

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

**Crowne Plaza Hotel
Old Town, Alexandria, Virginia
March 21, 2011**

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1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of November 10, 2010** by consent (Page 1).
3. **Motion to add an option for a 25 percent reduction in Draft Addendum XVII for public comment** (Page 15). Motion by Pat Augustine; second by Bill Adler. Motion defeated (Page 16).
4. **Move to amend the draft addendum with two modifications; first, to establish the timeline for the biological measures by phasing the minimum size increase in either over a two-year or a four-year period; second, to incorporate the language presented by Bill McElroy to accomplish effort reduction and consolidation but to add an option of doubling the goal of the program by doubling the target of the trap allocation reduction from 25 to 50 percent on the same timeframe as presented in the proposal. This means the initial reduction in traps would be 10 percent with a 5 percent cut in each year thereafter** (Page 16). Motion by Dan McKiernan; second by Mark Gibson. Motion carried (Page 35).
5. **Move to have a 20 percent reduction in traps in the first year and a 10 percent reduction in the traps each year thereafter, achieving then a 50 percent increase after four years** (Page 30). Motion by Dennis Damon. Motion failed for lack of a second (Page 30).
6. **Move to amend to exclude Areas 4 and 5 from the Draft Addendum XVII for public comment** (Page 31). Motion by Peter Himchak; second by Pat Augustine. Motion defeated (Page 32).
7. **Move to postpone taking the addendum out to public hearing until August** (Page 35). Motion by Bill Adler; second by Peter Himchak. Motion carried (Page 36).
8. **Move to amend that Part 1 of Option 3 in Phase 1 contain two options; Option 1 being the combination of Parts A and B currently included; and new Option 2, each LCMA would have a combination of minimum and maximum gauge size that achieved a 25 percent reduction in landings** (Page 36). Motion by David Simpson. Motion failed for lack of a second (Page 36).
9. **Adjourn by consent** (Page 21).

ATTENDANCE

Board Members

Dennis Damon, ME, proxy for P. White (GA)	Rick Bellavance, RI, proxy for Rep. Martin (LA)
Sen. Brian Langley, ME (LA)	David Simpson, CT (AA)
G. Ritchie White, NH (GA)	Lance Stewart, CT (GA)
Rep. David Watters, NH (LA)	Rep. Craig Miner, CT (LA)
Douglas Grout, NH (AA)	James Gilmore, NY (AA)
Rep. Dennis Abbott, NH, Legislative Proxy	Pat Augustine, NY (GA)
William Adler, MA (GA)	Peter Himchak, NJ DFW, proxy for D. Chanda (AA)
Paul Diodati, MA (AA)	Tom Fote, NJ (GA)
Dan McKiernan, MA, Administrative Proxy	Craig Shirey, DE, proxy for D. Saveikis (AA)
Ben Martens, MA, proxy for Rep. Peake (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Bob Ballou, RI (AA)	Tom O'Connell, MD (AA)
Mark Gibson, RI, Administrative Proxy	Bill Goldsborough, MD (GA)
William McElroy, RI (GA)	Bob Ross, NMFS

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

Ex-Officio Members

Carl Wilson, Technical Committee Chair	Joe Fessenden, Law Enforcement Committee Chair
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Staff

Bob Beal	Toni Kerns
Genny Nessler	Kate Taylor

Guests

David Pierce, MA DMF	Roger Frate, Darien, CT
Erik Brown, E.Hampton, NY	Tony Carlo, Norwalk CT
Al Schaffen, E. Hampton, NY	Bonnie Brady, Montauk, NY
John Hollan, Ofc of Rep. Jos. Courtney	Matt Cieri, ME DMR
Janice Plante, Commercial Fisheriew News	John German, LISLA
Charles Lynch, NOAA	David Spencer, AOLA RI
Carl Wilson, ME DMR	Bonnie Spinazzola, AOLA
Michael Theiler, CTCLA	Tina Jackson, American Alliance of Fish
Greg DiDomenico, Garden State Seafood, RI	Joan Frate, Darien, CT
Jennifer Smith, Newsday	Peter Burns, NMFS
Paul Marx, NOAA	

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, March 21, 2011, and was called to order at 12:35 o'clock p.m. by Chairman Douglas Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS GROUT: Good afternoon, everybody. This is a meeting of the ASMFC's American Lobster Board. My name is Doug Grout. I'm the vice-chair of the Lobster Board. I'm sitting in for Mark Gibson today. Because today's agenda is a very important issue to South New England and Rhode Island, I have agreed as a northern state to chair this meeting.

I welcome you all here. Initially we have a couple of items, two on the agenda here, is approval of the agenda, and I wanted to see if there were any changes that anybody on the board would like to make to the agenda. Yes, Mark.

MR. MARK GIBSON: Mr. Chairman, first thank you for standing in for me today. It's a difficult decision to make relative to chairing meetings that have large consequences to your at-home industry and I chose to be over here today, and I appreciate your stepping in for me. The second comment I would make is that it seems to me that we might make this agenda flow in a timely fashion if we switched Items 5 and 6 in terms of position.

I think if we have a brief discussion of the reference points relative to what – reminding the board what the reference points are now and the process by which those reference points get improved. You will recall we're operating on interim reference points and there has been some issues raised about this reference points by the CIE reviewers.

If we have that and then move I think right into Item 6, the addendum, I think there is a relatively simple action here with the proposal that is going to come to add another alternative to the addendum. If that happens, I think it will defuse all of the need for discussion about CIE reviews, which you've already had, and the voluminous NMFS Draft EIS Impact Statement. That would be my suggestion that you switch Items 5 and 6 and hopefully that Item 5 will melt away under the action that I'm anticipating the board will have relative to Addendum XVII.

APPROVAL OF AGENDA

CHAIRMAN GROUT: Is there any objection to making that change on the board? Okay, we'll make that change. Is there any objection to the agenda as amended? Yes, Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, I don't have an objection but we have some new faces around the table as well as behind me, and at some point I'd be happy to make those introductions, if you'd like.

CHAIRMAN GROUT: Why don't go right ahead and do that now.

INTRODUCTION OF NEW COMMISSIONERS AND PROXIES

EXECUTIVE DIRECTOR O'SHEA: Right, and I apologize for not alerting you ahead of time. From Maine we have, for the first time, Senator Brian Langley who has taken Senator Damon's position as the legislative commissioner. We also have Representative David Watters from New Hampshire here with us, and Dennis Abbott will be his proxy. We have Rick Bellavance from Rhode Island, who is the meeting-specific proxy for Representative Peter Martin.

Later in the day I hope we'll see Commissioner Norman C. Olsen from Maine who took George Lapointe's position as commissioner. Behind me we have Danielle Brzezinski who has joined the ASMFC staff as well as Mike Waine who interestingly is from Nantucket, Massachusetts. Thank you very much, Mr. Chairman.

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: Thank you, Vince, and welcome to the new commissioners and commissioner proxies. We also have the meeting minutes that were distributed to you for the November 10th meeting. Are there any comments; any proposed changes to the minutes? Seeing none, is there any objection to approving the minutes by consensus? Seeing none, the minutes are approved. Before we go to Item Number 3, public comment, Toni has a letter that just came in that she'd like to describe to you.

MS. TONI KERNS: I just wanted to point out to the board that we've received a couple of public comments since the supplemental materials came out. The first is from Congressman Joe Courtney. The second one is from Roger Frate and I have to

apologize to Roger. This comment was received before the supplemental materials but was left out of the material that was e-mailed out to the board. The last comment came in from the Martha's Vineyard Dukes County Fishermen's Association for the board's review.

PUBLIC COMMENT

CHAIRMAN GROUT: The next item on the agenda is public comment. This is for public comment on items that are not on the agenda. Is there anybody that would like to speak? These are for items that are not on the agenda.

MR. MICHAEL TYLER: I'm assuming that the economic dealings with this would fall under items that aren't on the agenda.

CHAIRMAN GROUT: Anything that is involved with the potential addendum and the reference points would not fall under this particular agenda item.

MR. TYLER: Well, I'll be brief. I think this is appropriate for this. My name is Michael Tyler. I'm a lobsterman in Area 6. I'm the vice-president of the Connecticut Commercial Lobstermen's Association. I believe the plan should have an economic statement that should be done by a qualified economist; that there would be conflicts of interest if a member of the plan development team or a member of this board was directly involved in the gathering of the economic or assessing the economic impact of any measures to the lobster industry or the addendum as written.

CHAIRMAN GROUT: Okay, thank you. Any other comments from the public? Again, this has to be something that is not on the agenda. The economics of this management measure would be considered part of the addendum. You'll have an opportunity when we discuss the addendum to speak to specific measures on the addendum. Okay, seeing no other comments, I think we'll move on to Item 4, discussion of the reference points. Toni and Carl.

DISCUSSION OF REFERENCE POINTS

MR. CARL WILSON: Maybe, Toni, you can give a little context or I can try to give the context of this conversation.

MS. KERNS: We're going to go over the current reference points as to where they are relative to what the TC had originally recommended and what the

peer review had recommended because there was confusion about what the Southern New England reference points were relative to the CIE Peer Review. As we had noted at the November meeting, the CIE did not have the current addendum for the reference points when they did their review.

What they were looking at was the 2009 assessment document and peer review document, and so therefore they thought that the reference points were those that were recommended by the TC, not the ones that the board had adopted, which were not at the same level as those that we had originally recommended in the assessment. There were also some questions that had come with some board members on why we didn't use biological-based reference points and where we are in moving forward with those. I wanted to clarify it for the board.

MR. WILSON: Okay, this is going to just be a brief discussion of what the reference points are and then, like Toni said, we'll finish up with a brief discussion of the potential for biological reference points in the future. Right now in Southern New England for the abundance reference point, in the figure that's behind you now, if the abundance is below the 25th percentile of the reference period – and I think it's 1984-2003 – then there would be action required to rebuild the stock.

If it's between the 25th and the 50th percentile, then this would be kind of a yellow, you know, monitor the stock, keep your eyes out on what their trajectory is going – or what way the stock is going; and then if you're above the 50th percentile, then the stock would be deemed to be favorable condition and no action would be required at that time.

This reference point was adopted by this board and it was set as an interim. This is an ad hoc trend-based reference point. It's not a biologically based reference point. It's based on our past 25 or 30 years of experience with lobster and the production potential within that period. The threshold is set at the TC recommendation and is similar to the peer review recommendation. The target is set below the TC recommended and at the peer review recommended.

As far as the exploitation reference point, if it's below the 25 percent target, then the exploitation rate is considered to be sustainable and no action required. If it's between the 25th and the 75th percentile again to the reference period, then there would a monitoring exercise; and then above the 75th percentile would be considered the threshold and this

would be where be where action would be required to reduce exploitation.

Again, this was in interim reference point based on trends. The approved threshold is set between the peer review and the TC recommendation, and the target is set below the peer review and at the TC recommendation. Why did we not use biological-based reference points in the 2009 assessment?

First of all, the University of Maine Model, which was adopted for the full assessment, does produce biological reference points. We did not use it for Southern New England for a variety of reasons. Probably most importantly, we were looking for uniform reference points across all three stocks, and at that point in the model development we didn't feel that we had fully developed our thought process on what the appropriate points or suggestions might be.

Some of this is based on the need for kind of an improved growth transition matrix if we're going to pursue some of the traditional biological-based reference points. How might we get to biological reference points? It was the technical committee's assumption that this would be incorporated into the new assessment and that we're hoping to have new information on the growth matrices.

This is work that has been done in Maine and is currently being done in Massachusetts. As far as we understand, the next assessment schedule is for 2013 and so in the next couple or few years we'd be looking towards bringing forward to the board strawman biological reference points. That's it.

CHAIRMAN GROUT: Are there any questions? Yes, Pete.

MR. PETER HIMCHAK: I had a question for the TC chairman. The fact that you're using these fishery-based reference points and the pattern and the performance of the fishery over the last 25 years; am I correct in assuming that the landings throughout the entire time period, in addition to recruitment indices, et cetera, et cetera, is heavily influencing the estimates of abundance and exploitation because there is a definite – it seems like the pattern of landings for the Southern New England stock is a direct inverse of abundance and it tracks exploitation.

MR. WILSON: Your first point is, yes, the assessment model does rely heavily on accurate landings' data to match the survey data to develop abundance estimates and to develop exploitation estimates. The second point and question that I

interpreted was do the trends in exploitation match the trends in landings or do the trends in exploitation match – or do landings match the patterns of abundance? My interpretation is that the landings are tracking the abundance and are not necessarily tracking exploitation.

MR. WILLIAM A. ADLER: The fact that you said that the landings are what you're using at least in part for tracking abundance, but have you taken into consideration the fact that with less fishing going on, more rules, yes, the landings are going to do down, and so is that what drove your abundance level down is because the fishing pressure basically – which amounts to landings – also went down for other reasons. Could that have been the reason your abundance thing has gone down?

MR. WILSON: And that's where the balance where bringing in the fishery-independent surveys such as the trawl surveys comes in and that is our independent measure of abundance, and they have continued to go down, and so they would not be influenced by the landings.

MR. ADLER: Mr. Chairman, if I may, at what point did you in this thing – remember, we talked frequently about having the big anomaly in the plan, and there have been several – as a matter of fact there are 12 references in the CIE report that talks about the abundance is probably down to a more normal level than it was.

In other words, it's back to where it was in the eighties and into the nineties, before the anomaly, and it has gone back down. There have been 12 references in the peer report that says, yup, it's probably going back down to where it's supposed to be. Also in the CIE report it says that the abundance should be somewhere between 8 and 14 million pounds would be more normal. Apparently where we are now is pretty close to that already. I don't know if that fits into what just discussed, but my mind has been moving around in this direction, and so I just wanted to put that in the record.

MR. WILSON: I'll try to follow your train of thought. Again, the CIE report was looking at the proposed technical committee reference points, which are different than the board adopted. With the board adoption of the 25th percentile as your lower threshold, you're actually much closer to what the CIE was essentially saying in their report as well.

MR. ADLER: If I may, Mr. Chairman, what does that mean?

MR. WILSON: So the board – I think Dave Simpson can probably explain this better – felt or if I was to infer the feeling of the board was that the productivity in Southern New England has declined and therefore they lowered the abundance levels, so the bar is lower.

MR. ADLER: The bar is lower; thank you.

MR. GIBSON: This issue of the reference points got me rather exorcised between planning the agenda and making my decision about chairing or not. My discomfort came about after discussion with the commission staff as well as members of the technical committee that they were of the opinion that they might not even have biological reference points as of the next peer-reviewed assessment, and I found that unacceptable given all of the comments, as Bill has referred to, in the CIE report as well as the original peer review about the possibility that there has been a productivity shift in the lobster population, particularly Southern New England, in association with shell disease or increased predation or whatever your favorite explanation for it is. It is pretty clear that there has been a dramatic change in productivity.

That needs to be taken into account in some way with time-varying reference points. I am very concerned that we could be coming around in 2013 with another assessment and reference points, which let's be honest what they are, they are some lines drawn through – and they could have been crayon lines drawn through stock assessment data with 50 percent of the points above and 50 percent of the points below and then a quick board reaction to draw a different line on the graph.

That's all we have for an iconic species that's worth tens of millions of dollars to industry even now in its reduced form. To come out of that next assessment without biologically based reference points would be a travesty to me, and I'd like to know what it is this board can do now to make sure that information flows so that those reference points can be computed. Well, I'll leave it that for now and see where that goes.

MR. WILSON: Again, the capability exists in the model to calculate biologically based reference points. It's the parameterization of that model to are we comfortable with the growth transition, are we comfortable with estimates of natural mortality, selectivity that go into that larger conversation. I can't promise that there is going to be biologically based reference points, but it certainly is what we're

looking to do. There is a paper in review right now that does a series of simulation and projections based on different harvest control strategies from biological reference points, so it's a simulation exercise as well as a data-tuning exercise.

MR. GIBSON: When would the terms of reference be set for this next assessment?

MS. KERNS: Well, it depends when the board wants the next assessment. If we're shooting for the end of 2013, the beginning of 2014 for an assessment, then we'll do those terms of reference probably in August or at the annual meeting of this year.

CHAIRMAN GROUT: I just had a follow-up question. One of the things that I hear on this that is needed is some work on the growth transition matrix. Now, are there things that other states other than Maine and Massachusetts need to do to help facilitate that for all stocks so that we can have biologically based – are you going to be missing anything by the next stock assessment or do we need to be doing some work now on it?

