisheries have historically been met with opposition because of the logistical difficulties in implementing and enforcing them. The PDT noted that trip limits could essentially nullify the current trap allocation system, and also that the number of trips could increase to make up for lost traps per trip.

Quotas for lobster fishery would obviously require drastic administrative changes and probably it would have to impact the Gulf of Maine/Georges Bank fishery as well. Then the last bullet here focuses on ways to further reduce latent effort to prevent it from becoming active in the future. However, it was noted that this would be unlikely to improve the stock from current conditions. With that I am happy to take any questions.

CHAIR KELIHER: Not seeing any questions for Caitlin. Next steps, I would look to Caitlin and Toni. Dave Borden.

MR. DAVID V. BORDEN: I have a comment, Mr. Chairman if that is all right at this time. The PDT I think did a fine job and should be commended for the report. There were a couple of aspects that I agree with. They commented on the need to look at trap hauls. I think that's kind of critical, given the changes in the fishery.

If the PDT has the data available, and I'm not saying that they do, but if they do, and they can look at trap hauls in the southern New England portion of the stock, they are going to show a much more pronounced decrease than has been reflected in the report. Because what is happening is people are increasing their setover time, so the trap hauls have gone down. The opposite is taking place on the Georges Bank portion of the stock where the trap hauls are increasing, and I'm just using my

knowledge from my prior position with AOLA, and I think that is something to look at. On the issue of the committees, the Area 3 Committee and Area 2 Committee. The Area 2 Committee I think has made a lot of progress at the two meetings that were held, in terms of kind of refining their positions.

I think possibly if they met one more time, they could submit a written report that kind of summarizes those findings. I've listened to both of those discussions; I would point out. Area 3 is kind of a different group. I think that the PDT work really have to kind of progress on this, if they're going to look at trap hauls, and then after that is done, maybe the Area 3 group should meet again and look at the results and see if they have recommendations.

CHAIR KELIHER: Dan McKiernan.

MR. MCKIERNAN: Yes, I agree with David. Great job by the PDT. I would also like to point out, since this Board voted in 2013 on the measures a lot has changed in southern New England. Today the fishery faces offshore wind development and all the displacement that we expect to see among all the Mass/Rhode Island Wind Areas, and also a three-month closure of right whales south of the islands.

I think when we enacted these rules a decade ago it was between us, the fishermen and the lobsters, and now you've got all these other forces that are affecting the industry's ability to make a living. I think that needs to be factored in going forward. But I do agree with David. I think each of the LCMTs should be given an opportunity to look at the results.

To David's point, I think there was some interest on the part of the Area 2 folks to maybe have a cap of the number of permits, so we should give them a chance to come back. The thing about Area 2 is a lot of those vessels have state permits as well, and our states have an owner/operator rule, so it kind of keeps the number or the scale of fleets that would be

created down to a low level. But I would support reconvening each of those two groups, for purposes of reviewing this report.

CHAIR KELIHER: Anybody else on this topic? It seems like we've got some additional work to do with the LCMT. Oops, Caitlin has her hand, go ahead.

MS. STARKS: I just want to ask a clarifying question from David on looking at the trap hauls. We are in the middle of the lobster stock assessment, and that is something we could do through that process. I want to get a sense of the urgency of that analysis, and if we need to do that now, or if doing it through the stock assessment process would be satisfactory.

MR. BORDEN: Do you want me to respond, Mr. Chairman?

CHAIR KELIHER: Yes, please.

MR. BORDEN: I think the Area 2 folks were so close to concluding their position they could probably meet now. I think the Area 3 people a longer road to get to a discussion. If I could suggest anything, I would say do the Area 2 meeting and then let some of the rest of this work develop, and then have the Area 3 folks meet.

CHAIR KELIHER: I think what Caitlin is looking for though is, when do you want that data? Is the data on the trap analysis? Is it all right coming out through the assessment process in October, or do you want that information ahead of time?

MR. BORDEN: October would be fine. If they were to meet between now and then that is fine.

CHAIR KELIHER: That is 2025.

MR. BORDEN: You mean the assessment.

CHAIR KELIHER: Yes, not this bird season, next bird season.

MR. BORDEN: Yes, it's next year. There may be some benefit in having them meet before then.

MS. TONI KERNS: Question to you, David. Will this trap analysis aid in the Board's decision on whether or not you would want to take further action or not, or is it just an informative piece of information? Just trying to manage the state staff's time, and the work that they are trying to get done in the assessment, noting that they had to delay the assessment.

MR. BORDEN: As far as Area 2, I think that might be a recommendation you just eventually put on the table, and at the appropriate time include it in a subsequent addendum. I don't think it's time-critical to do it. I said that a couple of times.

CHAIR KELIHER: What I was going to suggest is there seems to be consensus on the LCMTs to need to meet again. Have that meeting, review what the PDT has done to date. See if additional analysis is needed after that time, and what the timeframe should be, based on those conversations. Does that work? Excellent, okay. Good on your end? Anything else for Caitlin on these reports? Toni.

MS. KERNS: I just want to state that at this time we have asked NOAA Fisheries to withdraw on the measures in the Addendum and that is holding. We did ask for exceptions for the transfers of multi LCMA trap allocations, and we have asked those to continue to move forward. Until this Board takes up anything else, then that stands and the only thing that NOAA would be moving forward is that multi LCMA trap allocation when they can.

CHAIR KELIHER: Yes, I don't think anything more is needed, until we get through that process, right? Okay, everybody in agreement there? Great. Nothing else from you, Caitlin? All right, well let's move right along.

COLBY COLLEGE ECONOMIC ANALYSIS OF THE LOBSTER GAUGE INCREASE

CHAIR KELIHER: Item Number 6 is a report on the Colby College Economic Analysis of the

Lobster Gauge Increase. If you recall through the Addendum XXVII process, and then at the last meeting they had a lot of comments on the economics of the issues that we're dealing with. Economic analysis is not something we normally do, but we did receive a letter based on some work that was done in Maine. We've asked Amanda Lindsay to look at that information, so I think we have her, we phone in a friend here, she's online. Amanda, if you can hear me, the floor is yours, Amanda.

MS. AMANDA LINDSAY: I think I don't have control over the screen, is that correct?

MS. STARKS: Yes, correct.

MS. LINDSAY: Okay, so I'll just say next when I need the next slide moved. Okay, so obviously I am not Michael Donahue from Colby College, I am a different economist. I didn't have anything to do with that analysis that he did in April, but it is related to my area of expertise, and so I was asked to provide a little bit of context and maybe answer questions about the analysis that he did.

Just because I'm new here, I just wanted to give you a little bit of my background. I have a degree in Agricultural Resource Economics, and in particular my research focus is bioeconomic modeling, and specifically looking at marine fisheries management policies. I feel like I'm pretty well versed in what I need to know to evaluate what he did.

I'm new to Maine, but I spent the past year learning a lot about the lobster fishery in Maine, and so everything I'm talking about is really just focused on the perspective of that management Area 1 and Maine lobster fisheries. I'm going to run through some highlights for the policy analysis performed by Professor Donahue, but I also want to take a few moments to comment on analysis done by the Technical Committee, so I can help kind of contextualize the results.

I just have a few thoughts that I want to leave you with today. I'm sure we all know, but I just want to make it very clear that what we're looking at in particular is what would the economic impacts be

of increasing the minimum carapace gauge length for Maine lobsters. To my understanding this would be done over two stages.

The reason why it's such a big deal is DMR data suggests that a very large proportion of Maine's recent harvest would fall in this soon to be illegal range. Yes, so the big question is, how is this going to affect Maine lobster fishery? Why didn't Michael Donahue provide this analysis? In 2016 he was involved with a bigger project, it's called The Dollars to Lobster Project.

There are several, publicly available presentations, and documents that I looked over after I was asked to kind of review his letter that he wrote. That research really focused on the contribution of Maine dealers and buyers to the Maine economy. Both at previous analysis and this more recent one, he used this in-plan modeling software. If you've never heard of this before, it's an extremely common and standard modeling software used for economic analysis.

It's a type of general equilibrium modeling, and the software comes equipped with the best and updated federal and state datasets that are needed to kind of parametrize the model. However, there are features of the software that allow users to enter additional information as needed. In his previous 2016 work, Michael Donahue, with a team of researchers, collected a bunch of data from dealers in Maine, and then used that to populate his model. That was kind of a different model, to my understanding of his letter, and this one that he performed in April was really focusing on the harvesters and upstream enterprises. We can talk a little bit more about that if you're interested. This is kind of a freak food cartoon; economists typically don't use diagrams like this. But this is kind of like the way that I explain how this modeling process works, to kind of my non economist colleagues.

When you're doing this modeling software, you have to define the boundaries or the scope of

your model. In this case, we would have had a model of the Maine economy. Because we're interested in this fishery policy, we have to explicitly make sure we have identified the number of harvesters, maybe the amount of capital that they are operating with, the relevant upstream enterprises, which are the input suppliers, and downstream enterprises as well.

But of course, Maine is more than just a lobster fishery, so the model also kind of represents all other economic sectors and household and government. These green and blue arrows, I use to represent the flow of goods and services and money. A researcher will go into this software program and create a model that is in what we call equilibrium. It's kind of a system at rest.

