

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

Doubletree Hotel
Arlington, VA
August 14, 2006

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COMMISSION

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Doubletree Hotel Crystal City, Arlington, Virginia, August 14, 2006, and was called to order at 12:00 o'clock p.m. by Chairman John I. Nelson, Jr.

CHAIRMAN JOHN I. NELSON, JR.: Welcome to the Lobster Management Board. For those who have forgotten who I am, I am John Nelson. Before we get into anything as far as the agenda and that sort of stuff, I call upon Bob Beal. We have a number of new staff, so, Bob, if you would do the honors of introducing the new staff to everybody.

MR. ROBERT E. BEAL: Thank you, John. I would be happy to introduce the new folks here. I think there's three new staff members at the back table.

The first is Nichola Meserve. Nichola will be the FMP coordinator for striped bass, weakfish. She is also handling the South Atlantic Council. That's red drum, spotted seatrout, Spanish mackerel and Atlantic croaker. She has been on board about a month or so, and we're thrilled to have her.

The next person in line is Melissa Paine. Melissa is going to be our new scientific committee coordinator. She will be handling the NEAMAP Program, SEAMAP Program, staffing the Management and Science Committee, Stock Assessment Committee; also, helping out with our Committee on Economics and Social Sciences and Protected Resources

Committee and probably picking up other odd jobs along the way, which will keep her plenty busy, I'm sure. We're glad to have Melissa.

The third in the line is Jessie Thomas. Jessie is our new Habitat Committee Coordinator. She has been on board two months now, maybe, something like that. She is coming up to speed real fast on the Habitat Committee. She has got them moving forward really well on responding to the National Fish Habitat Initiative that was brought up at the last Commission meeting, so I think we're moving along pretty well there. We will get an update on that during the Policy Board.

Personally, I'm thrilled to have them on board, as you can imagine. Please introduce yourselves to them and make them feel welcome around the table and at the Commission. Thank you.

CHAIRMAN NELSON: Thank you, Bob, and welcome to all of you. All right, let's move on to the agenda. There's a modified agenda.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I've been informed by our folks from the LCMT Area 6 from Long Island that have a flight at 4:45.

The original agenda, which they made they made their flight arrangements by, showed that the Connecticut V-notch proposal would have been earlier in the day, and here now we've move it to – they haven't seen this agenda until just now. With your permission, could we possible move that up to an earlier time so they can participate?

CHAIRMAN NELSON: Thank you, Pat, we'll get into the agenda now. Pat, you were requesting that the V-notch proposal, Number 9, be moved up earlier?

MR. AUGUSTINE: Yes, Mr. Chairman, and whatever time you had allocated, it looks as though we would have been able to deal with that. How long did you assume that would take, a half hour 20 minutes?

Whatever that allocation is, if we could move it up somewhere before the review of Draft

Amendment 5 PID, like Number 6, if that would be okay with you?

CHAIRMAN NELSON: Pat, let me get back to you on that. Staff is going to take a quick look at it, rather than just trying to make a jump –

MR. AUGUSTINE: Okay, we would appreciate that, thank you.

CHAIRMAN NELSON: Okay, let me have staff take a few minutes to think about it. Now, are there other changes to the agenda?

MR. GEORGE LAPOINTE: Mr. Chairman, if I could, a couple of items under Other Business. Just to give people an update, there's a group called the Maine Offshore Lobster Alliance that has some ideas about a buffer zone in Area 3. Area 1 has, I think, passed a motion, but they haven't brought it forward yet about transfer among areas, so just to give people a little bit of information, if we have time at the end of the meeting.

CHAIRMAN NELSON: Okay, if we have time, we can go over those, George. I think some of them probably shouldn't take much time other than a discussion as far as what they are and then assigned to the appropriate venue, which would probably be the other LCMT groups, to consider.

Anything else on the agenda? Give me a minute now and let me see if I can accommodate Pat. Let's run into the next item, which is the proceedings from May of '06. Any corrections or additions, et cetera, to the proceedings?