MR. WILSON: Growth is always a big question with lobsters; and following the 2006 assessment, the Maine DMR essentially contracted with researchers to reevaluate past tagging studies, and so that does cover all three stock areas, that work. I know that Massachusetts – maybe Genny can speak a little bit to this – I'm not sure if it's covering all three stock areas. I think Tracy's work is just covering Gulf of Maine. The Massachusetts work is covering Gulf of Maine and Southern New England. We have a new growth transition matrix that is ready for evaluation based on the work that was funded by the department.

MR. PATRICK AUGUSTINE: Good report, Carl, thank you. I know you've all worked as much as you could with what information you've had and the time you've had to do it in. Kind of a followup to Mark's comments; I was quite concerned about going back and reviewing the peer review, but I was pulling out specific comments that kind of struck me as being kind of awe inspiring, if you will.

The one that got me was Dr. Michael Bell of the University of England when he talked about one of the major scenarios as they see it is – and the conclusion was it looks as though they're experiencing recruitment failure owing to environmental and biological changes and the assessments and the results that we've seen do not seem to incorporate – maybe there is not much

emphasis on temperature changes and that sort of thing.

The other part of it is when this take place in the background of the higher sea temperatures than we've seen previously I don't know if we have asked the technical committee to go back and do an overlay of the last 20 years from a temperature gradient basis to see if maybe there was a skew in temperature changes – increase in temperature and change in the biological makeup of the water at that time and whether we have direct overlay.

The other part of it that bothers me most about it – and it wasn't anything you didn't do, but we didn't see any information that showed what the real result was of the two vent increases and the gauge increases that we've had recently – in the recent four or five years. We went through and looked at the New York data in terms of pots in the water versus pots that haven't been in the water for quite some time. We went from something like 212,000 pots in 2000; and when we got to 2009, we were down to 44,000 pots.

During the same period of time, we have found this temperature change, in talking with Dr. Amberman over at Stony Brook – and I'll call it anecdotal. I'm on the New York Bight Research Commission. All of the scientists in that group that are all Sea Grant people have all, without putting charts on the table, have indicated there has been a significant increase in temperature in Long Island Sound pouring out into the ocean that is really driving those small lobsters out.

So, I haven't seen a measure of what that effect has been. We're working strictly with numbers of what has been harvested and so on. The other part that we haven't looked at and it showed up in the DEIS that the Fish and Wildlife put together I believe in April of 2010 – May or April – where they specifically said that there are so many predators in the food chain that are taking post larval and larval lobsters up to those that are in the process of changing their shells in addition to the shell disease.

We're dealing with single-species management. I've said it before and I'll say it again. When stocks in the Northeast Region and the Mid-Atlantic and in the states have reached a level of being fully rebuilt – for our new members we have a threshold and we have a target, and once a stock is rebuilt it's above that target.

People say I hate striped bass; I love striped bass, but they're one of my favorite targets because they do eat

down the food chain. We've got a rebuilt stock in porgies now. They also eat bugs. You can ask some of our commercial lobstermen and they'll tell you that. We have black sea bass that are so abundant it's unbelievable; another stock that's fully rebuilt.

Then we have the skates and the rays and then we have cunner and then we have black sea bass – I'm sorry, black fish, so those are a few of the fish that are predating into the food chain on these lobsters from inception to the time when they're a nice size for a striped bass that are in the 40-pound class that love to eat pound and halfers.

The point is we seem to control the rebuilding process by virtue of eliminating the fishermen whether they're recreational or whether they're commercial. It just seems to me that somewhere in this process – and this is a real tough specie to deal with because our decision is going to put a whole lot of little towns and villages and fishermen out of business if we make the wrong decision.

My concern is unless we can address some of those other issues and put on the PDT one or two other options that I think Mr. McElroy is going to advance and Mr. Gibson is also going to help advance that, I think we really have to stop and take another hard look as to whether we really need to continue taking that next step on the PDT without getting information on how we can control those species of fish that are fully rebuilt.

Here we go again; we have to decide whether we're going to do single-species management or we're going to do ecosystem management. Nowhere up and down the coast do I see ecosystem management in full swing. I'll use a simple example. We have butterfish, squid and mackerel.

CHAIRMAN GROUT: Pat, do you have a question on the reference points for the technical committee? That's the agenda item right now; do you have a specific question for it? Will you give us that question? Thank you.

MR. AUGUSTINE: Okay, I'll give you that reference point question. When can we expect to have it redone?

MR. WILSON: I believe it was 2013; probably the end of 2013.

MR. AUGUSTINE: Well, I don't want to move too fast then if we're not going to have it until 2013, and

I'd make a motion to table this whole thing, but I won't do that now.

MR. WILLIAM A. McELROY: Mr. Chairman, I'd just like to take a second. I seem to be the guy that created a little bit of consternation here and I'll try to explain what I was trying to do. I put together those CIE comments not to try to discredit anything, but I was struck by the fact that all three of the reviewers suggested that the spike that we had in abundance in the mid-nineties was an anomaly, and it seemed like they were proposing that there were two scenarios.

One would be to leave the technical committee report as it stood, and the other's recommendation would be that we revisit those numbers. What that said to me was – in simple English I don't understand the way some of you fellows do about all the technical details, but we have a situation right now where we have 14.7 million lobsters I believe is the estimate that are in the system.

We've decided through some formulas, which I don't completely understand, that said that we're supposed to have a minimum of 20 million and ideally would be somewhat higher than that. Now, I did a little bit of simple math and I took the abundance that created that 20 million figure and I tried to approximate what a smoothing would do and recalculated those numbers, and it came in quite a bit lower than the 20 million lobsters that we need to rebuild to.

CHAIRMAN GROUT: Bill, again, the agenda item right now – we're going to be talking about the CIE in another agenda item and we're also going to be talking about the addendum first, but this particular agenda item I'd like to keep focused on questions about the reference points. Do you have a question about the reference point for the technical committee at this point? You'll have a chance to speak to what you're speaking.

MR. McELROY: Well, I guess I'd better take the other opportunity then, because this would end up in a motion.

CHAIRMAN GROUT: Okay, let's wait. Now, let's see if we can stick to the agenda item here, and I have Dave Simpson on my list next.

MR. DAVID SIMPSON: Just a quick comment; several minutes ago Mark was talking about the need for biological reference points, biologically based reference points, which I think we all agree is where we would like to be. Carl pointed out some of the challenges. Some are being addressed, growth and so

forth, but one of the outstanding ones to me that I don't see a solution for even for the next assessment is the lack of stock-recruitment relationship.

I do think as we think about management in the next few years we are going to have to think in terms of more generalized objectives for managing this stock. I think so far we've been talking – I have anyway about stabilizing the population as opposed to trying to achieve any particular reference point, whether it's the lines we drew or that the TC drew and then we modified, recognizing that the stock is in a lower state of productivity. That's repeatedly a point that has been found by the technical committee and the peer reviewers – that is clearly established at this point – and why the board adopted lower abundance targets for Southern New England versus the other areas. Just for planning purposes out a few years into the future, I think that's one of the biggest obstacles we have to basing any reference points on the biology of the critter.

MR. HIMCHAK: Mr. Chairman, if I could indulge the board for a couple of minutes, Kate, you could put up the figures that I requested to be shown. I don't know where this –

CHAIRMAN GROUT: Is this to the reference points?

MR. HIMCHAK: It's a direct outgrowth of the discussion on reference points, yes. Okay, at the Charleston, South Carolina, meeting we were all supposed to come up with these vision documents on rebuilding the Southern New England stock, and I'm disappointed to see such a poor response.

New Jersey took this quite seriously and we worked with our industry to come up with essentially where our stock is at this point. What I'd like to point out – and this is in the supplemental materials on Page 167 to 171. These two figures speak volumes to what I have to say, and they're on Page 171.

So Figure 1 – and New Jersey is always considered as a minor component in the lobster fishery along the coast. Well, guess what, I think we're the second state in landings for the Southern New England Region at this time. What I want to point out with Figure 1 and in relation to the fishery-developed reference points is that I see a pattern from 1981-2009 in every other state, and I don't see the spike, I don't see the crash in our fishery.

It's kind of like going along at its own merry pace here throughout the entire continuum. That's what I

really have angst over because we're talking about reductions based on these reference points and possible reductions of 75, 50 percent or whatever. Figure 2, we pulled out all – and this is asked for in the addendum on Page 7. You need landings and effort data.

So we pulled out all the VTR data from when it started in 1996, and you can see the catch per unit of effort in our fishery from 1996-2009. This is not a small sample size. This represents anywhere between 300,000 and 700,000 pot hauls so it's a rather large sample size. Our fishery – if I was going to comment on the condition of our New Jersey Lobster Fishery, boy, I would take this over the National Marine Fisheries Service Trawl Survey any day, and that's really the only source of data that is guiding the Southern New England stock in our waters.

Our trawl survey doesn't even cover the extent of our lobster fishery. And then I read in the addendum about the characterization of the fishery; day trips out to nine miles and everything; and it's like that has nothing to do with how we fish in New Jersey. We're all out ten miles to fifty miles, about to 240 feet out to 3,000 feet in Area 3, so a lot of the issues that you're talking about with shell disease and temperature changes, we're not seeing them.

We have an incidence of shell disease of 1.18 percent. The point I'm trying to drive across is that I feel very frustrated in the demand of this addendum for a reduction in Southern New England stock because not all areas of Southern New England stock are created equal. I don't think that even a 25 percent reduction is warranted for Area 4 at this time. I thank you for allowing me to vent a little bit.

We just don't feel that if we cut back our fishery we're going to do anything to restore settlement and larval recruitment in Buzzard's Bay, Long Island Sound or Narragansett Bay. I'm sorry, we just don't have a state waters fishery, period. It's very miniscule. I just wanted to make sure everybody was aware of the nature of our fishery and what we think it's doing. I'll leave it at that. We're doing a ventless trap survey for Areas 3, 4 and 5 in 2011. Thank you.

CHAIRMAN GROUT: Thanks, Pete, and I do believe they've covered your concerns in the addendum on Page 10. I'm getting a sense from the board that you really want to move into this addendum. I'm going to assume that people don't have anymore questions for Carl on the reference

points anymore because every time we try and get more questions we get more comments about the addendum.

What I'd like to do, without any objection, is move forward into what was Item 6 and is now Item 5 and that is consider Draft Addendum XVII for public comment. Toni Kerns has a presentation to lead us into this.

DRAFT ADDENDUM XVII FOR PUBLIC COMMENT

MS. KERNS: The board tasked the plan development team to draft an addendum that would reduce exploitation by 50 or 75 percent. The board also had the PDT include the Area 3 LCMT's draft plan for rebuilding into that addendum at the November meeting. The PDT, when developing this addendum, looked at addressing the Southern New England stock as a whole.

This was a little bit of a challenge because previous board actions were LCMA specific so we had management actions that were for each in the management areas, and what we wanted to do to reduce exploitation by 50 or 75 percent was to look at the whole Southern New England stock. It's a challenge to look at administrating and integrating six different management regimes into one rebuilding area.

We needed to address both biological goals as well as mitigate the social and economic impacts of the area and to make sure that each of the jurisdictions could effectively implement and enforce all of the regulations. To add further complexity is that we have all the Southern New England states and on top of that we also had the federal waters portion to remember to manage.

And so not only do some of the states have to regulate their own waters, but they also have to regulate what is coming into their ports from their federal-only fishermen, which provides a challenge to putting together this document. The resource issues, I think we all know what most of them are. I'm just going to quickly go over them.

We've had a declining stock assessment since 2000. The assessment and peer review from 2009 said the stock is overfished. Since that assessment, we've had declining trends in recruitment survey indices as well as harvest. The TC put together projections that indicated even the interim abundance reference points may be difficult to achieve.

We had the CIE peer review the TC reports and stated that irrespective of the cause of the decline in the Southern New England stock, the current effort in fishing is too high and that either a moratorium or severe reductions in the fishing mortality were needed immediately to maximize the chances of rebuilding of the stock. Currently we primarily use input controls to manage the stock. They are inconsistent amongst each of the areas as well as there is disparate levels of latent effort among each of the LCMAs.

While some of the LCMAs have put together history-based trap allocations that have made the levels of latent effort smaller, other areas' allocation methods did not lower that latent effort, and so there is a wide gap between each of the areas. Since 2010 all of the areas have had the same biological measures in the plan.

When the LCMT looked at Area 3, we found that there is a bit of a conundrum when trying to implement management measures. Area 3 crosses all three stock units. Two of those stock units are in good health. There is no divider for Area 3 fishermen as to where they can fish. They can fish all the way across if their permits don't say Gulf of Maine portion of Southern New England or Georges Bank portion of Area 3.

We realize that this addendum would propose a large conservation burden on those Area 3 fishermen that don't fish primarily in Southern New England, so we needed to determine if the measures should apply to all Area 3 fishermen or to those just fishing in Southern New England. There is also an enforcement challenge. We would need at-sea and landing enforcement if we were to divide Area 3 into each of its stock units.

When the plan development team looked at output controls, we found that any proposal to establish output controls that is specific for the Southern New England stock would need to be considered very carefully assuming that the other areas would not have output controls such as quotas. There is an enforcement and compliance challenge that could be unprecedented if the Southern New England Fishery were quota managed and the others that produce 95 percent of our region's landings did not have similar management controls.

Without real-time monitoring and excellent compliance, there would be little hope that a quota system could successfully control the fishery to its

target, remembering that some of the states have all three stock areas being landed at their ports. There is only one example of an American Lobster Fishery that isn't quota managed and that's up in Canada, but the fishery itself is quite small. They have excellent monitoring of their catches and it's an offshore style fishery that has one company, two vessels and very, very rigorous reporting and accountability.

Because we're multi-jurisdictional management within Southern New England, it is a very complex regulatory environment. We have 11 states within Southern New England as well as the federal government regulating federal waters. All of us are working under different timelines for implementing our regulations.

Currently we have inconsistent regulations within Southern New England between the states and the National Marine Fisheries Service. The inconsistent regulations are the history-based allocation for Area 2 as well as the transferability program in Area 2 and 3, and Area 2 has the largest number of participants in all of Southern New England.

We don't have even regulations with the National Marine Fisheries Service right now for Area 2 and Area 3. The National Marine Fisheries Service is currently in the regulatory process to evaluate a federal implementation of the LAPs for Area 2 and the transfer program. We have acknowledged that there is a lag between the state and federal rulemaking. It becomes a huge challenge for the National Marine Fisheries Service to do faster rulemaking when the states independently develop regulations that are not consistent.

When we put the together the rules for the trap allocation for Area 2, there were some small differences if you guys all recall between the Rhode Island, Connecticut and Massachusetts allocation process, and so therefore it takes the National Marine Fisheries Service longer to do their rulemaking to try to work out those inconsistencies between the states.

This just highlights the need for consistent decisions amongst the states to make it easier and faster for the National Marine Fisheries Service to implement regulations. In terms of the data collection process, it's a challenge to have – our challenge is to have the quality and quantity of fisheries independent and dependent data for lobster management.

The data collection programs that we have now are not standardized amongst all of our jurisdictions. We have varying resolution of data within Southern New

England, which we use to assess the resource, to assess the status of the fishery and assess the efficacy of the management measures that we put in place.

For landings and effort data that are essential pieces of data for the commercial landings and effort, they're collected via dealer and harvester reporting. We have universal standardized dealer-level reporting in all of our jurisdictions through SAFIS. For most states SAFIS does not account for dockside cash sales or sales for personal consumption. We also do not collect currently in dealer reporting state area or LCMA.

There is varying degree of participation, resolution and compliance with harvester reporting amongst jurisdictions in Southern New England, which makes it more complex for us to assess the stock and determine whether or not we would be able to do a quota-based management. For the biological data that we're collecting, we use key elements for assessing the status of the stock and the effectiveness of management measures with biological data.

It's collected from fisheries dependent and independent sampling programs. Most of the state waters are well characterized but for a substantial portion of the federal waters there is very poor characterization of the stock. We are limited to only specific types of management controls because of this lack of information or lack of consistent data collection programs amongst all of our jurisdictions.

We determined that we would not currently be able to monitor a quota across all of Southern New England. We could monitor the effects of input controls in state waters but poorly in federal waters in the current data collection programs. In looking at a characterization of the Southern New England Fishery, the fleet is both inshore day boats as well as offshore multi-day boats. There are about 683 permit holders that are actively reporting fishing out of about 2,068 individuals who actually have permits.