Then the researcher will introduce a policy shock. That policy shock is used to kind of mimic or represent what the direct impact of a policy would be. In the second image, I have indicated that these two arrows leaving the harvesters are now red, and they are smaller, to represent his assumption that Addendum XXVII would lead to a 10 percent reduction in landings value.

He introduces that shock to the system, and he lets a new equilibrium be found. You have this before picture of the economy, and you have an after picture of the economy. Comparing this before and after is how an economist would estimate the economic impact. In his report he identifies direct, indirect, and total economic impact, and so that led him to his conclusion that this would have approximately a 60-million-dollar impact on the Maine economy.

The letter was brief, I believe it was two pages. It was very clearly a quick analysis. I think he did a really excellent job identifying all of the caveats to his study, and I just wanted to point a couple of them out, which I think are really salient. Given how this modeling process works, the assumption that the Addendum XXVII would reduce landing values by 10 percent is an assumption.

He does not know if that number is the correct number. It could be greater, it could be smaller, but it is the assumption that he makes. Contingent on that being approximately true, then you can rely on those following results and what that would translate to in total effect. A few features about the model, it's a very theoretical model.

It uses the best available data, but of course it could be more precisely updated to reflect current market conditions. He made a note in his memo that he focuses on harvesters and upstream, and not the downstream enterprises, because he doesn't believe the 2016 data that he collected previously reflect current market conditions. The modeling framework that he uses doesn't explicitly model the fish stock or the behavior of the fishermen. The fishermen could be changing their location or intensity or soak times, or what have you, in response to the policy, which his framework isn't set up to kind of model. He also does not include the Canadian harvesters, which is important, because they are drawing from, at least in part, some of the same stock. They compete in the same market, and are subject to different regulations. That could have big implications to the market conditions the Maine lobster fishery is going to face after Addendum XXVII is implemented. The final point, he doesn't really mention this, but I believe it's important to emphasize, that his methodology is what I would call a static model.

It's using snapshots of the economy, in order to make the assessment. We don't know how long it would take for the stock for the economy to recover, because the model isn't designed to answer those types of questions. I think it's important, since I just had all these like really critical comments about his analysis, to put it in context of something that was provided for me in the draft document for the Board discussion, particularly related to Appendix B, which was an analysis provided by the Technical Committee.

I read through that as well, to kind of help me understand how it compares to the work that Professor Donahue did. I thought they were both very interesting. They seem like very rigorous, I mean standard procedures were followed, et cetera. In their report for the Management Area 1, the researchers predicted a decline in the number of individuals, but an increase in the harvested weight after the Addendum XXVII goes into effect.

I think it's really important to point out that that does not clearly tell us what the effect of landings value would be. It also doesn't explicitly model fishing behavior in the way that economists would, so it has that similar weakness. It's by design it doesn't model these economic linkages that are relevant.

What I thought was really interesting about the methods is that it is similar to Professor Donahue's work in that it is a static kind of equilibrium comparison of the stock, and we're not looking at the path of dynamic recovery. When I was asked to kind of look over these analyses and explain the discrepancy, I think the big takeaway I had was that they actually are very similar, even though one is looking at the economy and one is really looking at the stock.

I don't think that these two reports are mutually exclusive. I think it's very possible that both of the findings could be true at the same time. No one really asked, but because there is this kind of question is, what were the assumption of Professor Donahue, were they reasonable? I think they are very reasonable assumptions that he made.

I would think that this Addendum would have a big economic impact, at least in the short run. But what is probably the most important policy question is what would happen in the medium to long run? To answer that question, you need to know about the recovery of the fishery and the recovery of the economy. This kind of question, it's how big the gains are and when they occur. It could have a really big impact.

If the biomass and the harvest increase, as the Technical Committee predicts that they will. It could be the case that we would have net economic gains. However, if those gains are smaller, or they just take a long time to accrue, it could actually be a net economic loss. I wanted to throw out there that I did a little bit of a literature review when I was asked about these reports. There are a few things I think are really important and interesting to think about. There was this work done by two U Maine professors in the eighties. They were looking at the expected benefits and costs of a similar type of policy, a little bit different in terms of the gauge change. That had a biological element as well as an economic analysis.

I thought it was really interesting when I read it, the biological estimates, in terms of how it affects harvest. It seemed very similar to what was done more recently in 2021. The economics did not look so rosy, so they predicted that there would be gains eventually to harvest, but they would accrue too slowly, so it would be economically undesirable.

I wouldn't put too much stock in that analysis though, because the methods don't meet today's best practice standards. I wouldn't trust those numbers. I only was able to find this one other article looking at how changing minimum size affects harvest, but it was in a recreational fishing context. I'm sure there is more out there, particularly because this question seems very similar to policy changes in the stable fishery in Alaska.

But I didn't have the references to kind of look over and help maybe contextualize what is going on here. But I think the most important thing, and both documents I looked at brought this up. There is this question, a lot of unanswered questions about the market of lobsters, particularly what is this relationship between size and price.

It is well established by researchers that the size/price relationship is really important when

you're thinking about management, so what the economic outcomes are. Most academic research focused on this positive relationship. When big fish get higher prices per unit or per weight, and how that kind of plays into the policy of protecting large breeding females.

But it sounds like in my experience over the past year and in these documents, there is this idea that for Maine lobsters there might actually be a negative size/price relationships of smaller chick lobsters are getting a better price or more desirable. I think that is really interesting, because it could have really big impacts to what are the economic outcomes of management policy.

I think there is like a lot of really important questions that we don't have the answer to, which is limiting our ability to predict what the true economic cost of this policy will be. That's it, that is all I have prepared, but I am happy to answer additional questions. Of course you can ask me now, but if anyone wants to reach out to me, my contact information is there.

CHAIR KELIHER: Great, thank you, Amanda. That was a lot to take in there. Your diagram for the non-economists in the room was probably appreciated, because I think everybody is a non-economist in the room. With that I would like to see if there are any questions from the Board for Amanda. Steve Train.

MR. STEPHEN TRAIN: On that last slide where you referred to Acheson and Reidman's predictions in the eighties, about a measure increase. Did you see what the data was from the eighties to the nineties after the last measure increase, to follow that up?

MS. LINDSAY: Oh, interesting. I have not, so I only stumbled across that article in the past like two weeks. I would say, I am not familiar with the formatting of that type of paper, so it really obscured a lot of their data and their methods, which is why I said I am a little skeptical of it. But that is a really interesting question.

I'm definitely going to check it out, to see if what they predicted manifested. I think the main

problem is that their ex-ante analysis, they were just looking at an increase up to, what was it, like the 88.9 or something, and I don't think that they would have told us what would have been that marginal benefit from just going from '81 to '83.

CHAIR KELIHER: Follow up, Steve.

MR. TRAIN: Follow up. We didn't make that full increase back then; we only went up a little. But the stock was running just slightly ahead of its 20-million-pound, hundred-year average. In the eighties we started approaching 30 and 40 million pounds, in the nineties, 60 million pounds by 2000, and over a hundred million pounds a few years ago.

MS. LINDSAY: Yes.

MR. TRAIN: I don't understand a prediction of an economic loss on a measure increase, when the last time we did it the data showed the other way.

MS. LINDSAY: It gets down to this question about the price, and how the price affects that measure of value, right. They also found, like in the Acheson, they were the eighties. They predicted that the volume in weight would increase, but the number of individual lobsters caught would decrease. Net-Net-Net, they predicted like harvest revenues would increase for Maine lobstermen after this policy took place.

The problem is that they predicted losses for five years, and then only on the sixth year would the benefits come. When you do the final cost benefit analysis, those initial years of losses were not made up for by the gains in their final year of their study. When I'm suggesting there is this question about whether or not this would be good or bad for lobstermen, it's kind of under this idea that when you enforce this increase of size, that at least temporarily the harvest is going to go down.

They may go up five, ten years from now, but that might not be sufficient to make up for the losses accrued in the short run, or it could compensate for it. Like your example saying how we've just seen these steady increases over the past couple decades in our harvest. That is possible. My concern though is, without kind of knowing how long it's going to take and what that recovery looks like, it's hard to know what the economic impact will be.

CHAIR KELIHER: Thank you, Dan McKiernan.

MR. MCKIERNAN: I'm a little confused with some of the final conclusions that were made about there being a negative relationship between the size of lobsters and value, because every lobster market I've gone into, the least expensive lobster per pound is the chicken size lobster, chicken are pound and a quarter. When you get up above a pound and a quarter, it is always an extra dollar at least per pound. I'm skeptical that that relationship is a negative one.

MS. LINDSAY: I don't know have any evidence to suggest it's one way or the other. I'm simply saying that in various papers and in some of these reports that I looked over, there was this suggestion that there was this relationship. I don't think that we know conclusively one way or another.

I have heard concerns of people in the lobster fishery that I've talked to over the past year, that because dealers have consolidated that dealers are buying large volumes of lobster, and if they can't get the size they want from one group of harvesters, they may shift a lot more of their buying to another region.

I think, do I have any evidence if it's true? No, I don't. I'm just saying that if this is true, if there are different features of the market, it could have bad consequences to this policy. There are a lot of kind of ways that this policy could get kind of distorted, when we think about what the economic benefits could be. Does that make sense?