SENATOR GEORGE L. GUNTHER: My good friend, Frate, is getting his name misspelled -- I wouldn't want to criticize our stenotypist there; he is the greatest – but his name is F-R-A-T-E. It's not F-R-E-I-G-H-T. He's a lot of freight to bring along, but that's not his name. I would like to see it changed at the proper time.

CHAIRMAN NELSON: Thank you, Doc. Any other changes to the proceedings. Without objection, as modified, they are adopted. Thank you very much. I still need a minute to confer with staff.

Pat, it looks like we could move up Number 9 to after Number 7. If we do time management effectively, it might occur a little bit earlier in the time line. I need –

MR. AUGUSTINE: Thank you, I think that will work, Mr. Chairman.

CHAIRMAN NELSON: -- to point out to the Board that we need to try to do it as timely as possible anyway.

MR. AUGUSTINE: I believe that will work, Mr. Chairman, thank you.

CHAIRMAN NELSON: Okay, that brings us to Public Comment. Public Comment, I would remind everybody is for things to be brought to the attention of the Board which are not on the agenda. Anything on the agenda that requires motions and whatnot we will go to the public for public comment. Is there any public comment at this particular time?

Okay, seeing none, we will move on to something dear to my heart, the election of a vice-chair. Gordon.

MR. GORDON C. COLVIN: It would be my pleasure to nominate Brian Culhane.

CHAIRMAN NELSON: I'm looking for a second. Ritchie White seconded that. Is someone going to make a motion to close – Pat, go ahead.

MR. AUGUSTINE: What were you waiting for, Mr. Chairman? Move to close the nominations and cast one vote for Brian Culhane.

CHAIRMAN NELSON: I'm sure there was a second to that. Pat White seconded. Okay, without objection, we now have a new vice-chair. Since Brian isn't here, let's send him an e-mail sometime and congratulate him for his volunteering for this. Actually, we did talk to him so he was willing to do it.

Okay, that brings us to Item Number 5, which is Addendum VIII clarification. Toni.

MS. TONI KERNS: Thank you, Mr. Chairman. You should have a memo in your briefing materials, dated July 24, 2006, that lists the motion that we passed for Addendum VIII. It included the trip level mandatory reporting for lobsters.

That motion read, "To adopt Option 3, to expand coast-wide mandatory reporting and data collection with modifications. For collection of fisheries-dependent catch-and-effort data, do not mandate the two-ticket trip level system for all permit holders.

"Instead, require states to collect, at a minimum, catch-and-effort data summarized monthly by National Marine Fisheries Service Statistical Areas and Lobster Conservation Management Areas in annual recall log format from each permit holder.

"Require each state and agency to collect trip-level catch-and-effort reports either as a census or a sample specifically valid at a percent of error determined by the TC. Initial sample or census at least 10 percent.

"Trip-level transaction data shall be required of all dealers involved with primary purchase, first point of sale, of lobster. States and agencies will be required to implement the recall reporting and dealer reporting by January 1, 2008."

So, this last sentence is kind of the most important part here. We only indicated an implementation date for the recall reporting and the dealer reporting. We didn't indicate an implementation date for the trip-level survey or census, as we called it.

I have spoken with the maker of the motion and the seconder, which Dan McKiernan was the maker and Pat Augustine was the seconder.

It was their intention that the trip-level reporting would be implemented at the same time as the recall and the dealer reporting, January 1, 2008. I need to make sure, from the rest of the Board, that was the intention.

CHAIRMAN NELSON: Okay, was that the intention of the Board for that date, for those items? Eric.

MR. ERIC SMITH: Thank you. That wasn't my intention, but I'm happy to live with the will of the majority. My only point in the discussion back then and in the ensuing months is we're probably biting off an awful big mouthful just to get dealer reporting and the monthly recall submitted on an annual basis along the whole coast.

To imagine that we're going to get trip-level, detailed reporting out of even 10 percent of the fishery is hard for me to believe we could do, but if that's the will of the Board, that's fine. We do it anyway, so it's not an issue for us. I was just thinking about effectiveness up and down the coast. Thanks.

CHAIRMAN NELSON: Thank you, Eric. Anyone else have any comments on that? All right, if there is no objection – George.