Of those, 99 individuals land between 10,000 and 100,000 pounds and about ten individuals landed more than 100,000 pounds. All of those other permit holders out of the 683 are landing less than 10,000 pounds. Five of the lowest landings occurred in 2003 for all of Southern New England, and Rhode Island and New York have had the largest portion of the catch if you average catch out from 1981-2009.

From 1981-1998 traps have increased sixfold, and from 2000-2009 the traps declined by 39 percent. Currently we're fishing two times the number of

traps that were reported in the 1980s and we have similar landings to those in the 1980s. The X-vessel value in 2009 was about \$20 million fishery and about 50 percent of that X-vessel value comes from the state of Rhode Island.

We have very little economic data collected for Southern New England. The non-trap fishery is a very small percentage of the value of the fishery and it's valued just shy of \$300,000. This is underestimated because Massachusetts was not included in this value. For the economic impacts that we could assess, we used information that came out of the Connecticut reports as well as doing some comparison to information that comes out of the Maine fishery.

During the years of high abundance more participants will fish intensely and then consequently a larger percentage of the fishermen account for the top 50 percent of the harvesting. The distribution of permit holders by landings' category is very similar amongst Southern New England states. About 80 percent of the permit holders land 10,000 pounds or less per year and fewer than 5 percent of the permit holders land more than 100,000 pounds per year.

The management tools that the plan Development team considered, we considered both input and output measures to achieve this 50 to 75 percent reduction. We looked at the effectiveness and the ability to monitor and administer as well as uniformly enforce these measures for both the short term and the long term.

The plan Development team rejected the use of trap limits, male-only fishery, v-notching and quotas for the short term, and all of the reasons why we rejected those are in the document and I'm not going to go through all of that information. The PDT put together a two-tiered approach to achieve these reductions. There is both a short-term and a long-term component.

The measures are proposed for all gear types for both commercial and recreational and they're proposed for all of the LCMA's that fall within Southern New England, so this includes 2, 3, 4, 5 and 6. The different management options for the short term is, one, status quo, do nothing, not make any changes. The second option would be to have a harvest moratorium for the short term, and the third option is to do the tiered approach with four parts. They would be implemented on January 1, 2012.

For Part 1, Areas 2, 4, 5, and 6 we would increase the minimum size to 3-1/2 inches to be consistent with Area 3; and for Area 3 we would decrease the maximum size to 5-1/4 to be consistent with Areas 2, 4, 5 and 6. The combination of this change in the gauge would result in about 22.8 percent reduction in harvest.

The second part is to have a closed season. There are two options within this portion of the addendum. We could have a closed season by LCMA as long as that closed season achieved a 25 percent reduction in landings, and each LCMA could pick whatever closed season they would want to have. We say that this would be a 25 percent reduction on paper, but that assumes that there would be no recoupment on either end of the closing of the season. In other areas that use closed seasons we've seen that they have had the ability to recoup a significant portion of the landings that are lost from that closed season during the open seasons.

Option 2 is to have a closed season in all of Southern New England – that's Areas 2, 3, 4, 5 and 6 – from June 1st through September 30th. This would provide additional benefit during molt, egg extrusion and periods of high environmental stress. This option on paper proposes about a 60 percent reduction in harvest, and again this assumes no recoupment.

For Parts 3 and 4 we propose to not distribute the 10 percent overage tags until an individual needs any portion of that 10 percent overage. Right now an individual is entitled to that 10 percent overage tag when they purchase their tags for the year. Some of the information that has come forward is that individuals will go ahead and use those 10 percent overage tags at the beginning.

They won't use them as overage but they'll use them as part of their allocation, so they're actually fishing 10 percent more traps than they're supposed to. It's not that they wouldn't be allowed to have them, but they would just have to prove that they needed them and then we would distribute them to the individual.

We would also propose to establish a subcommittee to evaluate all jurisdictions' ability to monitor various output controls such as a quota-based approach. When the plan development team set forth in this addendum and tried to figure out how we could do quota-based management right now or for this addendum document, we realized that there was many issues and complexities that could not work out for this addendum and that we would need further evaluation of how to do data collection and how to

work with states that have other management areas that are part of the Gulf of Maine or Georges Bank stock.

Therefore, we suggest to put together this subcommittee to determine how to pull together a quota for future use. For the long-term option, Phase 2 would be implemented at the earliest July 1, 2013, and this portion would be implemented when the National Marine Fisheries Service has come in line with what the ASMFC rules have in place for the Area 2 trap allocation program as well as the Area 2 and 3 transferability program.

We would propose a future addendum addressing the 2007-2009 average landings reduction by 50 or 75 percent, using either input or output controls, but the important part is that the National Marine Fisheries Service would have caught up with all the regulations that the commission has put in place so that we would all be starting from the same point.

For the monitoring options, this is an option only if a moratorium were adopted that states would not be required to sample the fisheries through sea and port sampling, and the TC would help the board determine what type of independent surveys would be needed if we had a moratorium, and we would only need this if there was a moratorium.

For compliance and recommendations for federal waters, we would need to determine compliance dates to submit and approve management programs from the states as well as an implementation date if measures were adopted in the document. We would recommend that the National Marine Fisheries Service implement complementary regulations in federal waters of Area 2, 3, 4 and 5.

One of the tasks assigned by the board was to put forth the Area 3 LCMT proposed management program for rebuilding. Those measures did not get put into the original addendum because the original addendum was looking at addressing the stock as a whole and not individual management areas, so we pulled those recommended programs from Area 3 into a separate addendum.

The addendum's background for the most part is the same and the Description of the fishery is somewhat similar and I'm just going to go through the measures that are proposed. It's only for Area 3 and it's changes to their trap program as well as their transferability program. Option 1 is status quo. Option 2 is the following change in measures. There would be a trap cap reduction over the next ten years.

You would have a 2.5 percent reduction in traps for each year and their total trap cap could not exceed 1,800. For transferability, their transferability plan would only allow 7.5 percent growth for an individual for each year but would allow for banking of traps. There would be a trap Description that any trap capable of catching lobster is considered a lobster trap and therefore would need a lobster permit. That is to help prevent crab traps from catching lobster or having individuals who have crab traps catch lobster.

The data collection; there would be mandatory data collection and that process would be Determined in the future, and it's the same compliance recommendations for federal waters. The one thing that I do want to point out, which I neglected to, was that the reason why the plan development team didn't recommend any trap reductions for the short term is because of the fact that the National Marine Fisheries Service has not implemented that Area 2 trap program.

There are individuals that will still have to get assigned trap allocations for Area 2 that are federal-only fishermen; and we want to make sure that if we did trap reductions, that we are all starting from the same number. Since they haven't been actually allocated traps yet, we don't know what that number will be. We don't want to lower their traps now thinking one number and then find out once the National Marine Fisheries Service actually does the trap reductions that they were at a different number. I know that's a lot of information so if anybody has any questions, I'm happy to answer them.

CHAIRMAN GROUT: Members of the board, I just want to give you an idea of how I'd like to have this discussion go just from an organizational standpoint so that we can make some progress here. I'd like to first entertain questions on either Addendum XVII or Addendum XVIII here for Toni; specific questions to what her presentations would be.

Following that, what I'd like to do is entertain some debate and maybe some motions on Addendum XVII. I will allow a full range of debate within the board. I will go to the audience for their input on that Addendum XVII and any proposed motions that the board has. Once we've dealt with that, then we'll go into Addendum XVI and again have a full range of opportunity for debate and motions and again go to the audience for their input on it before we come back and make any decisions on Addendum XVIII. Is everybody clear on that? Hopefully, if we can

stick to this, we can make this a very organized Debate about some very, very important issues here in Southern New England. I'll entertain, first of all, some questions on Toni's presentation for either of the addendums. Craig.

REPRESENTATIVE CRAIG A. MINER: I'm just trying to get a clarification. On the presentation of Zone 3, the 7.5 percent growth; is that 7.5 percent from the original allocation up to a cap? What does that mean?

CHAIRMAN GROUT: This plan came from Area 3 LCMT: David, do you have some input that you might be able to help clarify that for us?

MR. DAVID SPENCER: First and foremost, I'm going to ask that we not act on this today. I think based on some things that may come up later in the meeting this may or may not fold into plans that come out of this. I'm not taking it off the table, but I think there are more pressing issues to deal with.

To answer the question specifically, everybody's individual allocations in Area 3, you would have the opportunity to grow 7.5 percent, but there is also a 2.5 percent reduction, so it's a net 5 and up to – and just for some clarification, it's a two-tiered trap cap. Georges Bank and Gulf of Maine is 1,509; Southern New England is 1,800, and you would only be able to grow up to that limit and that trap cap comes down every year with our trap reduction.

MR. HIMCHAK: Mr. Chairman, I commend the Area 3 folks for getting organized and responding so early in the process. A problem, just as a comment, Area 5 has five states in it. Area 4 has two states in it, although I think we're talking about 90 percent of the landings. With that in mind, I'd like to see those LCMTs come up with an aggressive response to the adDendum as Area 3 has done.

MS. KERNS: The only thing that I do need to point out is that there has been no evaluation that I'm aware of of the Area 3 plan and whether or not it reduces exploitation by 50 or 75 percent. I don't have a number of what it would reduce to. I'm not saying that it doesn't reduce exploitation, but there is no evaluation of a number.

MR. G. RITCHIE WHITE: Toni, you had the figure – I didn't retain it, so that's the question – I think you had 80 percent of permit holders caught 10,000 pounds or less; that's Southern New England permit holders?

MS. KERNS: Of the active Southern New England permit holders, about 80 percent catch less than 10,000 pounds.

MR. ADLER: Mr. Chairman, I just want to get the addendum numbers correct – XVII I know about; XVIII was mentioned as a future; this Area 3 proposal, you would use XVI?

CHAIRMAN GROUT: No, Addendum XVIII is the Area 3 proposal that's in your packet, and it was separated from Addendum XVII. Any other questions for Toni? Seeing none, I will entertain any motions or Debate on Addendum XVII at this point. Bill, I know I cut you off first in a previous discussion. Do you want to provide your comments and any discussion here at this point?

MR. McELROY: Well, actually I think what I'd like to do at this point, I believe Dan McKiernan was ready to make a motion, and I think it would be appropriate to have that motion made and that would direct the discussion.

CHAIRMAN GROUT: Dan, are you ready to make the motion?

MR. DAN MCKIERNAN: Maybe. In the package that we received – I believe it was the supplemental materials – there was some language that Bill McElroy had brought forward on his own. I believe industry is aware of some of these ideas that he is bringing forward. It is specific to the potential for effort reduction and consolidation.

We met with the LCMT 2 folks on two occasions in the last three weeks. The meetings were sobering, difficult at times, but the message that we got from them was they were really anxious about maintaining trap currency into the future because we started on a trap currency system in 2006 and 2007, and so they're really anxious to maintain that, especially those in the industry who have intentions of weathering this out and continuing fishing into the future.

I don't know if it's time to make the motion, and I don't know if everyone has read Bill's language that he put forward, but it talks about creating a long-term goal or medium-term goal of trap allocation reductions that would apply to all the Southern New England areas and phasing those in.

When I do make a motion, I want to make a motion to incorporate that and I also want to help clarify the gauge increase timetable. I have a feeling there is

more opportunity for debate and discussion before we make that motion, and I'm not sure everybody has read what Bill has put forward. Maybe Toni could help me with that.

MS. KERNS: I can go through what Bill put forward. I don't have a presentation but I can read through it, and, Bill, you can stop me if I get anything wrong. What Bill had put forward is to I think reduce traps by 25 percent with initial reduction of 5 percent in the first year followed by a 2.5 percent reduction in each year thereafter. It's the intent of the program to not reduce traps until the National Marine Fisheries Service has complementary regulations for Area 2.

MR. McELROY: That's actually for all of Southern New England and not just Area 2.

MS. KERNS: Area 2 is the only allocation program that they haven't implemented yet, so that would be the only that they would need to catch up on. The transferability program is the other portion that they haven't caught up on. The reasoning behind that was because trap allocations are the only aspect of the current regulations that provide a means and a mechanism to allow the consolidation of the industry and that the industry will need to right-size itself to the available resource.

Varying portions of the traps in Southern New England are considered latent traps unused and the degree of latency varies by area and may range from 10 to 70 percent in some LMAs; and then to allow to full transferability within Southern New England' LMAs but only within each state and only between fishermen with similar types of permits.

I'm assuming that means similarly described as we put forth in the transferability Addendum XII, I believe it is, off the top of my head. This would be implemented by the states and the National Marine Fisheries Service on a mutually agreeable date at the conclusion of the National Marine Fisheries Service regulatory process. Next is to have a transfer rule and a tax. All transfers of traps would – including within the same company or vessel to vessel would be taxed a minimum of 10 percent rounded to the next highest trap. This is to remain financially viable the industry would need to consolidate their traps allocations on fewer vessels.

This would be implemented on a mutually agreeable timeframe, as well, after the National Marine Fisheries Service had put together their regulations. And then it would be to move federal lobster permits

between vessels in the same company. Some fishermen own two federal boats; one with a federal lobster and finfish permit and another with just finfish permits.

The one without the lobster license is the better quality vessel of the two, it might be desirable to allow the flexibility for individuals to arrange the federal lobster permits in a different fashion; i.e., maybe they would want to separate their lobster permit from one vessel and assign it to the other. Some federal permits also get bound to each other on federally licensed vessels.

If someone in the lobster industry has the ability to separate a federal lobster license from other federal permits and add the existing license and trap tags to another federal vessel that they own, it might provide more flexibility for that individual to mitigate the impacts of the regulations and to carry on with their business.

Most state agencies license the individual and not the vessel as the National Marine Fisheries Service does, so it allows them to move trap tags from one vessel to another. This change could require a change in federal law only and make the federal regulations more consistent with state regulations. The total tags possessed and potentially fished are the same regardless of what vessel they're assigned to.

This would be implemented by the states and the National Marine Fisheries Service on a mutually agreeable date. Also, to allow banking in order to provide as much flexibility for a business plan and to scale businesses for future fisheries, both individuals and corporations could purchase and bank an amount of traps equal to the allocation in each LMA. I think that sort of speaks to itself.

This would be adopted via the addendum process and implemented by the states via the most restrictive rule. Then there would be the allowing of released bank traps. Individuals could be allowed to move banked traps to active traps up to the original baseline to compensate for one-time or annual trap cuts or reductions with no transfer tax being assessed.

In addition, an individual can also increase their original baseline by moving up a hundred banked traps per year as specified in the controlled growth section. Again, we would implement by the states and the National Marine Fisheries Service on an agreeable date. Lastly, there would be a controlled growth clause.

An individual may move up to a hundred traps of their banked traps into an active trap category on an annual basis. Given the magnitude of the cuts proposed, most individuals will desire to sell their allocations in their entirety to an individual who would want to stay in the fishery for a long term. The banking provision in combination with the controlled growth strategy would ensure that they can make a long-term commitment while not quickly activating less active traps. This would provide for controlled growth in all the areas and would be implemented on a mutually agreeable date.

MR. McKIERNAN: Just a comment – and, Toni, you said it earlier that in quoting the stock assessment the stock has now dropped to the level of the eighties but the scale of the fishery and traps and vessels and permits hasn't returned to that level. I think this plan or a plan like this to allow a gradual decline is really what is appropriate.

When we met with the Area 2 fishermen, and there were other fishermen in the room from other LMAs, what we heard was any significant cut quickly was going to bankrupt most or all of them. This plan, which I would describe as a medium-term plan, gives the industry the ability to make decisions over the next few years to either scale up or exit out.

It also it gives an opportunity for any other programs that might become available from government to assist folks because we have a long-term goal here, and the long-term goal is to try to scale the fishery to the size of the available stock. I would support including what Bill has brought forward. Even though it is late in the game in terms of some of the detail, I think we can work it into the document.

MS. KERNS: Just a question; the statement of the problem is to reduce exploitation or harvest by 50 or 75 percent, so we would need to probably change that statement of the problem if this program were put in as one of the options, because I don't think a 25 percent reduction in traps would reduce exploitation by 50 or 75 percent according to information that the TC has provided.

Knowing that the TC has said that they can't tell you exactly how much of a reduction in harvest you get when you reduce traps, but a 50 percent reduction in harvest and then 25 percent reduction in traps probably doesn't equal each other.

MR. McKIERNAN: I would agree with that, but again in my motion I'm going to propose that we make a long-term goal of 50 percent reduction in traps and the other issues are still on the table. You

still have the gauge increases, you still have the season closure going forward to public hearing.