MR. MCKIERNAN: Yes, thank you.

CHAIR KELIHER: I think if there is one thing we've learned, well and kind of watch what is going on with lobster over the last few decades is how dynamic this market is. It's very hard to understand all of these relationships, I think in the end. But this has been very informative. Are there any additional questions for Lindsay? Not seeing anything.

From a Board perspective, is there anything more the Board would like to have looked at? Is there any information that we would like to pull from the TC, for instance, around these relationships? They've already looked at the data along the potential loss of harvest, what would be made up in yield that year. We know those are estimates. Is there anything more we need there? Is there any refining of that data that we would like to see? Steve Train.

MR. TRAIN: I would love to see the Technical Committee talk with economists and use some previous data, like the last time we went up on the measure, to see what the economic impact was the next year, three years, four years. Go that far back if they have to. But just to see beyond what we're seeing for spawning stock biomass and weight, just to see what the possible economic outcomes are after change, with history, not just raw data.

CHAIR KELIHER: I was commenting to Caitlin earlier. I'm not sure, and the economist and the TC would have to tell us. But I'm wondering if this is an apple-to-apple comparison, right, because the resource was in such a different state then versus what we're seeing now. It may be something we could ask the TC to think about when they come together again, to think about, is there a relationship there that should be looked at from the last gauge change to this one, and make that comparison.

MS. LINDSAY: May I make a quick comment?

CHAIR KELIHER: Sure, Lindsay, go ahead.

MS. LINDSAY: I would just say, I think that is the idea of looking at kind of historical evidence of

how that increase affected harvest would be really great. I think it would also be interesting, it looks like in the methods described by the Technical Committee, I'm not sure if it's possible, but it seems like they might be able to summarize kind of the path of recovery, the methods.

The report that they provide say that they compare, they have the models run for 50 years to reach equilibrium, and then they do their analysis. I don't know if it would be perfect, but it would be interesting to see how long the population takes before it reads that new kind of level. It's not a perfectly dynamic analysis, but it could give us a sense of how long it would take to achieve some of those outcomes.

CHAIR KELIHER: I'm going to go to staff, Toni.

MS. TONI KERNS: I just want to note that the datasets that we have from the eighties versus the datasets that we have now are quite different. I don't even know if we have a complete view of what landings data looked like in the eighties. I just caution the Board on the information that you're going to get back.

It may be helpful if we talk to our TC Chair on the side and see what kind of work this will involve. Again, I'm still trying to keep that TC on track for the assessment, and what this will inform the Board of, in terms of its decision making. What action are we informing for?

CHAIR KELIHER: I think that is a really good idea, Toni. We've got some time here, depending on what happens with a later conversation today. There is a timeframe that we have to work within. There is potentially a second gauge change that this could be also very informative for as well. If there are no objections from the Board, why don't we have Toni talk to the TC Chair, Caitlin talk to the TC Chair, figure out what that workload would be, and then bring that back to the Board at the October meeting. Aloha, Mr. Reid.

MR. ERIC REID: Yes, Aloha to you. In Ms. Lindsay's effort, she said she did not take into account fishermen's behavior, which I'm assuming means at

some point if you're losing money, you may exit the fishery. That is not accounted for. But Mr. Train is pointing out a study that was done some time ago.

Is there any way to capture how many people fell out of the fishery due to a gauge change and the negative impact? Of course, fishermen don't usually go too often to work at Walmart, but there was a cost to drop out of the fishery and perhaps enter another fishery, which are these things that produce maybe negative income in the short term for sure. But I'm just interested to know how do you look at the data in the effort, looking at data.

MS. LINDSAY: I think the questions you asked are definitely answerable by economists, not by the style of modeling that Professor Donahue has performed. His analysis is like a macroeconomic methodology that kind of summarize aggregate behavior, so like everybody in the fishery, not particular fishermen. The type of modeling that I do bioeconomic modeling, where you explicitly model economic decision makers, so fishermen, and you explicitly model the fish stock. With those types of tools, which are kind of classified as microeconomic analysis, you are able to kind of look at entry and exit into a fishery. Change in effort could also be fishermen buying larger boats and trying to fish further from shore, or like moving their effort around spatially.

I think the point Michel Donahue refers to that kind of limitation of his model just to say that in defense of his assumption that it will decrease landings 10 percent. Effort changing in behavior can affect what that impact is. Again, it could be the case that 10 percent number is incorrect, and it is also, I think as you say, it's a really important point.

It doesn't necessarily, I mean it does matter in the aggregate what happens, but it also matters what is happening to individual fishermen. Is everyone just making a little less money or are some fishermen forced out of the fishery

completely? It's something to think about. Unfortunately, the current analyses that are out there cannot comment to that.

CHAIR KELIHER: Great, thanks Lindsay. I'm going to take one more question, we've got to move on. Dennis.

MR. DENNIS ABBOTT: I will have a question, but I think we have to keep in mind why we're where we are. There is a reason why we proposed a gauge increase. I think there was an understanding that there would be an initial loss of revenue. A lot of what we did started in the state of Maine.

I don't disagree with anything that Ms. Lindsay, Professor Lindsay stated in her report. I think it's beyond a perception of what is going on, as Representative Golden wrote us in his letter. A question I would have, and I would direct it at Steve Train, a long-time lobsterman with generations of experience in his past. Are you willing to take gauge increase for the long-term liability of your industry?

CHAIR KELIHER: You're asking one member of a 5,000-member fishery, Dennis, so with all due respect, and understanding exactly where Steve is, in relationship to the coast of Maine and how this is impacting him, versus Mid-coast and Downeast. I think it's a very different answer, depending on who you're talking with.

Your point though, Dennis, is well taken that we are trying to be proactive in the face of changes that we are seeing in our juvenile assessment. I think that is certainly why we're here. I would also just remind the Board that we are being proactive for the first time in how we act and how we work as a management board, and because of that it does have challenges that relate to the economic health of our fishery.

I think what I would like to do now is move on with the agenda. But suggest to that the issues that just came up that were raised by Eric Reid, along with the others, becomes a conversation between staff and the TC Chair. We also know that we have a lot of data from sea sampling back into the sixties that

potentially could come up. Maybe what needs to happen at some point is a conversation between Lindsay and the TC, because I think having that dialogue at that level would help answer some of these questions, like these technical questions that are coming up, I think could become part of a dialogue between the two entities. Then if that happens, they can bring that information back. Again, time is on our side here from a management perspective, depending on what happens later in this meeting.

But we will have the ability to have this information coming in as we're trying to make determinations of the next steps with the management approach for lobster. Is that all right? Okay, seeing that. Lindsay, I want to thank you again for your time here today. It was very informative, and we appreciate the input that you've given the Board.

REVIEW DISCUSSIONS WITH CANADA ON COMPLEMENTARY MANAGEMENT MEASURES

CHAIR KELIHER: With that I would like to move on to Item Number 7, which is Review the Discussions with Canada on Complementary Management Measures. I'm going to ask Toni Kerns to give this report, just for the reminder to the Board. There have been a lot of conversations between the U.S. and Canada based on Addendum XXVII impacts to both countries, the flow of lobster.

I had some very good conversations leading up to this meeting, where the idea of having some managers, as well as industry reps from zone councils and the LFAs in Canada, come together, talk about what these things mean, and so Toni will give an overview of the meeting. Before she does, I just want to point out that the document that was in the supplemental materials was one that was submitted to Maine DMR.

That information did not have all of the U.S. reports that were given. Those were compiled, DFO Canada has not responded to that, so that

is very much a draft document that is potentially going to change. Not a whole lot in it, if you had a chance to read it, that really is earth shattering. It's all stuff that we've certainly discussed in the past. I just want to make sure that was clear and on the record. With that, Toni, I'll turn it over to you.

MS. KERNS: For those folks around the table that were at the meeting, if you have anything to add when I'm done, please do so. As Pat said, we had some state staff and some U.S. lobster industry fishermen go up to Canada and meet with DFO staff and DFO fishermen from the maritime regions.

Those maritime regions include the lobster fishing areas that start at the tip of Cape Breton in Nova Scotia, and they go to the Bay of Fundy and the U.S. Canada Border in New Brunswick. We presented an overview of what is going on in United States, in terms of the changes in the size limit in the Gulf of Maine.

We provided information on what the status of our stock is doing, and then Canada provided an overview to us on the status of the maritime region's lobster fishing areas. We found that their lobster fishing areas are all in a healthy condition. Uniquely, they both have stock assessments and management areas for each LFA.

They will either use a catch-per-unit effort to look at the status of the stock, or they will have what they call a weight of evidence, which uses fishery independent surveys to give a status of their stock. They are all in healthy conditions, but they are starting to see some similar trends in declines that we are seeing in the Gulf of Maine. For Canada, in order to make changes in their management measures, they have harvest control rules with pre-agreed upon decisions for actions to be taken if a stock falls below a healthy condition. Otherwise, any change in management has to come from the bottom up, so starting with the LFA, industry making those decisions. In the case since all of their areas are in healthy condition any changes that would be made now would need to start with those industry members.

We provided the rationale of why we're making this change in the size limit for Area 1, and there were some of the LFA industry members that were open to an idea of a change in the size limit, because they are also seeing some changes. There are others that are a little bit more hesitant to want to make that change.