MR. LAPOINTE: Thank you, Mr. Chairman. I'm not going to go over my concerns from the last meeting because everybody remembers what they were. It's just that this is going to be a difficult thing for the state of Maine to do not because we don't want to, but just because of the politics of the situation in Maine.

It strikes me that the two-stage approach of going to the recall and then the trip-level data provides not a false step, but a mid-step that may cause more trouble than we gain from the mid-step in the state of Maine.

I can envision going to the legislature and getting beaten up and maybe succeeding and maybe not with the recall proposal and then trying to come back a year later for trip-level data. They're going to, first of all, say, "You never quit"; and, secondly, they'll say, "Well, why didn't you ask for that in the first place?"

So, I don't know what this motion – it strikes me that what we did in the end was, by blending them together, we created a confusing situation, and I don't know quite how to tease that apart.

CHAIRMAN NELSON: Well, unless I hear somebody proposing something different, I kind of have to go with a sense of the Board that the '08 was the timeline that they did intend. Now, if you want to put a motion forward that has a different timeline, I think this is the time to do it and make sure that we're all clear on things.

MR. LAPOINTE: It wasn't the date so much. Pat said can we do it in '09, and I said, "Was that 3009 or 2009?" Again, it's going to be a difficult situation. It wasn't the date so much, because we'll do what we can, and we'll figure out what we do next.

But, the confusion was putting together the trip level and the recall data. It strikes me that provides, again, some confusion about what we're trying to achieve.

And, secondly, I can envision trying to get this done again; and if I got the recall portion done in 2007, which would be implemented sometime thereafter, and then try to do the second part, they would say, "Well, why didn't you come to us with that right up front?"

So, I don't know if that creates a dilemma. It's going to create an avenue to weaken a data collection program if we're successful in getting one.

CHAIRMAN NELSON: All right, any other comments on this particular item? Gordon.

MR. COLVIN: I'm trying to read between the lines of what George is saying, I guess. It sounds like there is a recognition here that inherently there is a long-term commitment to get to an ACCSP standard that this action doesn't do, so it's anticipated that we're in an interim situation that ultimately will require a second step.

If that's the case, maybe we ought to revisit the whole thing and recommit to the ACCSP standard and talk about when and how. I'd certainly be willing to do that. It seems that may be a more prudent long-term course of action than trying to get the apple eaten with two bites.

At least, that's what I'm hearing here. I would appreciate some discussion on this point.

CHAIRMAN NELSON: Is there anyone else? So, Gordon, let me try to sum up between the lines here for both parties. For at least some component of the existing addendum, you'd rather have some of it done in another addendum; is that what I'm hearing? What would you like? Let's be clearer.

MR. LAPOINTE: Again, when we talked about this at the last meeting, I'd rather fight the battle of going to the trip-level data right away and not take the interim step. I may lose either way.

I'm concerned that if we have the discussions in state that we've had already, that if we go to the recall portion of this and get that started, people will say we're done.

And then when I come back for the trip-level component, they'll say, "We aren't done and how come you didn't give us the whole story right up front?" You know, again, I think I'd rather just go for the whole enchilada rather than the two-step approach.

CHAIRMAN NELSON: And what part is missing from this?

MR. LAPOINTE: I think it requires recall, then trip-level reporting; doesn't it; or, is it an "or" situation? Well, regardless of whether it's an "or", if we bring a legislative proposal forward, which we would have to do, we will go to the committee and they'll say, "Do you have other options?" I'll say, "Yes, we do, it's this recall portion of this, but I don't want to do it, but we might end up with it anyway."

CHAIRMAN NELSON: Let me have Toni run through exactly what is required out of this addendum.

MS. KERNS: This addendum is going to require states to collect, on an annual basis, monthly recalls of landings' information. It's also going to require trip-level catch-and-effort reports, a sample of at least 10 percent, and then if the TC determines it should be higher, then it would be higher than that.

So it requires both of those things. Right now what I don't know is the date at which the trip-level reporting needs to be implemented by, but the other issue on the table is that – I think what George is saying is that he doesn't want to have these two steps. He would rather see one step.

MR. LAPOINTE: Furthermore, as I understand the trip-level data, the 10 percent or the technical committee's clarification thereof is so that we can come up with statistically valid estimates of our catch from the 10 percent or the 12 or the 5 or whatever.