MR. ADLER: Mr. Chairman, I'm having a lot of trouble with this whole Addendum XVII thing for a number of reasons. First of all, the reason for all these reductions is to drop exploitation by fishermen, and yet the statistics show that the licenses are down, the traps are down, the ventless was not used in any of the studies.

For instance, in Massachusetts we're down to 84 active lobstermen in LMA 2 from a high of like 296. The traps are down by either 63 percent or 74 percent, depending on which statistics you use. What I'm getting at is all of this has to do with what we're doing Addendum XVII for. The statistics show that there has been a decrease in exploitation already, and I haven't heard what all the rules that were put in in 2003 or 2004, what did they do?

Did they not work; we put them all, they didn't work; or, maybe they're working and we don't know if maybe they solved the problem – and this is sort of a general thing. Then as Toni was explaining, you heard all the complications with all of this stuff that's going on with all the different areas and all the stuff – it's almost like weighting down and it's going to fall of its own weight. New Jersey has indicated that they don't need to do anything. I did read their plan and their numbers.

How would we ever – we're going to run ahead with an addendum proposing all these different things. I don't even know how you're going to straighten it out even if you did approve it because of all the things that you heard Toni go through, of all the complications that she explained and pointed out.

All of these reasons is why I'm having difficulty at all with going with AdDendum XVII because I don't that it's necessary – it certainly isn't an emergency – and all the complications that come along with it. Also, I do believe that since the adDendum did have status quo all the way up to 75, I would think that anything less than above status quo and below 50 to 75 percent would still be in the ballpark if this thing goes ahead and doesn't fall of its own weight. Thank you.

MR. AUGUSTINE: I'm the guy who seconded the George Lapointe motion to go with 50 and 75. It appeared based on the information we had available to at that point in time it was the right thing to do with status quo as Mr. Adler pointed out. It would seem to me, though, based on where we are now it's

either status quo or 50; yet the process that Mr. McElroy suggested would give us something different. Would it be appropriate to ask for a different option to be in there as a 25 percent option? I don't know; for clarification purposes, Mr. Chairman.

CHAIRMAN GROUT: I don't see that there would be any problem with that as I see some of the parts to the addendum talk about 25 percent reduction, 22 percent, 68 percent as an option, so I can see that certainly could be an option although there may just have to be some refinement in the statement of the problem or how you put it might be – another option would be the first step and then we'd have another step later on.

MR. AUGUSTINE: Well, Mr. Chairman, for clarity sake it just seems to me it's too black and white right now. It's either status quo or the interpretation is 50 percent or 75 percent. Mr. McElroy has a different option which would be variable. I don't like any of them. If I had my druthers I'd just go ahead and table this thing until 2013 and maybe we'll get there before the day is over.

I know there is further discussion around the table; so unless there is resistance to it, I would suggest we make a motion to put in an option to go for a 25 percent reduction; or, as you suggested, Mr. Chairman, change the language in the statement that it could be a variable from status quo to 75 percent.

That would give the board a full range of where to go. It would encompass the 25 percent that was suggested in there. We might find as we go along a little further with this that maybe someone will come up with a 10 percent; I don't know. I would make that motion. If I get a second to it, we'll go for it – but just to change the language in the goal statement.

CHAIRMAN GROUT: Is there a second to that motion? Let me just clarify what the motion is; is it just saying a 25 percent option or are you saying a 25 percent option utilizing Bill McElroy's proposed management measures here?

MR. AUGUSTINE: Well, for clarity sake you could use either approach. If you wanted to make it simple, make it a status quo to 75 percent. It gives us, the board, the full range of going anywhere in between.

CHAIRMAN GROUT: Well, I think we have that right now, and I think in the statement of the problem we could – I thought you were looking at putting in an option that would be for 25 percent was your

motion, and so I'm just trying to clarify whether you're just saying an option for 25 percent and let the PDT come up with an idea of how to do that, which would take us into another meeting in the future before we'd even have an addendum before us, or to put in Bill McElroy's proposal and have that included in as another option.

MR. AUGUSTINE: Well, that was the choice I was putting out to the board. If you just put another option at 25 percent, it would be status quo, 25, 50 or 75. If you just changed the language in there to say from – it could be either status quo up to 75 percent; that would take any other options along the way. When the technical committee comes forward again with what they decide to respond with, it may be a variable. It doesn't have to be 15, 20, 25 or 30. Would it be better to change the language to give us the full range or do we want to be explicit? That's my question.

CHAIRMAN GROUT: I think because we always have status quo as an option – that's zero – I think the option for some action to take would have to have a range of – if you were going to go with your motion to change the problem statement, say, between 25 and 75 percent so you'd have to – because we're always going to have status quo in there. I guess that would be my interpretation.

MR. AUGUSTINE: **Then I would make the motion to add an option of 25 percent.**

CHAIRMAN GROUT: Is there a second? Seeing no second – okay, there is a second to add an option of 25 percent reduction. Bill Adler seconds. Okay, so we have a motion on the floor to add another option for a 25 percent reduction. Dave, would you like to have comments on that?

MR. DAVID SIMPSON: Yes, I think the discussion so far and the motion kind of reflect the problems that we faced to date, including the PDT, and that is in trying to – the presumption going in, when the motion was made to Develop options to achieve either a 50 or 75 percent reduction in exploitation, I think two things were implicit in most people's mind at that time.

One was that there would immediately on implementation be some mechanism for consolidation, transferability of traps or landing privileges, whatever they were, some ability for the industry to remain viable and remain profitable. With the Development, as we learned in the PDT, of the issue about trap allocations not being finalized in

Area 2, federal waters for another year and a half or so – maybe I should have been aware of that myself, but I wasn't aware of that complication and the PDT really struggled with that.

I think the other thing that was in the back of most people's minds is there would be some level of federal assistance forthcoming. I think a lot of people expected that. If you look at the handout that came out this morning or this afternoon from my congressman, Joe Courtney, on the back of that, second to last paragraph it says while some have intimated that lobstermen could be compensated with federal funds, no such funds exist.

Then he finishes that paragraph with furthermore given the current state of the federal budget, the ability to secure such funds will be unlikely. I think we've lost two central components to what we thought we would have going in, and that is an immediate mechanism for consolidation and the likelihood, if not certainty, the likelihood that there would be some federal assistance to, as our Chairman Mark Gibson said a number of times, soften the landing for those who are existing the fishery.

Failing either of those options or mechanisms for relief for the industry, the PDT option itself doesn't even achieve a 50 percent reduction. We didn't even develop for the short term, one to four years, the PDT wasn't even able to develop an option that we could confidently report to the board it would achieve a 50 percent reduction. We didn't even craft an alternative that would achieve a 75 percent reduction.

As much as I did not expect to say this coming into this meeting or back in November when we began work on the specific Details, I think it's time to take a step back from this entire action, reflect on what it is we are trying to accomplish with what is and is not available at this time. In other words, there is no transferability, there is no mechanism for consolidation in an important part of this assessment area or stock area, and it doesn't look like the cavalry is coming in terms of federal assistance. I appreciate the motion that Pat made, but frankly none of these options have quantifiable percent reductions associated with them, and I think it's time for us to just take a step back from this.

CHAIRMAN GROUT: Can I ask – one statement you made, David, and I would like to ask the PDT Chair to clarify this because it was my understanding that there was an option in there that would go to 50 and 75 percent, so is that true that we didn't have any

options in Addendum XVII that would achieve 50 or 75 percent?

MS. KERNS: On paper, if you take the gauge changes and then you do the summer period closure, you would get a 75 percent reduction, realizing that there may be recouplement, but on paper there is a 75 percent reduction, and then you also can calculate a 50 percent reduction using the combination of season and gauge closures.

MR. SIMPSON: Right, that is the case, but it's abundantly clear in the document as well that the expectation is almost all of the season closure savings would be recouped. That's the expectation, so on paper – we did develop a paper 50 percent reduction having no expectation it would actually achieve that level of reduction. Again, that is the basis for my comment.

CHAIRMAN GROUT: I have Mark, Pete, Ritchie and Dan, and I just have one more clarification for Pat. Are you asking, with your motion for a 25 percent option, that the PDT Develop mechanisms for achieving that and put that in the plan or we draw from what is already in the addendum to achieve those 25 percent reductions?

MR. AUGUSTINE: Mr. Chairman, that was my original intent until my friend down at the end of the table came and described to me that he was ready to put a motion on the table. I guess Mr. McKiernan was going to put that motion on the table to encompass that reduction that was described by Toni earlier.

We could do this one of two ways based on comments that were made. I could either withdraw it or just hope that the board would vote this motion down and entertain the motion that Mr. McKiernan would put on the table; whatever your preference, Mr. Chairman. I make it easy.

CHAIRMAN GROUT: My intent was to clarify what you wanted to do with your motion, and it sounds like you wanted somebody else to make the motion.

MR. AUGUSTINE: To make a different motion that was described earlier by Toni Kerns. Because it's on the board already, by Roberts Rules of Order we could either have the board defeat it or I withdraw my second. We've already had debate on the issue.

CHAIRMAN GROUT: Okay, is there any further discussion on this motion? Seeing none, I will give

you a chance to caucus. I'll give you 30 seconds to caucus here.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Joe has asked me to read this motion; and while you're finishing up your caucusing, I'll read the motion into the record: move to add an option for a 25 percent reduction in Draft Addendum XVII for public comment. Motion by Mr. Augustine; seconded by Mr. Adler. Okay, we'll take a vote. All those in favor raise your hand; all those opposed; abstentions; null votes. **The vote is unanimous opposition; the motion fails.** Dan, did I see your hand up?

MR. MCKIERNAN: Again, the comment I made earlier about the widespread recognition that the stock is out of proportion with the fishery I think is universally accepted at least among people who are being honest with themselves. There is another comment I found interesting, and it came in the e-mails that were sent from a Paul McDonald of Martha's Vineyard; his last line in it to wait in limbo for the ASMFC is agonizing.

I don't want to see us go back to the drawing board because it's clear that the stock isn't going to recover to the historic levels and we need to take some kind of action to preserve some spawning stock biomass at first and maybe even to send industry the signal that they're waiting for about what we're going to do.

Now, the proposals that are in the addendum now, which I think have some value, which is the uniform biological measures in Southern New England, as well as the season closure – you pick it – which has real advantages for patrolling and enforcing trap allocation and trap tag issues. We do that in the Outer Cape and it works very well when we have a closure where all the gear comes out of the water.

And then I'd like to add those other two items I had mentioned earlier about the timelines of the gauge increases and Bill McElroy's proposed language. I think that's a package you can take out to the public. Yes, we're going to get beat up, but I think there needs to be some forward progress on this Southern New England problem.

I have a motion that Toni has that she can show, which is just two – the theme of this motion is to take this to hearing but with two minor changes. The minor changes are to – **motion by Dan McKiernan to amend the draft addendum with two modifications; first, establish the timeline for the**

biological measures by phasing the minimum size increase in either a two- or four-year period; and the second, to incorporate the language presented by Bill McElroy to accomplish effort reduction and consolidation but to add an option of doubling the goal of the program by doubling the target of trap allocation reduction from 25 to 50 percent on the same timeframe as presented in the proposal. This means the initial reduction in traps would be 10 percent with a 5 percent cut in each year thereafter. With those two changes, I'd like to see the addendum go to public hearing.

CHAIRMAN GROUT: Is there a second to that motion? Mark Gibson, okay. I'm going to take discussion on this motion. Ritchie White.

MR. R. WHITE: Thank you, Mr. Chairman, and thank you, Dan, for finally getting this on the table. I support it wholeheartedly. It is always good to get everything out to the public and have them give us input. Hearing all this discussion, thought, I just wanted to ask Carl – I've heard about water temperatures, I've heard discussion about less fishermen, I've heard discussion about predators – has the technical committee changed its recommendation to this body that has been reviewed?

MR. WILSON: Well, as far as water temperature and changes in predator fields, really the technical committee has been dealing with that ever since I've been part of the technical committee. We've gone through two peer-reviewed assessments where we looked at changes in natural mortality that incorporate both of those.

MR. R. WHITE: I'm sorry; I didn't make my question clear. What I'm asking is has the technical committee changed its recommendation as to recruitment failure in Southern New England to this body, what we should be doing?

MR. WILSON: No.

MR. DENNIS ABBOTT: I thank Dan for trying to move this along. Again, the problem really lies on that side of the table, and it has been interesting to hear questions of whether we even have an emergency during this discussion. It's obvious that we do. A year ago we were on the verge of talking about a moratorium. We've had conversations today about just putting everything off until 2013. It seems like all those options really shouldn't even be on the table.

I think we decided as a board a while ago that, yes, we have an emergency condition. I know we have

been dealing with the problem of Southern New England lobster stock for at least 12 years and going back to 1999. I don't know what the outcome will be, but I think that Addendum XVII should be put out for public comment.

MR. CRAIG SHIREY: Mr. Chairman, I think earlier Toni said that a trap was going to be considered anything that would catch a lobster. That would include fish pots, I would assume.

MS. KERNS: Craig, that was for the Area 3 plan to clarify – the National Marine Fisheries Service in federal waters already states that if a trap catches lobster, then you need a lobster permit to catch that lobster.

I know there are some exemptions or provisions for a bycatch allowance for finfish traps that do catch lobster, and so that would be different from what was in the Area 3 plan. I think David suggested pulling that Area 3 addendum off the table for right now because it would be incorporated – most of the discussions would be incorporated into Bill's proposed regulations.

MR. SHIREY: With this particular motion here, though, the 25 to 50 percent reduction or any reduction in traps wouldn't apply to fish traps?

CHAIRMAN GROUT: I think the maker of the motion is shaking his head no; back and forth.

MR. THOMAS FOTE: As Pete put nicely together in our vision statement here, we are looking at a stock off New Jersey in the southern region that is a lot different than Long Island Sound, that's a lot different than Rhode Island and Massachusetts. Trying to do an addendum that basically handles both of those fisheries, which are entirely different – and somebody said that, well, he is not sure we'll ever rebuild these stocks.

Well, I'm not sure that the stocks that we fish off New Jersey or the southern part of the region – not Massachusetts or Rhode Island but the southern part of the region is in that shape that we basically look at the stock off Long Island Sound and Bay. I find it difficult that we're lumping everybody in together and that we pull out Maine and we pull out Massachusetts on one end of the state; and when we get down here we lump all these states together and they're entirely different fisheries. The stock assessment has not basically looked at the offshore. As we stated here, we don't have a state fishery. This all take is out in federal waters and yet nobody is

examining the stock really in federal waters. We have no idea what the stocks are off the New Jersey coast, off the Delaware coast or off the Maryland coast or as it gets further south. I just find it very difficult and that's why I didn't support the 25 percent. I'm not sure whether we need 25 percent off our – we have such a small part of the fishery. I'll leave it at that.

CHAIRMAN GROUT: Pete, did you have your hand up?

MR. HIMCHAK: Yes, it actually went up after Bill McElroy's presentation on the recommendation coming out of Area 2; and again they're using the number of trap allocations as the proxy and as a mechanism for reducing exploitation. It's like why did I go through the effort of looking at VTRs for 15 years, and the actual traps that are in the water and hauled is our estimation of effort.

There are latent permits out there; we have about 25 fishermen involved in the fishery out of 110. It has been like that. The economics have developed the fishery to the constraints over a few people left. Would we like to get latent permits out of Area 4 and 5; yes, we would like to work on that. But again to make the assumption everybody needs a 10 percent reduction in trap allocations to reduce exploitation, I don't think that applies. We have better data than that. We have actual numbers of traps in the water being utilized and they ain't varying over 16 years.

MR. JAMES GILMORE: Mr. Chairman, it's a point of clarification and then just a comment. I haven't seen the wording on Bill McElroy's proposal, and it sounds like it takes a lot of different pieces and it's worth exploring. I'm assuming that all of those components are in the current addendum so we're not missing anything because it was quite a different – or the collection of pieces to that in terms of phasing in. Are all those components in the addendum right now?

MS. KERNS: None of his proposal is in the addendum; we would have to add it to the addendum.

MR. GILMORE: But he took pieces from the different options, whatever, from what I was gathering, so seemed it to be it was more – all new stuff then?

MS. KERNS: All new stuff because the PDT did not recommend trap reductions.

MR. GILMORE: Okay, secondly, the comment was as you start going into that type of an approach, that

raises some issues about enforceability so we really clearly are going to have to look at that if we put a multifaceted approach to it. Thank you.