I think that is partially due to the fact that Canada approaches their management slightly differently than the United States does, in that they do have size limits, but they also have some seasons, and some areas have pretty restricted seasons in place. That difference is meaningful to those fishermen.

We also talked about what happens in imports in the United States if the size limit comes into play, and whether current practices for product that is just moving through the country, so bonded products, meaning it is either being trucked or flown through the United States, bound to another country, and whether that product would be subject to these new size limits or not.

I did speak with custom agents from NOAA, and currently bonded product is not subject to the U.S. size restrictions, and that would continue to happen if we do make a change in the size limit, that bonded product could still move through country and not be subject to the changes in the size limit. That bonded product needs to stay sealed; it cannot be manipulated in any way.

As soon as it is transferred or manipulated, then it is no longer considered bonded product. I think at the end of the day, I think there is some interest in Canada to allow their industry to go home and talk to their LFAs, to continue discussions on whether or not they would be interested in either matching our size limit, or coming closer to that size limit.

But they need some more time to think about it. They definitely would not be able to make a change in the regulation prior to January 1,

when our size limit comes into place. Some of the things that came out in the discussion is, would you be able to delay, not delay that size limit increase or not? We sort of left it on the table that we would come back to this Board and have some discussions on what we may or may not be able to do. Is there anything else that Dan, Cheri, or Pat would want to add to that summary?

CHAIR KELIHER: I think you really covered it. Dan, do you have anything you want to add?

MR. McKIERNAN: No. Toni, that is a great description, and it was an eye opener for me to hear the Canadian system, when overfishing or overfished status isn't in play it's a bottoms-up. Really, I credit Pat for convening this meeting, but it was really an opportunity for us as managers to kind of get those fishermen together, the Maine Zone council members and the Canadian LFA industry reps, Lobster Fishing Areas. There was a lot of good exchange. I sense there was some interest among the Canadian fishing representatives to consider this. But as you said, they couldn't possibly do it by the first of January, they would be convening a group called MARLAC, which Pat, you can help me with what that is. But it's an annual meeting of the tribes of the fishing industry and DFO to talk about future management options. If Canada were to follow suit with us, it would probably be sometime in 2025.

CHAIR KELIHER: Cheri, did you want to come to the public microphone? We're going to forego the rule of three here for the table. Yes, step away from the table, Renee, no, I'm just kidding. Go ahead, Cheri.

MS. CHERI PATTERSON: Dan and Toni really did cover it well. However, there was one thing I wanted to mention is that when asked how long it could take them to pull together regulations, we were informed that June 1st would be the timeframe that if they were interested in doing this, that they could pull these regulations together.

CHAIR KELIHER: I think the conversations with Canada, I think certainly have been affected properly, and I think they were very positive. I think

what Canada was feeling on the LFA side was the fact that this was being forced on them by the U.S. There was certainly those type of concerns expressed around the table from the LFA Reps that wanted to be able to have these conversations in a way that was going to be more informative in a time that allows them to be able to have really meaningful conversations with the harvesters.

We had a lot of complaints from our Canadian LFA Reps that were there to say, our fishermen are fishing right now, that is why they are not at the table, which I pointed out that every fisherman from the U.S. that were there gave up fishing to be there. I think frankly a lot of it is culture, how things take place, how the meetings happen when their fisheries are happening.

They have very few, it seems to me, very few of those kinds of back and forth between harvesters and DFO. I do want to make sure it is clear for the table that we're talking about the LFAs in Canada that touch the Gulf of Maine. The Gulf of St. Lawrence, those LFAs around Newfoundland, Magdalen Islands in particular.

Those fisheries are going gang busters, like the Gulf of Maine fishery here was going back in the early 2000s up until 2016, where we set harvest records. We're not expecting to see any change from about the St. Lawrence Region, we're talking about the LFAs possibly around Southwest Nova Scotia and the Inner Bay of Fundy making those type of considerations.

We're expecting that those will be meaningful conversations that are likely happening since that meeting, through until the MARLAC, which I can't remember what the acronym is either, and I'm not going to phone Toni. Toni is going to look in her notes. But that meeting will happen in September.

We will certainly be more informed after that. Any questions from the Board regarding these conversations with Canada? I would say from my standpoint, the idea of having if we can see

changes both in the U.S. and Canada from a gauge perspective on both sides of the border, certainly that will be a much bigger conservation benefit for the Gulf of Maine. Dan.

MR. McKIERNAN: Yes, one other positive outcome of the meeting was I think there was a consensus that the U.S., our Technical Committee should have a regular check in with the Canadian folks who are basically assessing the same stock on the other side of the line. I look forward to that in the future.

CHAIR KELIHER: Yes, I think what we saw, as Toni reported, very different management approaches using very similar, well not even similar datasets, right? We're assessing juvenile side of the stock, where they are using CPUEs and looking at landings, so very different approaches, but trying to achieve the same outcome. I think having that science exchange is going to be really important. Jim Gilmore. Nice to see you, Jim.

MR. JAMES J. GILMORE: Just years back when I know New York's fishery pretty much collapsed, whatever. But there was this issue sort of a similar thing, where all the lobsters were coming from Maine, and there was an issue about exactly what Toni had gone into, they had to be sealed. But there was really not much of an issue for us, because we didn't have a fishery, so we didn't have to do a lot of oversight out of that.

But you in the north, now you are going to have more of Canadian lobsters coming in. Is that going to be an increased work load for you, because now you could have different gauges, different markets, so now you are going to have to watch that a lot more closely than we had to. Just curious if you thought about that.

CHAIR KELIHER: We thought a lot about it. I think that is what we'll really one of the conversations around Addendum XXX that we have coming up on the agenda, and how we would deal with that. The conversation around bonded produce, just so it's clear for non-border states. Bonded product coming through the United States is really driven by the fact that the country of origin, in this case being

Canada, doesn't want to pay tariff and taxes at every country that it stops in to its final destination, so it's bonded and sealed.

Toni talked about having the conversation with NOAA Law Enforcement Agent that deals with that stuff. We do border inspections with NOAA OLE, and Homeland Security; Maine Marine Patrol does. We're not looking at any shipment or any truck coming into the state or through the state of Maine or through the United States that is a sealed bonded truck.

That is all done in the country of origin. It is all done based on the regulations of where that shipment is going. The only shipments that we look at are ones that we know are going to come into the United States, to make sure that they are consistent with our regulations here. Dan.

MR. McKIERNAN: Pat, I'm not sure you've been clear enough. The bonded product is heading out of country, typically through the airport. CHAIR KELIHER: Yes, I'm sorry, bonded product is leaving Canada, going to a U.S. airport, and then flying overseas. Yes, anything else on this item? Dan.

MR. McKIERNAN: Well, we have two orders of business today that is coming up. One is Addendum XXX and the other is, I would like to start a discussion on doing what we just discussed was a topic of conversation in Canada, which is a potential delay in the implementation of XXVII. Which would you rather take first? The delay, okay. I have a motion that I have shared with staff, and consistent with the mood and the theme and the details of our conversations, I am interested in a small delay to the middle of the year in 2025, to implement the biological measures of Addendum XXVII.

When I say the biological measures, what I mean is the gauge increase, as well as the standardization rules that are going to affect Outer Cape Cod. But I'm not including the trap

tag issues that Cheri and I both have to implement for 2025, which is no longer giving out 10 percent. That is kind of mentioned in the body of the motion.

By delaying this until July 1st, it certainly sends a signal to Canada that we want to minimize the impact on their fishery in the year 2025, because most of those fisheries finish by June 30th. Pat, that was one of the reasons the Canadians were complaining because they only had two days left of fishing, because it was the last few days of June, and they just wanted to get their final days in, because then they pull their gear out for the rest of the year.

This would delay for six months, and as far as the Massachusetts fishery goes, our fishery is closed in our state waters in Area 1 until the right whales leave, which is typically the first week of May, and the shed really kick in until the end of June. I'm interested in delaying this until July 1st, and I would be interested in hearing any other discussion, especially from my New Hampshire neighbor, since this Area 1 fishery is shared by the three states of Maine, Mass and New Hampshire.

CHAIR KELIHER: Dan, if you would, would you read the motion, then I'll ask for a second.

MR. McKIERNAN: **Move to initiate an addendum to delay the biological measures implementation date of Addendum XXVII until July 1, 2025. Specifically, biological measures under Section 3.1 that created common size limits for state-only and federal permit holders fishing in Outer Cape Code would be implemented effective July 1, 2025. Similarly, management measures triggered under Section 3.2 would be implemented by July 1, 2025 starting with the Year 1 measures, and subsequent management measures (additional minimum size increase in Area 1 in year 3. Vent size increase in Area 1 in year 4; maximum size reduction in Area 3 and Outer Cape Cod) would be implemented by July 1 of the calendar year for which they are required. Trap tag issuance regulations regarding the routine issuance of 10% additional trap tags in Areas 3 and 1 above the trap limit or allocation would remain unchanged.** It would mean leaving

the trap tag issuance intact and then creating a new addendum, which would alter the effective date of the biological measures.