So if we have that, the yearly recall of monthly landings is redundant because we're getting better data, and the trip-level data I believe is also consistent with the ACCSP standard that we all participated in, and I think the recall isn't.

So it's a question of redundancy, and then it's a question of, as we advance this – and selfishly this is for Maine – in a difficult political situation, we'll probably go for the lowest common denominator and end up with something that isn't as good as the other alternative; and then to get the trip-level data will be incredibly difficult because we will just have expended a lot of energy and political capital trying to advance the recall portion.

So, if we need an addendum to correct – and that's my sense -- I think that's what we need to do.

CHAIRMAN NELSON: All right, so, George, if we move ahead with the '08 date right now for all of this material, as is clarified in this addendum, then what you're suggesting is that in order to modify that to some degree, you're looking for another addendum?

MR. LAPOINTE: I think that's my sense about what we would need to do.

CHAIRMAN NELSON: Well, I think you have to suggest that as a motion and particularly what we're looking at in the new addendum.

MR. LAPOINTE: I think we'd want a couple of minutes to work on a motion so we don't end up

with the confusion that we're in, because we kind of developed a motion on the fly.

CHAIRMAN NELSON: Let me suggest that folks that are interested in having another addendum considered take some time, and I will come back to this item after we go through one or two more of these other items or maybe even a little break, if necessary, but make sure it's very clear on what is being asked to be done.

I'll give you that time to do that, and you can work with the staff or whoever you need to work with to do that. Is that all right with everybody? All right, thank you.

While they are coming up with their – actually, George, you only have until after I finish with Number 6, which is the next item. The next item is the review of Draft Amendment 5 PID.

MS. KERNS: Thank you, Mr. Chairman. In February the draft of the PID for Amendment 5 was first brought to the Lobster Board. You tabled action until the August meeting, where I could make some changes and clarifications in the PID document. You should have in front of you a copy of the PID. If you don't, there are copies on the back table.

The timeline that's been established for this amendment is that if the PID is approved for public comment at this meeting, we would have public hearings in August and September. The Board would review the public comment in October and staff would develop Draft Amendment 5 over the winter, October through February, and the Board would review and then approve the amendment for public comment at the February meeting in 2007.

We would have public comment February through April of 2007, and then the Board would review public comment and have final action on the amendment in May of 2007.

The purpose of a PID is to inform the public of what the Commission is intending to do with the Lobster Management Fishery and to gather information on those issues, and it allows the public to identify any other major issues and alternatives relative to lobster management.

The PID itself addresses the concerns identified through the lobster stock assessment. The document contains – I’m not going to go through all the information. The main heading in the document is the history of the lobster management. It starts with Amendment 3 and ends with Addendum VIII.

It lists all the coast-wide requirements, all the measures that are applicable to all states and areas. It has a listing of measures applicable to commercial fishing in each of the management areas.

The background of the document goes through the establishment of the LCMTs, the process for recommendations in federal waters, how we go through conservation equivalency, a description of the resource, and the status of each of the stocks.

There are seven issues that are contained within the PID. The first is changing the boundaries of the seven lobster management areas. The second is looking at a uniform V-notch definition for possession. The third is looking at a uniform minimum size. The fourth is looking at a uniform maximum size.

The fifth is looking at restrictions on splitting state and federal permits. The sixth is a non-trap sector management. The seventh issue is adding a new objective to the management plan.

The first issue is looking at the boundaries of each of the lobster conservation management areas. Currently we have three stock areas, and the seven lobster conservation management areas are mismatched with those three stock assessment areas.

We have a kaleidoscope of management regulations that takes place within each of the stock units. The TC has found it virtually impossible to provide any robust advice to the Board on each of these stock areas, having these mismatched lobster conservation management areas.

The first option would be status quo. We would just remain with the seven management areas as

they are aligned as you can see on the board. We all know these areas fairly well, I believe.

The second option would be to have just three lobster conservation management areas that would match the boundaries of each of the stock units. This would initiate a new mechanism for development of standardized management in each of the stock areas.