MR. BOB ROSS: From the federal perspective, I guess what I'm seeing here is the TC came forward and identified the need for a moratorium, which was supported through the peer review process. Then with follow-up discussion from the board, it became a lesser target. I think we're moving in the wrong direction.

We're even hearing the potential for a status quo maintenance process. I think that the draft addendum, a lot of effort was put into that document by the plan development team. I think that they were aware of the timeline involved to allow federal alignment with the Area 2 trap allocations, but in the interim there is some meat in that document that include the gauge increases as well as the closed season.

They weren't just picked arbitrarily. In fact they were chosen because the issue here was recruitment failure. The gauge increases as well as the closed season, especially if the closed season was chosen would have significant biological benefit during the summer. When the animals are hauled up in high heat environments, they're soft-shelled, the potential for the eggers to egg out, all that had some brood stock biological benefits.

The other obviously was the gauge increase. Again, even if phased in, that potentially would allow one or two more egg-outs for those lobsters. I guess from the federal perspective we have to move forward in Southern New England. I think that trap reductions are valid. However, as Toni Kerns indicated and the TC indicated trap reductions are not equivalent to landing reductions. I think I would love to have more feedback from the technical committee as well as potentially the law enforcement committee on this issue of what would be the result of various trap reduction levels to actual effort reduction levels.

DR. LANCE STEWART: Mr. Chairman, a few comments; I think we have just two separate and extremes of choice here. It is status quo or up to 50 or 75 percent reductions on the lobster fishery, which includes some, like as Peter pointed out in New Jersey, entirely different than the Southern New England stock. He has an offshore lobster.

They are entirely different in behavior, distribution and thermal preference. The offshore stocks, the Gulf of Maine stocks are below 50 Degrees

Fahrenheit thermocline. They gravitate to that. The inshore stocks in Long Island Sound and Buzzards Bay are tolerant of high temperatures. They have inshore high fecundity rates. Ten years ago when we were at 3-3/16 inches their reproductive rate for recruitment was 95 percent.

We've gone up through two or three gauge increases. Our lobsters are at their maximum for reproductivity. There may not be enough of them because of the die-off, but they are highly efficient in recruitment and have already have surpassed what their maximum would be. So, our problem is not resource distribution and abundance management. I look at it as a real environmental health problem. This disaster occurred because a massive die-off of one of the greatest population concentrations of lobster on the east coast lost 50 to 70 percent of its stock in about a month.

What we as a commission I feel are not giving enough attention to is our environmental stewardship responsibilities. Having served on the habitat for several years and looked at all the chemical and environmental conditions, we were given at the end of the report by the lobster investigation committee, which was legislatively supported by \$13 million back ten years ago, half of that a bailout for the lobstermen and half to research – of that research package half shows environmental warming, which we can do nothing about.

The other half strongly points to pesticides or some chemical imbalance that causes perturbations in the lobster physiology that causes immune system failure. It has been proven in the labs several times. We have no good empirical data from the field. We should be poised to put aside money, not to wait for management decisions that are five years from now, because this is going to be tabled, I'm sure – Pat has threatened already – but we should start looking at avenues to bank money especially in New York and Connecticut; so that when the event occurs – if it's not next year, in two years – we can immediately respond and get out there and take the scientific measures and sample the lobsters and find out what the answer is to our dilemma here that we'll never solve by creating greater size, lengths or 75 percent reduction.

So my appeal is to this commission, through either the policy board or whatever, to try to get some attention on what is killing the canary in the coal mine, the major benthic dominant form of life in the North Atlantic, the American lobster. Anyway, that's my appeal.

MR. DENNIS DAMON: Mr. Chairman, I have a question with regards to the motion, and that is pertinent to the first part of it, the minimum gauge increase. My question through you to the maker would be whether or not that is to be landings' gauge increase or a possession increase?

MR. McKIERNAN: It should be for landings for fishermen who are authorized to fish in those LMAs.

MS. KERNS: Just to be straightforward, there are states, though, that do a possession law because they only have one area in their state. I know, for instance, New York has a possession law written into their regulations. Some states do treat it differently on how they put their rulemaking.

MR. McKIERNAN: But I'm not proposing through this addendum that this be a possession law in the laws because I have already three minimum sizes in Massachusetts.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, with regard to the comments made about Area 4, which is the New Jersey area, just quickly glancing over the document, it looks like that accounts for about 12 percent of the landings in Southern New England and about 51 of the fishermen. This is a document that is going to out for public comment.

That's the decision before the board now. My question is, is there anything in the document now that would preclude the board from making a policy decision down the road to exclude Area 4 from measures that are in the addendum? If there is anything that is precluding the board from making a policy decision, I'm wondering, Mr. Chairman, if that's something you might want to consider in response to the comments you've heard from Area 4.

MS. KERNS: Each of the management options as listed state what specific areas they are for, so, for instance, the minimum gauge says that Area 4 would be required to increase to 3-1/2 inches. The board could adopt that regulation excluding Area 4 at the end, but they all are proposed for all of the areas.

MR. TERRY STOCKWELL: Mr. Chairman, actually following up on Dennis Damon's comment about the possession versus landings and the huge economic impact that it is going to have on Area 1A, my request would be to have some substance in the document that reflects that, particular the states that have possession limits. Out of sight out of mind is going to be true.

If the state of Maine, with our record landings this last year of 93 million pounds, about 10 percent of it was consumed in the state and the other 90 percent went evenly distributed north and south; so much less our adjoining states of New Hampshire and Massachusetts, we're going to be very concerned about how we mark our lobster. That is just a concern from the northern border. Otherwise, I support the concept of the addendum. I think we're going to have plenty of comments.

MR. ADLER: Mr. Chairman, I can't support this, and the reasoning behind it I still have not heard that whatever has been done in reductions in fishermen traps and all the rules that were just put in; and I don't even know if we know whether they worked or not, that that didn't actually help our situation we're trying to deal with here, and I haven't heard that. I also still see in this proposed addendum moratorium wording, which is not good to have in there. That would attract a lot of attention if this does go forward. As we speak now, I may only be one-third of one vote here, but I'm basically opposed to sending this out.

MR. WILSON: Bill, real quickly, as far as what the response would be based on the measures that have gone forward for whatever year, the last assessment, the terminal year was 2007-2008, and at that point if there had been changes in abundance or exploitation we would have recognized that, and that would be incorporated into the assessment. Some of these, it's more than two years after the implementation. It takes a while for the population to balance out and see the effects.

MR. ADLER: That's exactly what I was getting at; it takes a little while to figure out whether it worked or not. Thank you.

REPRESENTATIVE MINER: I guess as I've listened to some of the comments over the last hour or so, it at least appears to me that this motion means different things to different states. In the state of Connecticut where we don't have any let's say limit, per se, in law, I could have 3,000 traps of which they're all licensed, they're all permitted. And for one reason or other I might choose to leave 1,500 or 2,000 of them on the shore; so if this motion were to pass, does that 10 percent reduction come from traps fished or traps licensed and tagged?

CHAIRMAN GROUT: Dan, would you like to clarify your motion?

MR. McKIERNAN: It's traps that are allocated to the permit holder.

CHAIRMAN GROUT: So that's whether they're fished or not.

REPRESENTATIVE MINER: Right, and so following on with that, how does that play into the dilemma of determining what effort gets reduced; is it a potential effort or an actual effort?

MS. KERNS: And that's the point that I was trying to make that in each of the areas we have different degree of latency. Area 6 probably has a very large amount of latency; Area 2 a much smaller amount of latency. It would impact most likely the Area 2 fishermen more severely than the Area 6 fishermen because of that difference in latency; maybe not all of them but let's say the majority of them. That's another reason why the TC can't calculate how much of a reduction, and exploitation you'll get from those trap reductions because of that varying degree of latency. Does that answer your question?

REPRESENTATIVE MINER: Thank you, I think that does help. And then just the last one, I'm looking at this chart that shows the landings from 1981-2009; and again just sticking with a Connecticut story here, it looks like there were about 800,000 pounds in '81 and 441,000 in 2009. Do we have any way of knowing state by state what the licensed permitted effort in 1981 was versus now?

MS. KERNS: I can make that request from each of the states and see what information they can provide me, but I don't have that information on hand.

REPRESENTATIVE MINER: Yes, I would be interested in seeing that, and then you could kind of compare some of the totals in terms of landings and I think maybe get some sense of whether they're related. That won't address, as I understand it, the other questions that I asked earlier as to whether that latent effort is actually fished or stored. Thank you.

MS. KERNS: Craig, just to clarify, it's just a number of individuals that have permits that you're looking for and not necessarily active permits; is that correct?

REPRESENTATIVE MINER: Each state probably treats that differently; is that a fair – so, for instance, just in the state of Connecticut, if there are 2,000 permits – if there are 500 permits yet 2,000 that could be activated tomorrow, what would the information you'd provide me show?

MS. KERNS: For the purpose of this document, I've been using active permits as those individuals that have reported lobsters landed during that given year. I'm not sure how well that information will be available all the way back to 1981 for some of the states. For some of the states it will be available, but others I'm not sure I'll be able to get that definition of active.

REPRESENTATIVE MINER: Thank you; I'm not going to make that request. It sounds to me like maybe part of the problem we have here is that we've kind of got a jumble of laws and a jumble of regulations and then a jumble of people that for whatever reason can either exercise their driver's license anytime they want or not.

That's not trying to poke fun at anybody, but I mean that's kind of where we are; and so as we set about these processes of gathering information in an effort to try and determine what the impact might be on this species, it just seems there are so many other variables. I don't know how we ever make heads or tails out of some of this, but that's me.

MR. SIMPSON: I have to ask a question first and then I may have a motion. This document is evolving to have options that would reduce exploitation by some percent, nominally 50 percent, potentially even 75, and then it would also have another option that would reduce the number of traps – the gross number of traps allocated by 25 or 50 percent. Now those are wholly different things, but am I correct in understanding that the contents of the addendum that we had this morning still exists?

Okay, then if that's the case, then I'd offer a motion to move that Part 1 of Option 3 in Phase 1 contain two options; Option 1 being the combination of Parts A and B currently included; and new Option 2, each LCMA would have a combination of minimum and maximum gauge size that achieved a 25 percent reduction in landings.

MR. ABBOTT: Mr. Chairman, we have a motion on the board that we have to dispense with and then maybe we could deal with a further motion or whatever, but I think that the business before us is the motion that's on the board; is that not correct, Mr. Chairman.

CHAIRMAN GROUT: Correct unless, of course, you're making a motion to amend.

MR. SIMPSON: Which I was.

CHAIRMAN GROUT: Dave, do you have that written out?

MR. SIMPSON: Yes, I have it on a stick if you want.

CHAIRMAN GROUT: Do we have a second to that motion?

MR. SIMPSON: Mr. Chairman, if this muddies the water to add this in now, I'd be happy to hold it in abeyance until we dispensed with this motion, but I thought that by comparison my amendment to this motion was quite small and thought we could handle all these adjustments to the draft document at one time; your call.

CHAIRMAN GROUT: My thought on this is in an ideal world I would rather deal with the original motion first and add this on because this is really not changing the original motion that much, and it would be a good add-on.

If you could hold onto this motion, now that you've all seen it up here, and I had some other people who wanted to speak to the previous motion, but Toni had another clarification question for the motion. Toni, just so that everybody is on the same page, could you ask that clarification question.

MS. KERNS: Dan, as the addendum is currently, we have the short-term measures and then we have this long-term – a little more ambiguous but that we would come up with a plan to reduce exploitation by 50 to 75 percent either using input or output controls, meaning that those short-term input controls could go away and each LMA could come up with their own specific plan to achieve that 50 to 75 percent reduction.

My question is this reduction plan that Bill put forward, is that stand-alone so there is no short-term measures associated with it and it's a long-term option or is it an additional option that is tied to the short-term input controls and replaces the more ambiguous statement that we would come up with measures 50 to 75 percent reduction using either input or output controls.

MR. McKIERNAN: Could I caucus with Bill?

CHAIRMAN GROUT: Sure.

MR. McKIERNAN: Toni, it would stand on its own.

MS. KERNS: So it would basically replace – okay, so it's a long-term goal.

MR. GIBSON: Mr. Chairman, first I want to thank the PDT for all their efforts on this, I forgot to do that earlier, in addition to the two board members that worked with them, Dave Simpson and Dan McKiernan. They had a thankless task and I think they gave us the best they could give us under the circumstances.

It's become clear in discussions with industry, particularly with LCMT 2, that simply a cut in exploitation absent a means for consolidation and trap transferability would doom all the industry as opposed to allowing some downsizing and consolidation in accordance with the current productivity of the stock.

I appreciate the industry's effort to come forward with an alternative, and all we're asking is that to be included in the addendum for public review and comment. I think this is the wise way to go. We already have in there an option of status quo, zero reduction, and we have a moratorium option, a hundred percent. We're just filling in the range right now and some of the different machinery which to use to achieve those reductions. I think it's a wise thing to do in respect for the industry that has tried to work with us. I support the motion.

MR. McELROY: Mr. Chairman, my comments would be similar to what Mark just said, but as a couple of points of clarification I didn't include short-term measures, but it doesn't exclude them either. My expectation was that I would put this plan forward; and then if we received comment from the public that was at all favorable, then we would consider whatever measures that might be for a short-term addition to that.

I'm not trying to suggest that this proposal would exclude gauge increases, would exclude closed seasons or any of those short-term options. I don't favor them; I would be opposed to them, but I didn't draw this up to try to exclude those. They very well could still be introduced but it doesn't have to be part of this document. It could be a two-stage thing; very much the way what the plan development team seemed to have done.

They came up with a suite of short-term measures and said, well, we want to work on the longer-term measures as well, so it's a two-part situation. I don't see where this would disqualify any of those even though I might personally argue against them, but I

think that they would still be open to bringing into the addendum. One of the things that I was trying to do by this was to create a mechanism that would allow us to begin the process of squeezing down effort, whether you call it exploitation or effort, to get the ball rolling, to get something underway and in such a fashion that the industry would have some hope of some people staying whole.

In simple English, what I see confronting us now is if we had 100 fishermen here in Southern New England and we decide that we need to have a 50 percent reduction, that what would end up happening is we would have 50 guys left or ladies that would have a whole business rather than have a hundred people left that have got a half a business.

The people who are left now still in the industry are right at the edge. They don't have any elastic left to stretch or to give, so a gauge increase to 3-1/2 inches in Area 2, according to the statistics in this document, would take 44 percent of the landings away from the fishermen. Right now there isn't a fisherman in Area 2 that could withstand a 44 percent reduction in his landings in one fell swoop. I was trying to concoct some sort of a blend.

This stuff is compromise; there is no question about it. Find a compromise that gets us going in the right direction rather than wasting more time; and then as we go along, my plan suggests that after three years we would give another look-see. We very well might say, all right, we start off on a 25 percent reduction schedule.

Then we look at it in three years' time and see that we haven't gone far enough. Well, we would have the option at that time in a review to double up the reduction, change it to a 5 percent reduction or another number that might be satisfactory, but it gives an opportunity to get the ball rolling, to get something started even though it doesn't necessarily fit in with the plan development team and the motion that said we needed an exploitation reduction of a certain percentage.

When I look and I listened to Pete Himchak talking about how New Jersey's situation isn't as dire as Western Long Island Sound; and if we have to concoct a plan for all of Southern New England, I don't think with such a large disparate region that we have any chance of coming up with something that treats everyone equally, so we have to try to strike some sort of a balance.

It clearly wouldn't be fair to New Jersey to tell them in their circumstance that they need a 50 or 75 percent reduction, but it might be so in other parts of the area. So somebody is going to take a little bit more of a hit than they deserve and somebody else might get away a little bit freer than what they deserve, but that's the art of compromise and we have to try to find a way to deal with that.

One of the things that I thought was – and maybe this isn't the right time to bring it up, but getting back to the numbers that we talked about a little bit earlier, as part of this, if we reviewed the abundance level and it created a different number – like right now we're supposed to rebuild to a minimum of 20 million lobsters from a little bit shy of 15 million lobsters.

Well, I ran some numbers, not very well, but it seemed like if we reviewed that abundance estimate without the spike in abundance of the mid-nineties in there, it would reduce the number from 20 million down to something less than that. I come out with an approximate 16-17 million range, but I'm not very good at math, so that isn't a good enough number to work with. But, if that were to happen, then it very well might mean that the 50 or 75 percent reduction that we're talking about is a little more severe than what we need.