CHAIR KELIHER: Great, thank you, Dan, do we have a second? Steve Train seconds. Discussion on the motion. Renee.

MS. ZOBEL: Dan, may I ask you a question about why July 1? In the meeting with Canada, we heard that they said they could move potentially move forward regulations by June 1. June 1 also happens to coincide with one of the dates of lobster management, not the permit year but the trap tag issuance year. Just curious on why not stick with kind of known management date instead of going to July 1.

MR. MCKIERNAN: Renee, it is my impression that many of the Canadian fisheries remain open until June 30. This would hold harmless, not the dealers, per say, but it would hold harmless the harvesters until that date, until the end of their season. Otherwise, you're asking them to make a significant change toward the tail end of their season.

As far as our May 1 fishing year. We have a start date of fishing year and trap tag gear, and one is May 1, one is June 1. That doesn't make any sense to me, so what is the difference having a third stock date. I'm easy on that, but that was the rationale, to try to get to the end of the Canadian harvest seasons that at least we know about. I am not an expert in all of the Canadian seasons, but I believe June 30 is a common closure date. Pat, am I right?

CHAIR KELIHER: Yes, I think based on the conversations with Canada we heard from most of the majority of the LFAs their seasons were just ending, and we met at the end of June. Any additional questions? Steve Train.

MR. TRAIN: Not a question, just the reason I seconded that, and I might have surprised some people, because I know I've been advocating this. We have definitely seen issues with the

fishery, is the dealer is really messed up with this too, the processors especially, and they need more time to figure out what they are going to do as we wait for the Canadians to come onboard if they are going to. This will give them one more season of Canadian product in the spring where they don't have to worry about it. Then if Canada doesn't come onboard, at least I've got another year to make a plan. I'm hoping Canada comes aboard.

CHAIR KELIHER: Any other questions from the Board? I know there is a lot of people here who came a long way from the public. Is there any member of the public who would like to make a comment on this motion? Kristan Porter. I'm going to keep you guys to just a couple minutes, if you would, please. We won't time you, but Caitlin has got a big hook if you run too long.

MR. KRISTAN PORTER: Thank you, Mr. Chairman. My name is Kristan Porter, I am President of the Maine Lobsterman's Association. I fish out of Cutler, Maine. I just want to support this motion made by Commissioner McKiernan. I guess a couple more things I want to add. I too was at the meeting in Canada.

The meeting went very well. I think there is some support for this from some of the fishermen in Canada, but I think there is also going to be some pushback. I think there is also, we need to know what may happen if we all can do this together. There are also some issues if they decide they don't. One of those issues is where I fish in the gray zone. They need to figure out how that is going to work, you know with two people fishing the same area on a different measure.

The July 1 delay would definitely help us for next year, because they move in there. Their season ends on June 30. At least next spring we would have the same measure for at least that amount of time, until we can get this straightened out. The other issue, I just want to say to that is kind of coastwide is July 1 works better, because you're just about to the molt. Springtime typically is a harder go, and you're fishing on stuff that is closer to the

measure. Economic impact to fishermen would be better for July 1.

Because you have the new molt coming rather than making a hard rub of it in the spring. Those are just the points I want to make that didn't get stated here. But I do think that July 1 is a better fit for everybody. I know there are some processing/dealer issues that probably others will talk about, but thank you.

CHAIR KELIHER: Thanks, Kristan, anybody else in the public? Drew. Billable hours, Drew, so I'm going to leave you to a minute.

MR. DREW MINKIEWICZ: I work on a flat rate, so don't worry about it. Drew Minkiewicz for the North American Lobster Alliance. The North American Lobster Alliance is the dealer and processors from Maine to Massachusetts. We support this motion. For the dealers, July 1 is an important date, because of the Canadian fishery.

The processors only process around eight months of the year. April, May, and June, almost 100 percent of the lobsters that they process come from Canada, because there is not enough supply in the United States from the fishery to supply them. It's a necessity. If they don't process those months, they are not a profitable company.

They will go out of business. They need those months to get the product ready going into the summer season, where people buy more lobsters. This is crucial to allow for them to adjust and to see if the Canadians come along. Leaving aside whether or not Addendum XXX is correct, and whether or not 3 and 1/4 is the standard to go for, that is another discussion. But the intent is to at least at the state level, prohibit possession of anything under 3 and 1/4. This is critical for the processors.

We hope that you will pass this and that we can continue to work collaboratively in addressing how to conserve the species, and also conserve

the dealers and processors in this process. I will note that at the Canadian meeting the dealers and processors were not invited to the meeting. We do wish to be at the table to be part of this process.

There is a lot of discussion about bonded product coming through the United States. To be very clear, that helps Canadian dealers, that is of no assistance to U.S. based dealers and processors, because once you possess the United States it is no longer bonded, that exemption goes away. I find it interesting that out of the Canadian meeting there were concerns about the Canadian dealers and what would happen from this.

But there were not any proposals or prospects addressing the issues facing U.S. based dealers and processors. We want to be at the table to be part of the solution, as we look to make sure this fishery continues to be viable going to the future, and also the business model of my clients remains viable. Thank you.

CHAIR KELIHER: Thank you, Drew, anybody else from the public? Ginny Olsen and then Dustin Delano. Can you hit the button, Ginny? There you go.

MS. VIRGINIA OLSEN: I just wanted to say that this delay would give us some time to actually evaluate the number of Maine fishermen that are still fishing and have not left the fishery, now that we have mandatory reporting and latency. I think it's important to see how that impacts the conservation in Maine.

I also wanted to follow up on that bonded comment. I agree 100 percent. The unintended consequences of these sort of things are, if we don't have the size that the market is looking for, meaning the restaurants and wholesalers out there, then they are going to go to another source and if they have that size, be it in Canada, then they can easily say, you know to get these ten crates of lobsters you need to take these ten crates more, and that takes another sale away from Maine. Thank you.

CHAIR KELIHER: Thanks, Ginny, I appreciate it. I think that question about harvesters leaving the fishery is something we do need to be keeping our eye on. I'll look at Jeff, I mean I would think, is that from an assessment standpoint that effort side of the assessment. Are we looking at anything like that? Maine had 250 harvesters leave the fishery this year. We're going to see more going in the future Then we're not talking just latent licenses. It's something we probably need to look at from all of the states from Gulf of Maine perspective going forward. Dustin Delano.

MR. DUSTIN DELANO: Thank you, Chair, my name is Dustin Delano from the New England Fishermen Stewardship Association. I'm also one of those people that left the fishery, unfortunately, but I just want to also give my support for the July 1 delay, and to express my appreciation to the three Commissioners that went to Canada and initiated these conversations.

You already received comments from us in your supplemental about why the July 1 date is crucial, but there are many benefits that have already been laid out here from harvesters, and from the dealer perspective as well. The hurdles of possession would be a problem with a June 1 implementation, and cause for a lot of these dealers to have to shift the way they do things in the middle of a very busy time. We appreciate your consideration, and hope that you will move forward with the motion.

CHAIR KELIHER: Great, thanks, Dustin. Dan McKiernan, before I call the question.

MR. McKIERNAN: No, I have one other question I would like to propose before we take a vote. That would be, what can the timing be of enacting the rules, and I guess this is a question for the three states that have Area 1 fisheries, and maybe Rhode Island. I would like to see it enacted sooner than later, so that the gauge manufacturers really do produce the gauges, and this isn't perceived as a perpetual

kicking of the can. If you would allow me, Pat, to some just re-consensus about what our limitations are on rulemaking. What is the fastest we could get rules on our collective books, Pat?

CHAIR KELIHER: From Maine's perspective, it takes us about 100 days to do regular rulemaking. I have not thought about it from our regulatory workload that we have right now. But we go through both in the fall we'll be doing our scallop and urchin regs, so it would come after that cycle. We would probably start the process, probably after the first of the year, for implementation in the spring. Late winter, early spring for Maine.

MR. McKIERNAN: Is it possible for you to do it by the winter meeting, or is that too soon?

CHAIR KELIHER: To have it implemented by the winter meeting? We would not. Not with the current regulatory workload that we've got in place right now.

MR. McKIERNAN: Okay.

CHAIR KELIHER: Yes, definitely by the spring meeting though.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Thank you, Chair. If this motion passes, the Board is going to need to talk about a timeline for developing and approving the Addendum and public comment. Is it draft at the annual meeting, final approval at the winter meeting, or is there something faster that this Board has in mind? I think that is probably a conversation for after. We don't need to know or have that conversation until we get an addendum.

CHAIR KELIHER: That's a good placeholder for that, thank you, Bob. Renee.

MS. ZOBEL: I can just speak to our process. If it's through an ASMFC Fishery Management Plan Action, we can move very quickly. We could have it on the books fairly quickly, and have the public process.

CHAIR KELIHER: Alli Murphy.

MS. ALLISON MURPHY: Sorry to delay the vote here with a quick comment. I think I made similar comments last fall when a potential delay was discussed previously. I am going to speak against this motion. I think we talked earlier in this discussion about how these measures were intended to be proactive, and every time we delay these measures, we limit their benefit. We continue to urge the Board to be as aggressive and proactive as possible in setting Addendum XXVII resiliency measures.