Option Three would be to split Area 3 into three sub-areas, so we would have 3A, B, and C. All other areas would remain the same size; and this, while it wouldn’t solve the issue wholly, would at least give us an offshore management component and an inshore management component.

Area 3 is one of the only areas that bounds all three stock assessment areas, so at least we would be able to provide management advice in Area 3 specific to each of the stock units. Dan, do you have question?

MR. DAN MCKIERNAN: My question would be is this a good time to comment on that issue or should we wait until you finish?

MS. KERNS: Issue 2 is looking at the V-notch definition. Currently the Commission’s definition of the V-notch is a one-quarter inch straight-sided V-notch shape without cetel hair. We also have another V-notch definition in Area 1, which is zero tolerance.

These definitions are designed to protect a sexually mature female lobster through at least one molt and possibly two molts, depending on the definition and how it is interpreted. Because we have different V-notches in some areas, the difference in definitions between adjacent areas erodes the effectiveness of the management measure in each of the lobster conservation management areas that has more than one conservative definition.

Developing a V-notch definition that can be consistently interpreted and complied and enforced throughout all jurisdictions would be more beneficial to use the resource. The lack of consistent enforcement across jurisdictions within the same lobster conservation

management area may reduce compliance among users and reduces the overall conservation benefit of the management measure as well.

To remedy this problem associated with V-notch definitions, a single coast-wide definition with well-defined standards could be implemented. We have five options under that. The first would be to remain status quo and not change the Commission's V-notch definition.

The second option would be to have a V-notch that is a quarter inch with or without cetel hairs. The third is to have an eighth of an inch with or without cetel hairs. The fourth option is to have a sixteenth of an inch with or without cetel hairs. Option 5 is to implement zero tolerance, as we have in Maine.

The third issue is looking at a uniform minimum size in all lobster conservation management areas. Currently we have four different minimum sizes in all of our lobster conservation management areas.

The conservation benefit of these measures is not fully utilized because these lobsters are subject to harvest in adjacent management areas that have different minimum sizes. Consistency would make enforcement of minimum sizes easier in jurisdictions with multiple lobster management conservations areas and eliminate the illegal trade of undersized lobsters that is facilitated by having different minimum sizes within one jurisdiction.

We've also created trade barriers by adopting different minimum sizes as possession rules. States with fisheries such as in Maine are allowed to take a smaller lobster, but then they can't export those lobsters into a state such as New York, where the minimum size is larger.

We have four options within this issue. The first is Option 1, no change, to remain status quo. The second option would be to have a minimum size of 3-3/8th in all inshore waters of the lobster conservation management areas. That would mean Areas 1, 2, 4, 5, 6 and Outer Cape Cod would have a 3-3/8th size.

This would eliminate the trade barriers as well as reducing the effect of minimum sizes with states within the same jurisdiction but having different minimum sizes in their management areas.

Option 3 is to have 3-3/8th only in National Marine Fisheries Service Statistical Area 514 in the southern portion of the Gulf of Maine. This is part of Area 1. Currently the status of the 514 Statistical Area, as you recall from the stock assessment, is not doing as well as the rest of the Gulf of Maine.

This addresses that problem. It also would bring the Commonwealth of Massachusetts, in all their state waters, having a minimum size of 3-3/8th. Currently, all their state waters, except for this portion of Area 1, is at 3-3/8th, and this portion of Area 1 is currently at 3-1/4.

Option 4 is to bring Statistical Area 514, the portion of Area 1, and then the Lobster Conservation Management Area 6 to 3-3/8th. This would bring all of the inshore waters except for the larger portion of Area 1 to the same minimum size. It would address the problems that we're seeing in the stock with Area 514, as well as the problems we're seeing in Southern New England with Area 6.

Issue 4 is looking at a maximum size. Currently we have three areas that have a maximum gauge. The conservation benefits of these measures are not fully realized, however, because of the lobsters that are subject to harvest in adjacent lobster management areas that do not have a maximum size.

Also, enforcement of area-specific maximum size regulations on the non-trap sector vessels, including gillnets and trawlers, is challenging because those vessels are not required to declare lobster areas on their permits.