It might very well turn out when we crank those numbers, put it in there and it might only be a 30 percent reduction that's required or 40 percent reduction. I thought it would be helpful and a step forward if we got the ball rolling; and then as we move along we can fine tune it. There is a broad range of opportunities here to wiggle it around. I haven't concocted something that is right dead on the number.

Like with Dan's improvement there, now we could take as much as 50 percent of the gear away. It gives an opportunity to try to keep an industry somewhat viable instead of having everybody go out of business at one time. If we were to take the most severe action that would be here, the only people that I could see in the industry that would end up being able to survive were people who don't really need to go to work anymore; you know, maybe someone like myself that my wife wants to keep me out of the house instead of retiring and being around there, so I might stay on as a hobby lobsterman, but nobody that needed to make a full-time living would be able to do that.

I'm desperately trying to find a way that we can do what needs to be done to protect the resource and begin whatever rebuilding needs to be done, but at the same time has some possibility of leaving a

reduced number of fishermen with viable businesses. I think that adding this into that public hearing doesn't burn any bridges. We haven't crossed the Rubicon. We still have all the options open, but it has increased our chances of concocting something that could work.

MR. ADLER: Mr. Chairman, all I wanted to do was to put in the Massachusetts figures to the gentleman I believe from Connecticut that wanted to know active licenses versus inactive, and we had a situation where we went in 2000 from 642 – this is LMA 2 – 642 licenses of which 296 were active; and in 2009 we were at 217 licenses issued of which 84 were active fishermen in 2009. I just wanted to drop those figures for the gentleman that wanted some figures.

CHAIRMAN GROUT: Okay, we have a motion on the board and I would like to provide the public with the opportunity to comment on this particular motion. I see Bonnie's hand in the back there.

MS. BONNIE SPINAZZOLA: Bonnie Spinazzola, Atlantic Offshore Lobstermen's Association. Mr. Chairman, just to be clear, I know that David Spencer came up earlier and took the Area 3 off the table. However, he did that in order for everyone to talk about the issue and not necessarily to take it away and say we've decided not to put it forward.

In looking at this motion, there are a lot of new people here on the board that don't really know much about what Area 3 has done in the past. If you don't mind, I'd like to synopsise this just very quickly. Area 3 LCMT already voluntarily reduced their traps by 30 percent and have a plan on the table, which was that addendum, to reduce an additional 25 percent.

We have 139 permits in Area 3, which is a huge area, obviously. When we did our rope buyback for whales, I believe we had about 70 fishermen that came forward and we used this as really clarity as to how many people were actually fishing out there, so there is actually about 70 people. Since we started our regulations – and all of this was proactively by Area 3 LCMT – we've had eight gauge increases. We have a maximum gauge. We collect our own data on which the stock assessment was – okay, we collect our own data and we've been doing so for eight years.

Biological we size, sex, eggs stage and shell disease. We also are concerned because the data on which the stock assessment was taken and was looked at is basically inshore data. There is very, very, very little data for the offshore. There are no observers going

out there anymore. The VTRs are still – I can't get a straight answer whether they're used or not. It's just very, very sparse.

We have serious concerns about how much Area 3 data is really known, so therefore because this is on the table, I just want to make sure that this is not a broad brush stroke. I want to make sure that the Area 3 LCMT plan still has its opportunity to come forward because we have some very, very important issues. Also, in that plan we'll be bringing our trap cap down.

We're doing our transferability, as David mentioned, with a 7-1/2 percent increase per year, which caps people from just buying as many traps as they want. At the same time we have a 10 percent conservation tax, and we will be reducing traps by 2.5 percent; therefore the net 5 percent reduction – or increase.

The other thing, too, is that as the trap reduction goes down, the highest trap allocation will then be the trap cap, so every single year those traps will come down until, as David mentioned, it's 1,509 I believe west of the 70 and then 1,800 in Southern New England, and the reason for this is just because of the way they fish and the fact that there are not that many traps out there in that huge area.

I would like to say that's pretty much where I am as far that's concerned. As it was mentioned earlier – I think Pete mentioned it – Area 3 put in a experimental fisheries permit into NMFS to create a juvenile trap design because we've actually been seeing lobsters that are about 50 millimeters or so, and scientists actually have said they don't believe that something like that is out there because they're – not that they don't believe but they're shocked.

They didn't think that lobsters that small were offshore, so we want to be able to find them, which would actually help in all of our data collection processes. That's my spiel as far as this is concerned. There is just one other thing I'd like to mention. Earlier we talked about if we were to go up on the gauge or if the inshore were to go up on your minimum size gauge, Maine and Massachusetts were concerned.

They wanted to make sure that these were landing rules and not possession because obviously of their marketing strategy. If that's the case, I would like the board to then consider Area 3's maximum gauge, which is higher than anyone else because we do have larger lobsters, and there are certain areas where

people catch pretty much only larger lobsters and other areas we catch smaller ones.

Therefore, some of our guys cannot sell into New York. We can't sell into other possession states. If that concern does work and you can create landing situations and write it in, I would appreciate the board looking at writing in the ability for Area 3's lobsters to be sold in states that normally have possession rules. Thank you.

MS. KERNS: Bonnie, just to be clear, the proposal is to have the Area 3 maximum size be brought down to 5-1/4 to be consistent with all of the Southern New England states, recognizing that there is a maximum of 5 inches in the Area 1 states.

CHAIRMAN GROUT: Other comments from the public? If we can keep the comments as brief as possible because I see at least another three or four hands up, so that I can get to everybody here.

MS. BONNIE BRADY: Okay, I'll talk really quickly because I'm from New York and it will make it faster. I'm Bonnie Brady of Long Island Commercial Fishing Association. In the supplemental materials you gentlemen and ladies will find a letter that was written from our organization that specifically goes to the data.

The CIE report, great; the technical committee specifically asked the CIE report to do certain things, but what they did not ask the CIE to do was to – they asked them to assume the data that was collected was correct. I sent a letter because we have a lot of questions as industry. And, Bill McElroy, I'm going to use as an example, though don't worry.

When Bill says, well, you know, I'm not quite so good at math, my husband, who is a fisherman also, a lot of times comes up and he goes, well, you know, I'm just a fisherman – it drives me nuts when he does it because it helps to dissuade his point of view and his level of experience. Industry has heard many things regarding the data collection, and the letter which I'm just going to quickly view over.

NMFS trawl data, no inshore data since 2008. The Bigelow is too big. Is NEAMAP doing the data? Nope, they weren't asked to or they weren't contracted to. Some of these things may not be true, but you can look at them in the letter. The questions that we have from industry are valid points in how to catch or not catch lobsters.

If the data that you have from various states represents more like the keystone cops doing the data collection, then in effect is going to affect what the status of stocks are. In Connecticut I have heard that two-thirds of all of the trawl sets – actually, I’m sorry, 100 of the trawl sets are done west of the Connecticut River. Only five are done east of the Connecticut River. I was actually told by someone from Connecticut today I was wrong; 200 trawl sets are done west of the Connecticut River and five east. Two were done twice, so seven.

That’s a 40 to 1 shot saying Long Island Sound is in really bad shape because we can’t find the lobsters in the trawl. Well, perhaps maybe they should also look to where landing lobsters off of Connecticut, which is Fisher’s Island; the eastern areas, Block Island, et cetera. There does not seem to be enough data collection of a broader sort to actually prove what the technical committee is saying from a data collection standpoint.

From Rhode Island I’ve heard things that the metal doors on the new boat, one got lost in the mud. Now forgive me if I’m wrong on any of this from Rhode Island. These are things we’ve heard. We want them to be, for lack of better word, investigated. So the wooden doors were put on the old boat.

Well, if the wooden doors are too light or they don’t fit the power of the engine, the trawl net will not be on the ocean floor. You can’t catch fish or lobsters on the ocean floor if the net is five feet above the ocean floor or if the net is closed or if when you go to your ventless trap survey and you drop your traps, six weeks after they’re transiting the area they’re not going to be in the trap.

The gentlemen and women that represent industry here know how to catch lobsters; and those of us that are involved with the trawl surveys know what is necessary. What we’re asking for is – forgive me – a status quo for the moment while each of the states’ data is looked at how these things are caught, are the nets being monitored every time, is the speed the correct speed, are the doors working properly, are there sensors on the doors to determine the doors are working properly.

The gentlemen and women in this room know how to catch animals in question. Those from management or those from the scientific committee that only receive the raw data may not be aware that the raw data they’re receiving is inappropriate and often not correct. Before anyone’s lives are compromised through a 25 percent reduction, 50 percent reduction,

75 percent, you need to make sure the science is correct. Thank you very much.

CHAIRMAN GROUT: Again, we have about 15 minutes left before the next meeting; so if we could make these comments in a couple of minutes, that would be great because I’m going to have to cut this debate off very quickly. Thank you.

MR. JOHN GERMAN: Mr. Chairman, Lobster Board, my name is John German. I’m president of the Long Island Sound Lobstermen’s Association. I will be short. My main umbrage with this whole technical committee report is their use of data. I believe and it has come up quite often that we have 50 years’ worth of data really, but we’ve picked a 20-year timeframe to base on this on from 1984-2003.

And then when we want to reduce, according to the document, they want to put the two worse years that are outside the timeframe, which is 2007-2008. I’ve been involved in this lobster management board and everything since 1975. I’ve had it with this and many other species pounded down my throat about best available science.

Well, we have the best available science of a 50-year timeframe, but it doesn’t fit into the conclusions of the technical committee. I want to see that 50-year timeframe used. It might not be the best but it’s the best available science we have, and every one of you on this board has heard that term a million times, it’s the best available science.

It seems to me the conclusion that the technical committee has come up with, they know what they want to do now. They’re trying to look for the data to support their conclusion. It should be the opposite way around. I feel that the place that we are right now, according this data of 50 years, where the lobster stocks are right now it might be the normal what it’s supposed to be. I’ve seen years in my younger years – I’ve only been doing this for 45 years – that was almost about normal. I think if you take out a few high years and a few low years it will prove my point. Thank you very much.

MR. ROGER FRATE: Thank you, Mr. Chairman, for letting me speak. My name is Roger Frate, president of West End Long Island Sound Lobsters Association. I’ve been fishing about 55 years. I started the logbook with Lance Stewart and Eric Smith in 1974. I did the v-notch program with Doc Gunther. Seventy percent of the lobsters are caught in my territory from Westport to Greenwich. Before Hurricane Floyd in 1999, the lobster industry was a

major industry in Long Island Sound. They say about \$40 million. New York to this day doesn't have logbooks.

I would say to the dinner table it's about a hundred million dollar industry – it was before we lost it. We are facing the pesticide kill and the pesticide chase out. About 98 percent of our problems are pesticides. We're down 96 percent of the lobstermen and about 96 percent of the traps. I want more traps out; more traps, more lobsters and more farming.

We were actually farming lobsters up and down the Sound for the last 30 years. If you close the Sound down, your people wouldn't ever know what is out there because your trawl service does not work. When the lobsters are in the middle and in the trenches around the shoreline, you can't get to them.

If everybody keeps lying about the pesticides and going after what they can't find, warm water and looking for research money, we will never have a lobster industry in Long Island Sound and around the coastal waters through Massachusetts, I believe. In the 1999 die-off, I was a part of getting that seven million bucks. Congressman Shays, I took him out in the boat.

Mark Tedesco, head of the EPA, admitted loading 155,000 storm drains with pesticides through Long Island, Connecticut and New York. In the western end it was 90 percent down a month later. With the research money, Lance Stewart, Dr. French and Dr. De Guise worked on the projects. Hydro Coil gave them the water quality from New York. I get a little nervous here.

But, listen, they proved they had an infection. Dr. De Guise proved they had an infection. He could not figure out how they got there. With the water quality Hydro Coil gave them and lobsters we gave them, De Guise proved that it weakened their immune system. Four years later, two days before the symposium, Hydro Coil called up De Guise and he said you're using a different water quality.

This is his words to my mouth. He is saying, "Roger, what I said to him it couldn't weaken their immune system. I checked them in your tanks that I gave UConn when I brought my store down in '96." And I said, "Well, you threw the whole case, never mind costing the fishermen a hundred million bucks, it meant they could use all the pesticides they want." He said, "What am I going to do; I had to do it." After that Doc Gunther, Lance Stewart and Attorney General Blumenthal wanted me to talk everybody

into using the BTI in the storm drains; what Doc Gunther has been trying to get everyone to use for 35 years. It kills the larvae, it doesn't kill the fish or the lobsters.

Methoprene, what they already were using lasts 60 days to 90 days; one part per million and per billion kills lobsters and crabs. De Guise also said the malathion, one malathion will kill an Olympic swimming pool full of lobsters in 24 hours, but that evaporates. If you were fishing with me and saw after a rain what it looked like, after these pesticides are put in there after West Nile. It was a disgrace.

So, here I changed – mostly of Connecticut and New York was working with me. A gentleman named Brian Beckett in Albany, head of the health department, on mosquito diseases, was recommending BTI, lobsters were coming back into New York more or less – they wouldn't let him talk to me anymore. I mean, that's pretty bad, so New York to me is about 90 percent of the problems we have in Long Island Sound.

I just want to tell you in 2009 our state was using all BTI by me calling them everyday. Our DEP only used 800 pounds of BTI. New York went right back to methoprene, some malathion and some Scourge, some Anvil. I had people in the health Department tell me that they didn't care about the lobsters or the fish; they wouldn't eat a damned thing out of the Sound, anyway.

This is New York for you. Anybody thinks I'm a liar, bring them in front of me, including Simon De Guise and Mark Tedesco, head of the EPA.. Okay, so 2010 here – 2009 there was an EPA meeting. I ran because that fall we had a large volume of lobsters. My son, Roger, Jr., was running the boat. He has been fishing 23 years and vice-president of the Sound. They came back right to the edge of Greenwich.

So I was really concerned about what New York was using, so I went to the EPA meeting in UConn, and Simon De Guise happened to be sitting there. I went over the whole lawsuit and he agreed exactly what happened and why he was forced to change the results. You know, Hydrochloric with the water quality, the same old thing, you know.

Anyway, I begged New York or Mark Tedesco to send some of sort of organization to monitor the pesticides going into New York storm drains. I can't talk to him anymore. I can only talk to a couple of guys that are just off the wall. Anyway, here comes

the run. In the summer, June, July and August we had an unbelievable run. I was calling into the departments and they were back to using the methoprene, some malathion, some Anvil and some Scourge in New York.

Our state was fine. Here comes the rain. When the water quality was warmest, it was the warmest ever. The Marathon Center in Norwalk took the quality and they said the lobsters were never in danger. It was absolutely perfect. The lobsters were knee deep. I've never seen anything like this since '99. Baby lobsters that we v-notched, they were all just laying there.

It was just beautiful, big females, nothing to get six or seven hundred pounds a day. Here is me, I'm going to be 66 this year, I need a new knee, standing on one leg, pulling traps. My son ran the clam boat; I ran the lobster boat. June 23rd it rained two and a half inches. We were praying it wouldn't rain that much at once. My son goes watch, Dad, watch what happens.

On September 3rd there they go, lobsters disappearing in the west, starting to die. Now you can't go from Greenwich to New York City, you won't catch the lobsters. They're all using methoprene, malathion and Scourge on both sides. If you can go from Greenwich all the way up the Sound there to Groton, you caught lobsters again. They're migrating back down.

So my thing here is you're making all these laws to stop us from fishing. We're 95-96 percent less fisherman. In my years, when I first started, if you put anymore than 200 traps out, they cut every trap you had off, the old timers. Now, why would I want more traps out there and more fishermen out there?

We were actually farming lobsters from New York, which is right around New York City, all the way to Groton. We were throwing them back. We had the best hatcheries in the world. Now I was big in the wholesale so I knew from other wholesalers what they were catching and when they were dieing. But this year if you saw after that rain, if you saw the lobsters dying, those big beautiful females with green eggs all dead or so weak you could put your – it was like, you know, in shallow water, 60, 70, 80 foot right in the west there, it took a week and a half and another week and a half to two weeks east a 150 foot of water, thousands of lobsters were there. The females laid right out dead galore when they die. With pesticides the meat stinks; it drifts out. I mean,

I don't know what else we could say. Another thing is everyone says –

CHAIRMAN GROUT: Can you finish up your statement because we've gotten well into our time here for it. We're going to have to cut out some of the other people.

MR. FRATE: Okay, two more things I'd like to say.

CHAIRMAN GROUT: Very quick.