CHAIR KELIHER: Great, thank you, Alli. Last call for comments on the motion. Do we need a minute to caucus? You don't need a minute to caucus. I know we have one objection. Are there any other parties who object to this motion or nulls? If not, Toni, how do you want to handle that?

MS. KERNS: You can just ask if there are no objections, and if there are none then carry forward.

CHAIR KELIHER: Well, we have one objection. Do you need a caucus? Listen, we've been up since 3:00 a.m. Don't confuse me now. **All those in favor of the motion on the Board please raise your hand. Nine, hands down please. All those opposed, one. Any null votes? No null votes. Motion passes 9-1.** Okay, thank you. I'm going to turn back to Dan McKiernan.

MR. McKIERNAN: Can I ask about the timing of what staff perceive?

MS. KERNS: I think the Board has two options here. This is a pretty simple document. All it is doing is saying we are going to delay the Addendum. We'll write up a statement of the problem, sort of a summary of a little bit of the conversations that we've been having with Canada, and why we are delaying the document, and then it will have one option in the document.

Staff can write that document up and e-mail it out to this Board, and this Board can e-mail approve the document. We can have it out for 30 days, whether or not we need to do public hearings in-person or not would potentially make a difference on whether or not we could bring then public comment back for final action in October.

That is an extremely fast version of us doing something, and we would need your cooperation, in terms of moving things along and getting information from you all very quickly. The other thing that we can do is wait to approve the document in October, and then do a special meeting of the Board in probably mid-December. That will be still fast, but the other version is so that we can get this done prior to January 1.

CHAIR KELIHER: Thank you, Toni, Dan.

MR. McKIERNAN: Pat, I would seek your guidance. Do you think if we fast track this and got it approved at the fall meeting that would send the signal to Canada that they could proceed? Would that be a preferred time?

CHAIR KELIHER: Yes, I think so. I think I agree with that assessment, Dan. I think it gives a good signal to Canada that we're doing this in good faith, for them to carry out some additional conversations with the LFAs, understanding that their timeframe is coming in September, but we would be voting on it at the fall meeting.

I say that, I look back to staff to make sure. I like the concept of a very simple document here. I think we've just heard from members of the industry who are supportive of this approach. I would recommend that we just have one coastwide webinar for a hearing, just to simplify this. I don't know if there are any objections from the other states, but the simpler the better here. Then we would compile that information and bring it to the Board in October. Bob.

EXECUTIVE DIRECTOR BEAL: Just one additional comment to what Toni said. If this Board is a little bit uneasy about approving an Addendum via e-mail

vote, we could do a quick webinar of the Board and they could go over it, make any comments on edits and that sort of thing. If that part is hanging anybody up, we could do a webinar.

CHAIR KELIHER: Is that something we could determine on the fly, Bob, yes? Does that sound good to the Board? Okay, so with that in mind we will take the faster track from a timeframe, simplified document, e-mail to the Board. The Board would determine at that time whether we can do with a simple e-mail vote and dispense with that, and then we would schedule a single webinar, coastwide webinar, to garner public comments on the document with final review, and vote at the annual meeting in October. Seeing all nods around the table, great, thank you very much. Dan, do you have anything else on this? Nothing.

CONSIDER ADDENDUM XXX ON THE MITCHELL PROVISION FOR FINAL APPROVAL

CHAIR KELIHER: I'm going to wait for my computer to wake up. Moving right along, we're going to go to Item Number 8, which is Consider Addendum XXX on the Mitchell Provision for Final Approval. This is a final action on this document, so I am going to give the floor over to Caitlin for an update, reviewing the options and the public comment summary.

MS. STARKS: This is consideration of Lobster Draft Addendum XXX, which is on this foreign import minimum size recommendation that would come from the Commission. Just a quick reminder on the timeline of the development of this document. The Board initiated the Addendum back in January of 2024, then approved it for public comment in March. I'm going to keep going while she pulls that up. The document was approved for public comment in March, and then the public comment period and hearings were held from March until early June. At this meeting, the Board is reviewing the public comments and considering the Addendum for final approval.

Then if this Addendum is approved, the Commission's recommendations would be forwarded to NOAA Fisheries. As a reminder, the Board initiated Draft Addendum XXX to address how gauge size changes like those triggered by Addendum XXVII would affect foreign imports of live American lobsters.

As we've discussed, last fall the trigger index established in Addendum XXVII declined by over 35 percent from the reference period, which triggered the implementation of a series of management measures, to protect the Gulf of Maine/Georges Bank spawning stock biomass. The first of those measures is the gauge increase in LMA 1, and then to allow more time to communicate with Canada about those management measures between the two countries, the implementation date was delayed to January 1, 2025.

I'll skip the tables, since it is not showing. But the issue of imported lobster is related to the Mitchell Provision of the Magnuson-Stevens Act, which prohibits the import and sale of lobsters smaller than the minimum possession size in effect under the Commission's FMP. The Mitchell Provision was intended to prevent smaller lobster than what the U.S. industry could catch from coming into the U.S. market. Given that the 2025 and 2027 changes in minimum size for LMA 1 would also change the minimum size for lobster entering the U.S. under the Mitchell provision.

The purpose of Draft Addendum XXX is just to clarify the Commission's intention regarding the LMA, which would be (muffled microphone) and then 3 and 3/8 inches in 2027. This is consistent with the intention of the Mitchell Provision to limit live lobster imports into the U.S. to be no smaller than what the U.S. industry can legally land.

PUBLIC COMMENT SUMMARY

MS. STARKS: Can you go to the public comment summary? I'm going to go through the public comment summary. As I mentioned, our public comment period for Addendum XXX was in March to early June, and during that time we held two

virtual public hearings. The combined public attendance at those two hearings was 35 individuals, although some of those folks attended both hearings. At the hearings five public comments were provided. Then a total of 117 written comments were received as well, including 13 letters from organizations and the remainder from individual stakeholders. The table on the bottom is giving an overview of the support or opposition to the proposed action in Addendum XXX.

As you can see, a significant number of comments did not address the Addendum directly, and those are counted in a separate “other” category. Of the comments in support for Addendum XXX, the reasons given were one, that allowing imports to be smaller than the new gauge size would increase the negative economic impacts to harvesters, and two, that if imports are not handled as recommended in Addendum XXX, then U.S. lobstermen would be put at a huge disadvantage and would lose money and be put out of business.

The comments that opposed Addendum XXX generally focused on these three issues. First, the negative impacts to the processors that would result from restricting imports to the U.S. minimum size in effect. Some examples were that it would disincentivize processors from operating in the U.S. that the Canadian chick lobsters are what keep those U.S. processors going before the U.S. lobster season can supply them, and they estimated a 20-million-pound reduction in Canadian lobster imports, and a loss of 128 million dollars to the domestic industry.

Comments also mentioned concerns about supply chain disruption, and noted that Canadian dealers don't have sufficient workforce and facilities to physically grade large volumes of lobster by gauge size. Some general comments were submitted by Canada. These raised the question of how this action considers mutual obligations under trade agreements

between the U.S. and Canada, as well as questions related to the necessity of the action. How achievement of the objectives will be measured, what alternatives have been considered, and the relevance of this action for lobsters traveling in-bond, which we have discussed. The other comments submitted were largely about the LCMA 1 gauge increase that was triggered by Addendum XXVII, and asked for that measure to be canceled or postponed.

CONSIDER FINAL APPROVAL OF ADDENDUM XXX

MS. STARKS: Some of those comments also mention that trap limits should be considered instead, larger lobsters should be protected rather than smaller ones, and that the U.S. and Canada should have the same minimum gauge size. With that, we have the final approval of Addendum XXX up for Board consideration today, and I am happy to take any questions.

CHAIR KELIHER: Any questions for Caitlin? Seeing no questions for Caitlin, what is the pleasure of the Board? Doug Grout.

MR. DOUGLAS E. GROUT: I would like to make a **motion to approve Draft Addendum XXX.**

CHAIR KELIHER: Okay, we have a motion by Doug Grout, seconded by Dan McKiernan. Doug or Dan would you like to give any additional rationale?

MR. GROUT: Not anything additional, other than I think it's important and that I think it's something that in the original document is what we intended, the original Amendment XXVII.

CHAIR KELIHER: Go ahead, Caitlin.

MS. STARKS: I just wanted to clarify, if your intent was to have it be effective today, and if so, can you read it into the record again, because we added a word.

MR. GROUT: Be glad to. **Move to approve Draft Addendum XXX, effective today.**

CHAIR KELIHER: Dan McKiernan.

MR. MCKIERNAN: Yes, the only comment I would like to make is based on the conversation we had earlier as a Board about the so-called bonded product. It's my understanding bonded product, as you mentioned is coming into the country but heading out of the country going to a foreign country overseas, capitalizing on Logan Airport primarily, I guess, that wouldn't be affected by this. As was mentioned by Toni, it's for product that comes in that is intended to be comingled and opened, et cetera.

CHAIR KELIHER: Eric Reid.

MR. REID: There is a lot of rules with bonded product. You can't just take a bonded truck and drive up to Southwest Airlines and unload it. You have to go through a bonded warehouse, you know an agent to this bond, that there are a lot of rules. The amount of safeguards, I guess is what I should say. I'm not worried about that in any way, shape or form.

CHAIR KELIHER: Steve Train.