A maximum size permanently protects portions of the population that is sexually mature from harvest to provide additional egg production, to buffer the population when used in addition to mechanisms to moderate fishing effort and could be effective at maintaining stable stock conditions.

Our first option is no change. The second option is to look at a maximum size, ranging anywhere from five to seven inches. Depending on the maximum size that is chosen, the impacts on the various fisheries in each of the management areas would vary.

The fisheries prosecuted on Georges Bank, so Area 3 and the Outer Cape Cod area, feature the largest lobsters and would suffer the largest impact on landings by implementing a maximum size. To minimize negative impacts on those fisheries, then we could possibly implement a higher maximum size.

Non-trap landings would be impacted as well since scuba and net fisheries don't feature size selectivity of lobsters as they do in traps. Traps rarely take lobsters that are larger than the size that can fit through the catching rings of the trap.

Issue 5 is looking at restrictions on permits to control effort. We've have seen increases in permanent fishermen and vessels, especially in Area 1, that have been noted as a result from geographic shifts by fishery and vessels, especially through special permit holders.

Those permit holders are allowed to move among lobster conservation management areas with few restraints, so they switch their federal permit from an Area 1 to an Area 3 or an Area 3 to an Area 1.

Federal permit holders who hold permits to fish non-trap gear are allowed to set traps, thereby increasing trap effort. To prevent this occurrence, we could issue a moratorium on all new landing permits.

We've also seen an increase in effort by activating latent effort through the pregnant boat system. This is when, if you have both a state and federal permit, you could split those permits in half and carry your permit history on to both of those boats, and, therefore, doubling the effort.

So, to look at this, we could have two options. The first one is status quo, no change. The

second one is looking at a moratorium on all new landing permits issued by states.

Issue 6 is looking at amending the non-trap sector's daily allowance count from 100 count per day to an alternative poundage measure. Currently the non-trap sector has a daily lobster allowance of 100 per day, up to a maximum of 500 lobsters per trip for trips that are longer than five days.

Non-trap landings are on the rise while trap sector landings have declined in some management areas. For example, the percentage attributed to non-trap gears has risen from 4 percent in 1997 to 11 percent in 2005, and these are in Massachusetts waters.

We've also seen high grading of lobsters in the non-trap sector on a regular basis. The first option is status quo, no change. Option 2 would be limit to a poundage. For the non-trap gear, we would have 150 pounds per day and up to 750 pounds per trip.

Under Option 3, if uniform measures are not adopted through the amendment, then we would require non-trap permit holders to list their lobster conservation management area on their permit. That way they would be held to most restrictive rule.

Since most enforcement of lobster possession rules occur at the shore, it's difficult to ensure that the vessel complied with the rules of the management area while fishing, but if it's on your permit, when you bring them inshore, then they're bound by those rules.

Lastly, is to add a new objective to the management plan. We feel that the management plan's objective should include standards that rules can be enacted that promote compliance. clarity and consistency where practical across the management board.

So, therefore, the objective would read: "Coordinate management activities between lobster management areas and jurisdictions, both state and federal governments, to develop, where practical, compatible regulations to improve compliance."

And, as always, we would recommend all the issues under the management section of this document be adopted by National Marine Fisheries Service. Questions?

CHAIRMAN NELSON: Thanks, Toni. Did everyone get the document? It was sent out on one of the discs, and I think there were copies in the back of the room. Dan, you had a question on Item 1?

MR. MCKIERNAN: Yes, John.

CHAIRMAN NELSON: And do you want to point out what page or is it a general comment?

MR. MCKIERNAN: Well, it would be a general comment. On Page 16 I would suggest another option, which would be to accept comments on redrawing other lobster management areas to better match up with management areas.

Specifically, for instance, Area 2 crosses over the Georges area and Southern New England, so that would be a minor change we could take comments on in the PID, as well as Outer Cape, which crosses three management areas. It would be good if we could accept comments on some of those issues as an option.

CHAIRMAN NELSON: Any objection to including those in the document? All right, seeing none, the staff so noted, and we'll try to make your life a lot easier. Another issue?

MR. MCKIERNAN: Two other issues.