MR. FRATE: I met an offshore boatman in Newport; he is catching v-notched lobsters 80 or a hundred miles out, short lobsters, female lobsters, thousands of them. They don't v-notch lobsters from Maine. He said they come from Maine. Senator Gunther wanted me to make a comment. He fell; he was going to be here, you know. Forty years in the senate, 35 years on the commission, he is against any regulations at all. He is against more traps, more fishermen and leave it alone. Thank you for letting me talk.

MS. TINA JACKSON: I promise will be as quick as possible. I'm also a New Yorker so I talk very fast, although I live in Rhode Island now. Tina Jackson, president of the American Alliance of Fishermen and their Communities. First, let me start off by saying that opinion of many lobstermen in the Southern New England area is that before any action is taken a socio-economic study be done per Magnuson.

Although we're not mandated by Magnuson, Magnuson is being used as reference to a lot of these issues, so therefore we request that a socio-economic study be done in its entirety. Second, the original peer review did not agree at all with the TC report and the commission is acting as if it doesn't exist. The original review must be looked at further in order to make the necessary determination about all the areas of management.

The board voted on recommending a further look at the review and I'm urging the commission to do so as well. While the independent reviews themselves are questionable due to the fact that a narrow list of questions was given geared toward supporting a faulty technical committee report, that's not an independent review, and in order to make a full review of what is truly going on, if anything, it must be done in a non-biased way.

This also brings me to the independent review of Dr. Michael Bell in specific which he clearly states from the information given in Document 1, it is difficult to

judge the quality and completeness of the data gathered in evidence of the shift of spawning distribution. The three items highlighted certainly point towards catches or catch rates and hence presumably greater abundance of lobsters in deeper water.

Without fuller presentation, it is hard to judge how selective these pieces of information are and what contrary evidence might also exist. Quantitative values are not given and there is no information on the precision of catch rate estimates. However, the ventless trap survey lacks a historical perspective to show whether or not this pattern is typical of past decades or does in fact represent a real offshore shift.

He recommends the TC be given the opportunity to conduct a comprehensive analysis at an early opportunity and goes on to show what needs to be done in order to make a concrete decision about the TC's report correctness. We're also asking that before any action is taken, further study of predators must be done. One line is given to predators in the TC report.

You cannot in good conscience continue to do with any other option other than status quo. All of these actions are based on what if or could be. The job loss and the small businesses that are attached to the lobster industry must be taken into account before you decide on any management program. The stakes are too great to be based on a what if or could be.

Further analysis of Jimmie Ruhle, as Bonnie Brady made reference to, Rhode Island's own ventless trap survey shows a healthy and robust population in our area. We still have eleven years to rebuild Southern New England lobsters. We are currently in the midst in this program and to change that would be stating that the commission is not willing to give their own management programs time to work as was debated on the floor earlier the faulty timeline.

If you noticed Maine's historical level chart begins in 1950; ours starts off in 1983. Well, the correct timeline should be 1950-2007 and not – excuse me, 1982-2006. That shows that historical level at a peak that if we come back to a correct timeline of 1959-2006. you will that level will drop into the normal catch rate variable.

That's a huge factor in determining recruitment. These factors must be taken into account before any action is taken. Again, the only option that we feel and many of the fishermen in our areas, as well as Connecticut, New York and Massachusetts, status

quo is the only conscionable vote here today. I suppose I could go on and on but I know there that are other people. I will submit this for the record for your review. Thank you very much.

CHAIRMAN GROUT: Do other people in the audience have new or additional information they would like to bring forward. If you could stick and additional information that hasn't been already mentioned, it would help speed things up here.

MR. GREG DiDOMENICO: Greg DiDomenico, Garden State Seafood Association. I want to speak just briefly to something that is new, as you have asked. You won't be surprised, obviously, that I do not support this motion for the state of New Jersey and certainly the fishermen that rely upon this fishery south of us. That, Mr. Chairman, is the point.

The point is that you've seen compelling evidence from our department and our representatives here today, and I would really like to hear from fishermen or fishermen's representatives from south of New Jersey who are not only relying upon this fishery but have had some recent success in this fishery. If their numbers are anything like ours, it will certainly prove that further reductions or initial reductions that are talked about here today are not justifiable. Thank you very much.

CHAIRMAN GROUT: Anything else new as far as comments?

MR. ERIK BRAUN: My name is Erik Braun. I represent the Town of East Hampton. You have our written comments as well as the comments from South Hampton and Suffolk County Executive Steve Levy who represents 1.5 million concerned citizens. The fact of the matter is we've lost 80 percent of our baymen in the last 20 years not for lack of fish but for lack of access to those fish. We are in lockstep agreement that the few remaining lobster we still have are not the primary impediment to rebuilding the lobster stock in our waters.

It is our belief that the changing environmental factors such as increased water temperature and overabundance of predators are the leading cause of impediment to the rebuilding of the stock. Apart from the natural predation and increased water temperature, the greatest cause for the downward trend in lobster landings are the management measures already in place.

By that I mean the two gauge size increases and the escapement vent size increase as well as the 180,000 lobsters that were taken out of the fishery by v-

notching by the state of Connecticut. Our lobstermen report strong catches of sublegal lobsters. We believe time needs to be provided for the lobsters to grow into the new size limit before you will again see an upward trend in landings.

Lobsters have been fished commercially in the Town of East Hampton for over 300 years. In that time lobster populations have cycled up and down many times. Never before have we contemplated the end of an industry. There is no imminent collapse on the horizon for lobsters and any option besides status quo will result in the collapse of the lobster fishing industry in New York.

The lobster fishing industry is more than an industry; it's a big part of our cultural heritage. I grew up in a small fishing community in Rhode Island called Wickford. In my high school we were called the North Kingstown Skippers. My children today are growing up in the Town of East Hampton and they're known as Bonackers. Bonackers are a group of fishermen that fish out of a creek called Accabonac.

It is a big part of our cultural heritage and we hold it dearly. Again, there is no catastrophe on the horizon for lobster stocks. You need to slow down. There time to do better science, get the data. We support cooperative research and we will abide by the data which it reveals. I don't know what is driving the hurry to close out our fishermen, but it's certainly not biological. Thank you.

CHAIRMAN GROUT: Okay, thank you. I'd like to come back to the board now. We have a motion on the board. Terry, is there further comment?

MR. STOCKWELL: Mr. Chair, just a quick question probably for Carl and for Toni. I noted in the draft document that the TC was unable to recommend the number of traps needed to reduce exploitation to the board target. This is about Bill's addition of the trap reduction measures, which I'm certainly supportive of, but I'm wondering if the TC is going to be able to analyze this so that the public knows exactly what they're commenting on.

MR. WILSON: I think it's impossible to say a 50 reduction in traps is going to be a 50 percent reduction in exploitation, to your point. What the TC suggested doing – I forget the last memo that we had, the timing of it, but essentially we suggested an iterative approach where you start at some very high level; and then if that didn't achieve the exploitation reduction, then you subsequently move from there.

Toni is reminding me that we suggested 50 percent at first.

MS. KERNS: The TC had suggested a 50 percent reduction for the first year and then subsequent reductions if necessary in the further years beyond that.

MR. STOCKWELL: That's exactly why I'm asking the question. I remember that counsel, but I don't think it's going to do the job. If the TC doesn't think it's going to do the job, then I think that there ought to be something in the document that kind of quantifies what it might or might not do.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I get the sense that you're getting ready to vote here and I wanted to correct an announcement that I had made before. That had to do with Rick Bellavance, who I said at the time was a meeting-specific proxy for Peter Martin. I've since been told that he is actually an ongoing proxy.

When I had a discussion in the back of the room, I indicated that a meeting-specific proxy could not vote on a final action. This isn't a final action, but I want to make it clear that Mr. Bellavance understands that within the Rhode Island delegation, that he would be authorized to vote within his delegation. I apologize for the understanding, Mr. Chairman.

CHAIRMAN GROUT: Thank you for that clarification, Vince. Dan.

MR. McKIERNAN: Just briefly; Toni, since the Area 3 LCMT came up with some of the concepts of trap reduction and transfers and banking and this new version that we've tried to bring forward in some ways is a derivation of that. Can you comment as to how an LCMT like Area 3 might be able to comment on this plan and maybe affect any changes in the final rule that might be area specific?

MS. KERNS: I think the best way to incorporate Area 3's plan would be add options within Bill's recommendation for a reduction and so under his banking provisions I could include Option 1 and Option 2 for banking, Bill's and then Area 3's, and then the controlled growth do the same thing. I believe that this plan is for all areas; again trying to stay focused on keeping all the areas' regulations the same as we had identified in the PDT's original plan.

MR. McKIERNAN: That's true, but if this goes to public hearing and the LCMT meets and their comment is to tease out the Southern New England

portion from the rest of the Area 3, would they be able to execute that through this addendum or not? I apologize if this wasn't thought out well enough in advance.

MS. KERNS: If the provisions that they come with are between do nothing and the height of Bill's, then, yes; but if they are above what Bill goes forward with – or what is proposed in Bill's, then often the board will send it back out for public comment because it's not within the range that originally went out in the plan. That why I suggest having suboptions.

MR. FOTE: I will be voting against all of these options because it doesn't deal with New Jersey and with the fishery off New Jersey and yet we're getting lumped in. I also have been very – my lobstermen are very cynical about this whole process.

We leave Maine and we usually don't get involved with Maine and Massachusetts fisheries, and they're asking the question why is Maine getting – since they caught more lobsters this year than they've landed previously in a number of years, and they're having an economic impact benefit for them to basically put a reduction in New Jersey and other places. I know that's not true; I know that's not part of this discussion, but you can understand the cynics that I'm getting out there, especially since we don't have stock assessment that basically deals with our situation in New Jersey and our fishery in New Jersey. Unless we pull that out, I can't vote for any of these motions coming out.

MR. HIMCHAK: Mr. Chairman, I'd like to follow up on a comment made by the public that I was going to bring up before the vote on taking this out to public hearing. While Area 4 has gotten some adequate attention today, Area 5 includes five states. Craig, if you'll permit me, on the supplemental material there is also an eight-page presentation on Delaware's catch per effort offshore not influenced by temperature.

It mimics the results that we've put in our vision document. It's on a slider scale. I would like to see the states collectively and through and LCMT meeting that has industry representation come out review the options in the addendum before it goes out to public hearing. I think this is a critical step not just for Area 5 but for Area 4.

MR. DAMON: Mr. Chairman, I will preface my remarks by saying that I have been anguishing over this particular issue and the actions of this board for some time, and they haven't been limited to just

today. It goes back in fact a couple of years. But recognizing all of the nuances of this and appreciating it, but also being very concerned about the resource so that there will be continued an opportunity for fishermen to fish and for their families and their grandkids to fish, I see it is imperative that we take an action here.

It may not be and will not be the strength of the action that I would like if I were king, but I'm not; but having said that, I want to address the motion, especially with regards to the percent increase in the reduction of traps. I'm taking off from a little bit from my friend Terry's comments and questions to the TC and the fact that I'm reminded that their recommendation was a 50 percent increase to start with and then we work from there and how radical that would be and the concern that it would cause.

But I would like to offer as an amendment to the motion that is before us that in an effort to achieve a 50 percent increase over time that we have a 20 percent reduction in traps in the first year and a 10 percent reduction in the traps each year thereafter, achieving then a 50 percent increase after four years and not after nine years. I would offer that in the form of a motion.

CHAIRMAN GROUT: Is there a second; second by Ritchie. Discussion?

MR. R. WHITE: Point of clarification; I seconded it to discuss this. Dennis, are you asking that be an additional proposal; so, in other words, we're adding another proposal to go out, leaving another option – in other words, leaving Bill's the way it is and then add a new option as you described.

MR. DAMON: Ritchie, my druthers would be that the motion be amended to include this in replacement of what is there. I recognize that may have some difficulty. As to whether or not I would offer it as second option to go out remains to be seen, but it's before us now as an amendment to the option – to the motion that is before us.

MR. R. WHITE: Mr. Chairman, I was seconding with the idea that it was a second option so I would not second it as it's now presented.

CHAIRMAN GROUT: So you're withdrawing your second?

MR. R. WHITE: That's correct.

CHAIRMAN GROUT: Do we have a second? **Seeing none, the motion fails for a second.** Are

you folks ready to vote on the amendment, and I was going to go to yours, Dave, after we dispense with this motion. Toni, has more questions of you, Dan?

MS. KERNS: From your discussion before, is it the intention to add suboptions to include the Area 3's banking and growth provisions or no?

MR. McKIERNAN: I think that would be appropriate to try to incorporate the Addendum XVIII, which was in the package, into this if it's compatible.

CHAIRMAN GROUT: Is everybody clear on that particular – Tom Fote.

MR. FOTE: Mr. Chairman, I'd just like a roll call vote on this vote.

MR. SIMPSON: This is getting more and more difficult for me because none of this has been presented. While this suggests a 25 to 50 percent reduction, the Area 3 twist is that there would increase and trap banking and all kinds of ways to hold latent effort in place; is that what the Area 3 proposal does?

MS. KERNS: It's just different qualifications for the percentage of growth allowed and the amount of banking that could occur. Dave can clarify that if that is helpful for you for their plan, but it's no other parts of their plan. It's just their banking and the growth provision.

MR. SIMPSON: Has any of this – has it been presented to the board; is it in the materials that have been handed out?

MS. KERNS: I presented it to the board as part of Addendum XVIII, and then it was in the supplemental materials, and then the board also had in the November materials their actual plan, which is what prompted the board to have it go into an addendum. It wasn't presented at the meeting because we ran out of time, but the board went ahead and asked to have it included in the addendum.

MR. SPENCER: Mr. Chairman, to that issue I'm going to suggest it may be cleaner – I pulled this off the table at the beginning of this meeting not anticipating that an addendum was going to come out of this and I didn't want to see ASMFC have to go to public hearings once and then initiate another at the next meeting.

If an addendum is going to come out of this, then I would just request that the Area 3 LCMT recommendation be the separate addendum and go to the same public hearings. I think it may be cleaner that way. There are some items that are similar but there are also some transferability issues and trap cap that I think are not appropriate for this document. Thank you.

MR. WILSON: David, a quick question for you since this is a point of conversation; one of the things that the PDT struggled with was the cross-stock nature of the Area 3. In your plan you have identified Southern New England and Georges Bank and Gulf of Maine Area 3 fishermen; how did you do that?

MR. SPENCER: The LCMT plan is for all of Area 3. It's inclusive of Georges, the Gulf of Maine and Southern New England.

MR. WILSON: But you have different trap caps.

MR. SPENCER: We did. We anticipated by stock unit it would have to be an endorsement on your permit. That was our rationale. We have a v-notch provision that is separate in Area 3 north of 42-30, so I think the precedent is there. That's how we looked at it.

MR. HIMCHAK: Mr. Chairman, there is growing interest here to amend this motion to exclude the Areas 4 and 5 from the requirements of this addition to the addendum, so I will make that motion at this point.

CHAIRMAN GROUT: So your motion is to exclude Areas 4 and 5 from this Addendum XVII?

MR. HIMCHAK: Correct.

CHAIRMAN GROUT: Is there a second?

MR. AUGUSTINE: For discussion purposes, Mr. Chairman, yes. I would like to have him explain it a little bit.

CHAIRMAN GROUT: Okay, is there discussion on that motion? Mark.

MR. GIBSON: The information that would support this is, as I understand it, an analysis of VTR reports. I don't believe that there has been any technical review of that. There are reasons why VTR reports would be riddled with problems in terms of interpreting CPUE in those areas. We haven't seen

much to substantiate the arguments that this is a different area, but we have seen the technical committee report, the peer-reviewed assessments and so forth, so I don't think there is a technical basis to do this. Thank you.

MR. HIMCHAK: Well, Mr. Chairman, this gets back to my very point of asking that the LCMTs for 4 and 5 come together and pull all their data together because as it stands now the Southern New England area south of Long Island is essentially – well, we have all these recruitment, we have all these trawl surveys, settlement studies, et cetera, et cetera, and then the technical committee extrapolates the dire situations of temperature impacts and shell disease and then it says that, well, the NMFS trawl survey confirms every other trend that we see in the data.

I would be more than happy to have the VTR data analyzed by the technical committee as an indication of catch and catch per effort. If other states have that as well, I would welcome that information. I've already referenced the Delaware analysis on CPUE. That's a presentation from the state of Delaware. For those very reasons, I want the LCMTs to digest and comment on the addendum before the public hearing process.