MR. TRAIN: Judging by the last vote we made that is going to actually change our sizes in July of '25, is there a rush to implement this today, or could we put the same effective date on it? The reason I ask is because we made changes in the last six months, and I don't know if we want to have to change a lot of things all at once.

CHAIR KELIHER: Thanks Steve, Toni.

MS. KERNS: Steve, it doesn't make the change for the size limit to be effective today, it's just showing our intention of, if and when size limits change that it is our intention that the Mitchell Provision pertains to those changes in size limit. It is just stating our intention of what that size limit change means.

I think it is good that people understand what our intention is, and so making that known to everybody provides clarity for individuals when

they're trying to understand how these rules may or may not apply to them in the future. That would be the rationale of why you would have it effective today.

MR. TRAIN: Thank you.

CHAIR KELIHER: Additional comments or questions from the Board? Not seeing any; I would like to quickly go to the public, because I know we've got people here that have traveled to speak on this issue. The first on the list is Bob Blais from East Coast Seafood.

MR. BOB BLAIS: Thank you. Yes, I'm Bob Blaid, East Coast Seafood. We have been in the lobster business since our inception in 1981. We own a Canadian lobster company, we're a Maine dealer or Mass dealer. We're a Massachusetts lobster processor. We cover all the bases here. The restrictions that we're imposing here with Amendment XXX is going to reduce number of lobsters coming through New England dealers and New England processors. It is going to inhibit our ability to stay in the processing business in the United States.

We're only processing for eight months as it is. We rely on Canadian lobsters when there are no domestic lobsters available. Those months are April, May and June or May and June primarily, and then at the end of the year from the amount of time is November into December. By reducing, by limiting us on what we can bring into the country limits what we can process, and may not be beneficial to process at all, to keep all that processing plant and equipment around without any activities on that end of it.

CHAIR KELIHER: Thank you, Bob. Bob, I am going to have to keep people to one minute, because we've already got public comment on this. I'm going to let you just wrap it up, if you would, please.

MR. BLAIS: Okay. I don't understand how we're protecting the Canadian fishery in with the bonded plan of being able to bring product through the country and not go through dealers. It should be

allowed to bring any size lobsters into the country. I don't agree with the Mitchell bill, and since then we've had NAPTHA and USMCA and I believe those three practice it now really makes the possibility that the Mitchell bill conflicts with the current USMCA.

CHAIR KELIHER: Okay, thank you, Bob, thank you for your comment. Anybody else on this topic? Drew. Again, Drew, we're keeping everybody to one minute on this one.

MR. MINKIEWICZ: Got you, Drew Minkiewicz with the North American Lobster Alliance again. I just want to say, in the summary of the comments it was not noted that we commented that 3 and 1/4 inches is still the minimum size in effect in the lobster management plan, so under the Mitchell Provision it is still 3 and 1/4 inches, just with that plan.

This is an unnecessary action. Also, just looking at the comments for, I would disagree with the factual accuracy of the comments supporting Addendum XXX, and I would also note that there is no conservation benefit to what you're doing here. This is not helping the lobster fishery or the conservation of lobster in any way, shape, or form. Thank you.

CHAIR KELIHER: Thank you, Drew. I'm going to turn to Toni, you've got a quick comment?

MS. KERNS: Just to clarify for the record. The coastwide minimum size is a floor in which no LCMA may go below, it is not a size limit that any LCMA would have in effect at the time the measures change. In the Mitchell Provision it says, "in effect in the Commission's plan," and the size limits are done via each LCMA, so the coastwide floor doesn't apply to the Mitchell Provision.

CHAIR KELIHER: Back to the Board. Any additional comments? Seeing none; do we have any opposition to this motion? **This is final**

action, we have to have a vote, is it a roll call vote, Toni?

MS. KERNS: We can have states raise their hand and I can just call out.

CHAIR KELIHER: You; will read the names, okay, great. All those in favor of the motion that is on the board, please raise your hand.

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

CHAIR KELIHER: Great, and any null votes?

MS. KERNS: No.

CHAIR KELIHER: Nulls, abstentions.

MS. KERNS: NOAA Fisheries.

CHAIR KELIHER: Great, motion passes 9, 0, 0, 1, you had 10? Motion passes. Okay, that concludes the conversations and final action around Addendum XXX.

VESSEL TRACKING WORKING GROUP REPORT

CHAIR KELIHER: We're going to move right along to Item Number 9, which is a Vessel Tracking Working Group Report. Caitlin is going to give an update on the Work Group, and then considering the time I'm going to have a couple comments about maybe the next steps here with this approach.

MS. STARKS: The Board tasked that the Vessel Tracking Work Group was responding to was to task the Addendum XXX Vessel Tracking Implementation Group with input from the LEC. This was in response to industry raising concerns about privacy, related to the Addendum XXIX requirement for the tracking devices to be on at all times.

The Board task specified that the Work Group should investigate modifications to the 24/7 vessel tracking requirement, which still ensure monitoring of fishing activity while acknowledging that

fishermen also use their boats for non-fishing reasons or other personal reasons. The task included getting input from the LEC, and reviewing the existing processes for when VMS devices can be turned off.

I'll start off with the VMS processes. The important takeaways that the Work Group found are summarized here on this slide. The first thing to note is that the VMS regulations for Atlantic fisheries required VMS devices to be on and collecting data 24 hours a day unless they are authorized to power down. Exemptions are only given to allow a device to power down in specific circumstances, and those are when the vessel will be out of the water for over 72 hours. When a vessel signs out of the VMS program for more than 30 consecutive days, and does not move from its mooring until that VMS device is turned back on. Then if the vessel is issued a Limited Access General Category Scallop permit, is not in possession of scallops, is tied to its permanent mooring, and has notified NMFS of the power down. The regulations also require a letter of authorization from NMFS to be issued to the vessel owner, and that must be applied for via written request and provide information to NMFS, including the vessel location.

The Work Group also noted the following additional information related to VMS. First it clarified that VMS user can declare out of the fishery, but that does not mean the VMS device stopped collecting tracking data. Additionally, VMS devices are capable of geofencing, and it is currently used in some cases to change the ping rate when a vessel enters or leaves specific areas.

But geofencing is not ever used to automatically turn off a VMS device in certain areas. Then lastly, the fastest ping rate for VMS devices is one ping every five minutes, and the national VMS regulations currently do not allow for a faster ping rate. Moving on to the Work Group suggestions for possible modifications in response to their task.

There were two main strategies the Work Group discussed. The first is the use of geofencing, which involves defining an area or boundary that when crossed it would trigger an automatic change to the device ping rate. The second strategy would be what the Work Group call a snooze function, and this would be a process for setting a device to not collect spatial data for a pre-determined period of time.

With the geofencing strategy, the Board would need to define the areas where the ping rate would be different than the one per minute rate that is in Addendum XXIX. It would also need to define what that different ping rate would be, for example one per day, or something else. A big issue with this strategy is that the currently approved devices are not all capable of geofencing.

This wasn't something that was required in Addendum XXIX, or when our request for proposals was released. Specifically, the Viatrax devices, which make up the majority of devices in the non-Maine fleet cannot use geofencing right now. Another concern with this is that in order to use geofencing, you need cell phone service to register when a vessel crosses cell service, not cell phone service, to register when that vessel crosses its defined boundary and adjust the ping rate at that time.

But cell service is not available everywhere these vessels would be going, and so that would mean the devices would need to be satellite rather than cellular, to use this approach, and that would be a high cost with that one-minute ping rate. The other approach of implementing a snooze function would require establishing a process, where a web form would be submitted to request a temporary snooze of a particular device during a period of non-fishing activity that is specified.

Then if that request is approved, the device would stop collecting data for a period of time defined previously in the form, and after that period of time it would automatically wake back up and resume data collection. Of the currently approved devices, Viatrax and Particle are capable of doing something

like this, but it would increase the cost to have this function, because of the development fees and increased subscription fees. Additionally, this type of process would require states and/or the vendors to process and approve snooze requests and disable the devices. One plus side that was discussed about this strategy is that it would create a record of every time a device is snoozed, and that could help mitigate abuse of the function by bad practice.

Both of these approaches come with some concerns about data loss, but geofencing more so than snoozing. With geofencing we would lose data on fishing effort in the areas where the ping rate would be slowed down. For example, if this approach were implemented and a boundary was set for the devices to start pinging at the one-minute ping rate, once they crossed the three-mile line, for example.

Then data for fishing activity inside the three-mile line would be lost. As discussed in Addendum XXIX, the ping rate of one per minute was selected because that is the rate that allows us to be able to identify fishing effort, whereas slower ping rates than that are incapable of doing that.

But because a significant number of slots or trips do occur in state waters, this would be a big loss of data. Additionally, it might create some challenges for trips in both state and federal waters if we only had a track for part of the trip. With the snooze function, if it's used correctly, so only when a vessel is not fishing, and there shouldn't be too much data loss, but there is a chance of fishing activity not being captured while a device is snoozed. As requested, the Working Group got input from the LEC, Law Enforcement Committee on these ideas.

One thing the LEC noted was that tracking has helped to reduce the misuse of trap tags. Not having tracking in state waters would create a loophole there. With regard to geofencing, the LEC was concerned that it would be easier to

cheat inside the defined boundary, and that because they are able to get quicker access to spatial data where cell service is available, which is more of the inshore area, it could potentially slow down investigations of already suspected vessels.

In general, the LEC commented that the vessel operators should not be allowed or able to turn devices on or off themselves, and if that were the case it would be extremely difficult to enforce the requirements, because law enforcement wouldn't really be able to determine whether a device was purposely turned off or if it failed, and lastly there was a discussion about defining what are fishing versus non-fishing trips.

The LEC and the Work Group both agreed that with either of these strategies it would be really critical to implement clear rules around non-fishing trips, such as prohibiting any bait, gear or lobster being onboard during those non-fishing trips. The Work Group had a few additional things for the Board to consider as well.

One is that since tracking was implemented the states have seen improvement in trip reporting, with fewer errors in those reports. Second, they noted that if the Board pursues this further it could make it so permit holders could have a choice about whether to get a new device or upgrade to a device that is capable of one of these strategies, but not require everybody to get a new device if they don't want to. Then lastly, they noted that some of the currently approved companies would have to make some significant investments to modify their devices to be able to use satellite service. Because the devices have already been purchased, there might not be a huge financial incentive to pursue those modifications, and that could potentially limit the availability of devices that would be able to accomplish these strategies. That's all I have, so I'm happy to take any questions.

CHAIR KELIHER: Any questions for Caitlin? Steve Train.

MR. TRAIN: Thank you, Caitlin. Geofencing thing looks a little more complicated, but the snooze

option. Say somebody like me that lives on an island and I'm not fishing on Sunday. You have to call in Sunday morning and say, I don't want my tracker, I want it to be snoozed on Sundays, because we're going boating? Can I do that once a year and say Sundays I'm not fishing, or is that every time you go?

MS. STARKS: The way the Work Group discussed it, it would be a one-time request every time you want to snooze the device. It would be web form, it wouldn't be like calling in and saying, I want my device to be snoozed.

MR. TRAIN: You have to call and tell them you want this snoozed? It still is, for something that is used like an SUV for about half the fishermen in the state of Maine. It's like a plumber's van or electrician's van. You use it for everything, not just when you're working. It seems onerous.

MS. STARKS: Those are the two things the Work Group came up with that would be viable things that our devices could do.

CHAIR KELIHER: Any other questions? I'm going to phone a friend, Kurt Blanchard, could you come to the table? Kurt, to my question that I keep rumbling around here in my head is just kind of prima facia evidence, as far as being on and off, or literally being on or off the boat, the tracker being on or off the boat. Is that something that could simplify an enforcement approach here, if it's not on the boat or if it's not on, it's prima facia evidence of a violation?

MR. KURT BLANCHARD: I'm not clear what you're asking. Are you asking if the device is on the boat or the device is turned on while on the boat?

CHAIR KELIHER: It could be either.

MR. BLANCHARD: Currently the way it's worded now, that would be prima facia evidence for violation.

CHAIR KELIHER: Thinking about Steve's example, where on a Sunday, non-fishing day in the state of Maine, he is using his boat to go into town to get groceries or whatever, he just removes it. I mean we would obviously have to have language change within the plan. We would have to have regulatory language associated with it. But I think what I'm concerned about is if we were going to go in this direction, having something so onerous from a regulatory standpoint for an agency, to have to have somebody that takes that call every time the boat isn't going to be used for fishing. I'm looking for something simpler from an enforcement standpoint. If somebody is going to be on their boat, and they are seen in the act of fishing, and that tracker is either not turned on or not on, depending on the approach that was taken. That would be prima facia evidence of a violation.

MR. BLANCHARD: That goes to defining what the fishing activity would be, or what you would consider the activity to be when it would have to be on, and that's great. From a law enforcement perspective, as long as we can clearly define when the activity takes place and when that should be on, we could support that.

Again, also the reality of it is, and we had this discussion on the Working Group is, the tracking by law enforcement of fishermen moving around harbors and using the boat for personal use. The reality of that happening is pretty minor. I can't see where or how that would be beneficial to be supporting the cause of why we have this for this industry or for the fishing activity.

CHAIR KELIHER: Thank you, Kurt. I didn't mean to put you on the spot, but what you're getting at is, kind of with the idea of, if you define fishing, what that fishing activity is. We do that with menhaden with Power Block and Net, and those things have to be on board a vessel if you're going to be in possession of fish.

You've got bait, you've got gear, you're in the process of hauling gear, right, how would you define that? Just trying to think of a simpler approach than having to make a phone call. I won't

put you on the spot any more, but I just wanted to get your input on that on the record. I think from a Board perspective we've got a Working Group that has done a lot of work here, that's given us some very valuable advice on geofencing and potentially other approaches.

What I would recommend is that we kind of absorb this information and add this to the next Board meeting in the fall at the annual meeting, for kind of further discussion and refinement. Maybe the Law Enforcement Committee could talk about the defining of the fishery, so it would be a potential, simple approach if the Board wanted to go in that direction. Dan McKiernan.

MR. MCKIERNAN: Pat if you also could define the burden. It's not clear to me who the fisherman is calling. Is the fisherman calling the company that sold them the device, or is it calling someone at DMR or a third party? That is not clear to me, based on this discussion. If more could come later on that it would be helpful.

CHAIR KELIHER: That is valid, Dan. I always look at as, it's our regulation so we would have to give that authority, to be able to move away from that regulation for a period of time. Bob Beal.

EXECUTIVE DIRECTOR BEAL: I thought we were going to give them Caitlin's cell phone number, but apparently not. Still follow the phone calls. One of the issues that is tricky here is there are four or five manufacturers, and they all have different capabilities. Some of the devices don't even have a physical on/off switch, and if you remove them from the hardwired power on the vessel, they've got a battery backup, so they keep recording things. I think these are unique issues with each different device they've got. We kind of have to work through one by one. But probably to your point, Work Group did a lot of good work, let's think about it a little bit, and if there are additional questions and some of these unique features of the different

devices, we have to kind of work through some of these questions as well. You're on.

CHAIR KELIHER: This is a complicated issue. We have a standing case in front of a federal judge in Maine. We don't know the direction that that judge is going to go. This could be something that is going to have to be, depending on the action of that judge, decision of that judge, could change the trajectory and the speed on which we have to act, or it may be the opposite.

We may be found completely compliant. But at the end of the day, I think we passed a motion to look at these issues. We've got good information on the table. I think there is some defining that could potentially be done that helps us get around the fact that we've got four or five devices that we have to deal with.

I think the other question becomes, as we have implemented our rule in Maine, we have had staff call fishermen to say, hey, your device isn't on. If you look at that device, it's not that they were being malicious, it's just that a fuse has blown, something happened, and it's on battery and it's pinging every six hours.

All you get is a spot on a chart every six hours. How much of an invasion of privacy is that? I mean those are the kind of things that I start to think about as I start thinking about how we would deal with this and how we want to look at it going forward. If there is no objection, what I would like to do is, let's take this information, think about it a little bit, and then add it to the next agenda, the agenda in the fall. Toni hopefully won't disagree with that.

MS. KERNS: No, I don't disagree. When you are thinking about it, let's try to keep in mind how we can stay accountable and not create loopholes within the fishery, because we talked about that with the Work Group as well as Enforcement, and that is really important. If we do create loopholes that could be actually more administrative burden on your staff than not, than these call-ins, potentially, who knows. I think it depends on how

many people actually want to utilize this newest function.

But the other part is, is that I hope we keep an open mind, in the sense that, is it possible that we could just allow for a device that meets these needs, that still lets these individuals who are fine with having the 24/7 tracker continue on. Because as Caitlin said, some of these devices, we're not even sure have the capability of getting to this point at all. We have many thousands of dollars invested in this already, and for those individuals that are fine with these devices, why would we make them change, spend more dollars on new devices, when they are okay with what they have.

CHAIR KELIHER: Thanks for that, Toni, I think those are really good points. Renee Zobel.

MS. ZOBEL: Toni essentially just took the words out of my mouth. A lot of money is spent on these devices that were approved devices by the Addendum. They were the intent of the Addendum to be low-cost cellular devices to get the job. I just would caution moving forward in a way that doesn't allow that big investment, in some cases by the federal government, an application to this industry to be able to meet that mandate.

CHAIR KELIHER: Thanks, Renee, I appreciate that comment. Does anybody want a last word on this issue? Caitlin, we are going to give your phone number out.

MS. STARKS: Staff would just like to clarify if there is any work that we need to do on our end between now and October, or are the Board members just going to think about this and come back in October and have a discussion?

CHAIR KELIHER: Unless the Bord has some additional tasking for staff, my intent was that we just think about it, with the exception of maybe Law Enforcement thinking about potential definitions of fishing, if we were going

to have kind of that prima facia approach to whether it's on or off. But other than that, I didn't have any additional tasking. If we're all set on that.

ADJOURNMENT

CHAIR KELIHER: Moving right on, is there any other business to be brought before this Board, because I am the only thing standing in the way of dinner, or as we say in Maine, "suppah." Seeing none, motion to adjourn, I hear it all around. Thank you very much.

(Whereupon the meeting adjourned at 5:07 p.m. on Tuesday, August 6, 2024)