CHAIRMAN GROUT: Can I just ask a question of you or clarification on your motion. Is this an addition of another option in the plan or are you proposing that it be completely removed – those two be removed from any consideration in the plan?

MR. HIMCHAK: Not removed from any consideration in plan but the option in front of us is already talking about increasing gauge sizes and banking and trap reductions. I'm not sure voting for those aspects and putting them in a plan – you know, they be applicable Area 2 but I –

CHAIRMAN GROUT: So you're saying just exclude it from this particular option that is being provided; exclude Area 4 and 5 from this particular option?

MR. HIMCHAK: At this point, yes.

MR. SHIREY: Mr. Chairman, I certainly appreciate the magnitude of this addendum and the effect it has throughout a very broad area. We have a very small catch in our sea bass pot fishery primarily. We looked at our catch-per-unit effort. Frankly, we don't see a trend at least over the last 12 years.

I'm concerned, as New Jersey is, that we're being painted with a very broad brush here, and it would be nice to see at least Area 5 pulled out and looked at on

a specific level rather than to be included with all of the whole Southern New England region. I could support looking at Areas 4 and 5 independently.

CHAIRMAN GROUT: But the motion is specific to the main motion here; that Areas 4 and 5 will be pulled out of the measures for the main motion.

MR. HIMCHAK: Yes, that's correct because the final addendum – you know, I'm making this suggestion with the hope that this public hearing document will still be reviewed by the LCMTs, and within the Addendum XVII there is still the option for status quo. I don't want to remove us an entity in the Southern New England Fishery, but this motion before us today, it seems like there are foregone conclusions about strategies to reduce traps – and I'm forgetting the other part of this, but that's what I'm voting against.

MR. BEN MARTENS: So with this type of motion, would this potentially put more reduction effort back on to the other areas that aren't involved in this, so that percentage reduction would have to be potentially higher to those fishermen?

MS. KERNS: It depends on what option is chosen in the document. The purpose of the document originally was to reduce exploitation and harvest by 50 to 75 percent. The trap reduction proposal does not get that initial proposal for the document. So, no, it wouldn't because for Delaware, they don't have a lobster trap fishery. They have finfish fishery in which – for the most part.

They might have one or two guys that direct for lobster in federal waters, but most of their fishery comes from a bycatch allowance, 100 lobsters per pot in the finfish pots, so it's not going to make a difference for that. If you exclude them from the season closure option, then you're going to have the season closure from other areas because you won't be getting any closure from them as well as the gauge.

MR. R. WHITE: Mr. Chairman, I guess I have a problem with the way this is presented. If this was an option in the addendum so we could get public comment on it; the way this is written the public can't comment because it's already done. I guess I can't support this the way it is; but if it was an option in the addendum so we could hear public comment on it, then I would support it.

CHAIRMAN GROUT: Further comment on this proposed motion to amend? Seeing none, I have one question. Tom, was your request for a roll call vote

for this particular motion to amend? I thought it was for the main motion, so this is a regular raise-your-hand vote. Okay, I'll give everybody 30 seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: While they're caucusing I will read the motion: move to amend to exclude Areas 4 and 5 from the Draft Addendum XVII for public comment. Motion by Mr. Himchak; seconded by Mr. Augustine. Is everybody ready to vote? Okay, all those in favor of this motion raise your hand; all those opposed; any abstentions; null votes. **The motion fails three to seven.** Now we're back on the motion; any further comment or debate or are we ready to vote on this? Bob Ross.

MR. ROSS: I'm having some concern here again with the approach where we had a board tasking to address the Southern New England problem at 50 or 75 percent. A super plan development team was created – and that was not my word but the board's definition of this PDT to address this issue.

It included scientists, it included board members and there was a lot of analysis that went into the decisions for the options that were chosen. Yet here we're seeing a lot of information – in fact, I haven't read all of the information that has been provided and yet we're moving forward to add additional options into the document that the technical committee has had no input on at this point.

I guess I'm concerned that as others have asked that the LCMTs get involved, I think it's critical also that we have some feedback from the technical committee on the various measures that are in the Rhode Island Lobstermen's Association Proposal as well as the Area 3 Proposal in Addendum XVIII. I would feel more comfortable if there was some TC analysis of the measures and the effectiveness of those measures prior to releasing the document for public comment.

MR. R. WHITE: As a followup, was that a question, Bob, because I would support that to see if we can get a technical committee response to this before it goes out so it's part of the document. Is that possible or is the timing not going to work?

MS. KERNS: I think it depends on the timeframe that the board wants to move forward with this document. We have from now until August, until our next Lobster Board meeting, so we take a month to have the TC look this over – and I think I'll need some of the plan development team to help me work

through some of the portions of this to get it so that it's understandable for the public and that it's set for some sort of regulatory language for the states to move forward with. We can do that; but if the board wants a faster timeframe for this document, then I'm not sure it would fit in.

MR. R. WHITE: I guess the only comment I would make is going forward on this, if this comes back from the public, if we don't know what this does percentage-wise, I can't support it, so I think knowing what this does and then if the board decides to take an approach on a percentage reduction, then maybe we can add something to this or tweak it, but without knowing anything about this as far as what percentage this would create, it won't get my support.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I think it's important to clarify what this does to the timing of your draft addendum. The action that was proposed on the agenda today was to review the draft addenda and for this board to make a decision as to whether or not it was ready to go out for public comment, which would start the whole process. I think a key issue here of whether you can still accomplish that with this addendum or whether a vote here for this de facto means that you want to see it again in August and basically delay this four more months.

CHAIRMAN GROUT: Well, my question was on that line is whether we put this in as – there seems to be sentiment that we should have some technical committee input on this. – whether the board would be comfortable with approving this and having the technical committee's input put into the draft without you reviewing and approving that draft and just having that science-based opinion on this particular option included in the draft.

At that point I think if we took that as we could have the technical committee provide their input included in the draft and go out for public hearing and then potentially come back here in August for a final decision on the measures that we'd implement; would the board be comfortable with that kind of an option; with that kind of option where if this approves, it goes to the technical committee, they provide their input onto the amount that this – the reduction this would provide and it just be included in there before it goes out to public hearing. Dave.

MR. SIMPSON: I think in respect that we don't know what this will actually achieve in terms of percent reduction in exploitation, that is no different than some of the other options, especially the season

option and arguably even the gauge option, there is no verification of percent reduction in exploitation element to this addendum, so the options are implement these nominal reductions and whatever happens happens.

The idea was to get something started and so it really isn't different. Whether you do it in trap reductions and it's not quantified or you do it in-season reductions and it's not quantified, it's not any different.

CHAIRMAN GROUT: I'm not seeing any objection to that process, so why don't we at this point, if everybody understands that, that we're going to have the technical committee look at the impacts of this particular recommendation, this particular amendment or this motion, excuse me, and include their analysis in the addendum.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, if there was a non-verbal from the chairman of the technical committee that it would be possible for them to get this done in the timeframe you're talking, I didn't catch that.

CHAIRMAN GROUT: So the timeframe we're talking about, if this passes, is that between now and August there would be – well, before we go to public hearing, yes, but at what point do we have to go to public hearing to get this on the table for the August meeting?

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I think that what you were proposing was that if this motion passed and then afterwards a motion to approve the full addendum were to pass it would be with the understanding that this document would be referred back to the technical committee, that they would be asked to give an evaluation of the impacts that are before you and that write-up would be included in the document and that the document would then go out for public hearing so that you could have a final – you'd be in a position to take final action in August.

So I'm thinking, just to start out, that looking at Toni, I think you would need to get the TC to act on this in, what, within a month; and my question to you, Mr. Chairman, was if the TC said that they were capable and able to do that, I didn't hear that in our discussion and it might be helpful to get that commitment.

MR. WILSON: Just a point of clarification on what is being asked of the TC; if we review the proposal as

written and amended by Mr. McKiernan, I'm not exactly sure what we're reviewing it for; to see if it meets the exploitation standard of 50 or 75 percent; and if it doesn't, then what; or if it does, then what?

CHAIRMAN GROUT: My thought is that you would give your best technical input as to how much reduction it would provide; this particular option as amended.

MR. WILSON: I think we can give it a shot.

CHAIRMAN GROUT: Within a month?

MR. WILSON: That would be sufficient, yes.

MR. SIMPSON: I'm sorry, and this is taking forever and I apologize to the extent that I contributed to this taking forever. But, a couple of points; one, the technical committee has already been profoundly clear that they can't evaluate trap reductions. They can try it again, that's fine, and comment on the addendum.

But the other point is it's now middle or late March; if we're going to get this thing out to public comment, I'd just as soon it wasn't in June and July, which is traditionally the worse time for fishermen to be assembled to meet and comment on these things, so we should be just mindful of the timing of the fishery and how busy affected people will be. I was hoping if it went out to public comment, it would be more like April.

MS. KERNS: Dave, I was anticipating that we would do public comment in May. I just had New York tell me that their landings' figures are incorrect. New Jersey is now telling their landings' figures are incorrect. That's going to impact the tables in the document so I'm going to have to ask the PDT to go back and fix those tables in the document, plus I will most likely need to reword this portion of the document. I'm asking for a month between the TC and help from the PDT, so I'm thinking May 1st to go out for public comment.

MR. ADLER: Can I move the question?

CHAIRMAN GROUT: Absolutely. Do you need time to caucus? I'll give you 30 seconds.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: I'm going to read the motion: Move to amend the draft addendum with two modifications; first, to establish the timeline for

the biological measures by phasing the minimum size increase in either over a two-year or a four-year period; second, to incorporate the language presented by Bill McElroy to accomplish effort reduction and consolidation but to add an option of doubling the goal of the program by doubling the target of the trap allocation reduction from 25 to 50 percent on the same timeframe as presented in the proposal. This means the initial reduction in traps would be 10 percent with a 5 percent cut in each year thereafter. This motion is made by Mr. McKiernan and seconded by Mr. Gibson. Are you all ready? Okay, Toni, take the roll call.

MS. KERNS: Maine.

MAINE: Yes.

MS. KERNS: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. KERNS: The Commonwealth of Massachusetts.

MASSACHUSETTS: Yes.

MS. KERNS: Rhode Island.

RHODE ISLAND: Yes.

MS. KERNS: Connecticut.

CONNECTICUT: Yes.

MS. KERNS: New York.

NEW YORK: Yes.

MS. KERNS: New Jersey.

NEW JERSEY: No.

MS. KERNS: Delaware.

DELAWARE: Yes.

MS. KERNS: Maryland.

MARYLAND: Yes.

MS. KERNS: Virginia is absent. North Carolina is absent. National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

CHAIRMAN GROUT: **The motion passes nine to one.** Bill.

MR. ADLER: **I would like to make a motion to table taking the addendum out to public hearing. My reasoning behind that has to do with getting all this stuff done in the meantime, so table it until time certain, which is August.**

CHAIRMAN GROUT: Is there a second to that motion? Pete Himchak. This motion is non-debatable. Vince.

MR. ADLER: Mr. Chairman, is postpone better than table?

CHAIRMAN GROUT: Yes, and that is debatable. Would you like to – because if you make a motion to table, it has to be within this meeting and this meeting is going to be adjourned shortly.

MR. ADLER: Then I'll go postpone; same idea as what I wanted to do. Is that all right?

CHAIRMAN GROUT: Yes, and is there a second to the motion to postpone? Pete, are you going to second it?

MR. HIMCHAK: Until what time; to postpone until –

CHAIRMAN GROUT: Until August.

MR. HIMCHAK: Yes.

CHAIRMAN GROUT: Okay, there has been a motion to postpone this to the meeting in August; is there any discussion on this? Craig.

REPRESENTATIVE MINER: Just so I'm clear, so does that mean that any of the analytical work that was anticipated should this have been an addendum would go on or would that not commence until it was taken up in August?

MS. KERNS: Craig, they were going to do it within a month's timeframe before this motion came up, so, yes, it could still be done by August, for sure.

REPRESENTATIVE MINER: Thank you; I'm just trying to clarify if could be done and would be done; those are two different things.

CHAIRMAN GROUT: I guess the way I would interpret it is that would be the prerogative of the

board. I would like the board to task them to continue working on this.

REPRESENTATIVE MINER: And so should that be part of this motion?

CHAIRMAN GROUT: It could be understood or it could be –

REPRESENTATIVE MINER: Just so it's clear; that's what I'm trying to figure out.

CHAIRMAN GROUT: Is that your understanding, Bill, of your motion?

MR. ADLER: Yes, the idea here was to have everything continue. There were so many questions that came up and we want to look at things. It would be that, yes, it would be done. That's why I said postpone to take to public hearing until August so that everything else could continue and we'd get all the answers.

CHAIRMAN GROUT: Okay, is everybody clear on that? Pete.

MR. HIMCHAK: Yes, and I seconded the motion because I think it's critical that the states involved in Areas 4 and 5 come together in unison and come out with a statement on the entire rebuilding program.

MR. ABBOTT: Mr. Chair, I'd like to speak against postponing. I think we've had ample discussion and I think that the staff can put things together, and I think that waiting until August just postpones the inevitable of us having to take some action; plus the fact that you're already eaten into at least half an hour of my meeting time, so let's move this along.

CHAIRMAN GROUT: Okay, the question has been called. All those in favor of this motion raise your hand; all those opposed. **The motion passes six to four.** Dave, you can make your motion now.

MR. SIMPSON: Yes, I think it's still appropriate to make the motion because the work is going to continue. **It's to move to amend that Part 1 of Option 3 in Phase 1 contain two options; Option 1 being the combination of Parts A and B currently included; and new Option 2, each LCMA would have a combination of minimum and maximum gauge size that achieved a 25 percent reduction in landings.**

CHAIRMAN GROUT: Is there a second; okay, the motion fails for lack of a second. Okay, Addendum

XVIII; there was a recommendation by the LCMT 3 Chair that we hold off on this until a future date. It's still on the table from the way I understand it at least as far as them wanting to present it, but they are requesting that action not be taken to move forward with it today. Is there any objection to that from the board? Pat.

MR. AUGUSTINE: Point of clarification, Mr. Chairman; wouldn't you want a date certain so we know it is going to come up again so it won't just lag there and lay there; maybe do the fall meeting. Something to put a cap on it; otherwise it's going to drop in a crack.

MS. KERNS: I think that the intention is to have that addendum come up at the same time as Addendum XVII so that they can go out for public comment at the same time.

MR. AUGUSTINE: Can we note it that way then; thank you.

MR. McKIERNAN: Just to clarify; is the intent to bring the polished version of Addendum XVII to the meeting in August for final review?

MS. KERNS: That is correct.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, one of the reasons that got us here this afternoon is because we had new proposals come up shortly before this meeting, which the board entertained and considered. I'm not sure if we need to have any sort of a discussion or sense of whether there might be additional proposals that would then come up in August and put us back in the same situation again or whether the board is saying that this is it right now and we're going to be ready and what we give you in August will be what you want to consider for action

CHAIRMAN GROUT: There has been a request for discussion on the part of the board from the executive director. Are there any comments on that? Bill.

MR. McELROY: Yes, Mr. Chairman, I would like to comment, Vince, that I can't speak for the rest of the board but I have no intention of bringing another one forward. This has been fun enough; thank you.

MR. HIMCHAK: I can't predict the outcome of having an LCMT 5 meeting and an LCMT 4 meeting in response to Addendum XVII, so I don't know what the outcome of those meetings will be.

CHAIRMAN GROUT: Any other comments on that? One of the things that the plan development

chairman was looking at is potentially a cutoff date for any new proposals for the addendum that we have just postponed until the August meeting. I wanted to put out as a proposal that any potential changes get to the PDT – new proposals, I should say, would get to the PDT by June 15th. Bill.

MR. McELROY: I think that's fine, but just to defend myself a little bit on bringing this proposal forward late, it came out right about the same time the plan development team came out with theirs, and I was trying to pay attention to what they were doing to make sure I wasn't stepping on their feet. That kind of made it difficult to speed it up much beyond that, and I don't think we'd have that same circumstance again.

ADJOURNMENT

CHAIRMAN GROUT: Anybody else have an objection to having a June 15th cutoff date for new proposals? Seeing none, I'll that as a consensus of the board. We did have an Item 6, which was to discuss the CIE reviews and the NMFS draft environmental impact statement. Unless the board feels otherwise, I think those discussions were wrapped into our discussion and debate about Addendum XVI; so unless there is objection from that, I would like skip over that and entertain a motion to adjourn. So moved and second.

(Whereupon, the meeting was adjourned at 4:22 o'clock p.m., March 21, 2011.)