CHAIRMAN NELSON: Well, let me check. Anyone else want to say anything else on this particular section of the document? Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. This PID certainly addresses a lot of issues. I guess the one I have trouble most with is one that I voiced concern about in the past. It's Issue 1 in terms of changing the management areas.

I mean, most of the time I like to see a PID where we can solicit constructive public input. I

don't see where the benefit is here whatsoever. It would reverse the whole trend of lobster management as we've gone forward.

It would essentially erase the history, not without its bumps, but we certainly made a lot of progress with the LCMTs, the seven different LCMTs. The federal government itself has responded to priority recommendations from this group for implementing historical participation very explicitly, clearly identified, along with LORAN coordinates based upon the management areas we've identified.

To me it would be a major step backward. It would be interrupting the LCMT process. It would be disregarding the initial reason why we did this, to identify and respond to differences in the industry from north to south, from inshore to offshore.

I don't even think I could abstain from bringing this to public comment. I just think this is a major step backward. I think it's the wrong thing to do. Thank you.

One other comment. The preface to this indicates that the technical committee finds it impossible to provide robust management advice. I mean, we've known this; it's difficult. We've also had a discussion recently that even with rearranging the stock management areas, it does not solve any magical problems or dilemmas.

We're still stuck with the situation where we have one of the most important fisheries in the country with the least amount of information upon which to make a stock assessment, and it's not, first and foremost, because we have the wrong management boundaries.

I believe the preface up front, if this does stay in, is stacked unfairly to those that would favor a change in management areas. It does not acknowledge the chaos, as well, that would result if in fact we did change them. I think both sides would need to be presented to the public. Thank you.

CHAIRMAN NELSON: All right, let me just say if you want to change something, make a motion, and then we'll listen to the

rationalization associated with it, and we'll see if your motion carries. Otherwise, let's just massage this as we need to and move ahead with it. So, having thrown down the gauntlet, Harry.

MR. MEARS: That being said, thank you for the sage advice, Mr. Chairman. I would make a motion to remove Issue 1 from this public information document.

CHAIRMAN NELSON: Is there a second to that? Everett, okay. All right, comments? We've already heard Harry's comments on why. How about against removing that from the document? George.

MR. LAPOINTE: I would like to think it's a rationale and not a rationalization, Mr. Chairman. If I think about the area management concept and the difficulty that's come with it – and we have talked about it for a decade – the issue of the management boundaries is still a valid one. Certainly, the Outer Cape Area is difficult -- we'll just leave it at that – from a management perspective.

So, rather than taking the whole issue out, you could take Option 2 out of that, where it just meshes the three areas into the three assessment areas and allow Option 3 to go forward and Dan's option about other rejiggering, holding true to the area management concept by changing the boundaries into something more workable. It strikes me that is a reasonable way to go, not all the way to Harry's motion, but allowing some adjustment among areas.

CHAIRMAN NELSON: Thank you for the comment. After this motion is dealt with, if you wanted to make a motion, then you are free to do that. Someone else in favor of removing all of Issue 1? All right, one more opposed, and then we'll take any public comment on it. Go ahead, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. As I understand it, this is strictly a draft document and a review and a discussion. My understanding was when we got into this step of the process, that we try to put everything on the table that we possibly could put on the table.

Each and every option that we've ever had, we've always allowed "take no action". In this case, Option 1 within Issue 1 is to take no action. But, in reading the definition – or, I'm sorry, the problem with the issue that has to be addressed, it just seems to me that there is a problem.

Unless someone could come up with a new, specific item that should be added as another option, I find it difficult to support dropping out the whole of that Issue 1. I would be looking for someone on the "yes, drop it out", what other good rational reason would it be, because you still have the option of staying status quo?

CHAIRMAN NELSON: Thank you, Pat. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I really don't want to say that I'm speaking in favor. It's not my place to –

CHAIRMAN NELSON: I didn't characterize yours. I just said we would get some comments from Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, and I appreciate you doing that. It seems to me that the driver here was advice that we received from the peer review and the stock assessment scientists.

What we're wrestling with right now is how painful it's going to be to change the boundaries, and there are problems involved with that. The flip side is not responding to the concerns of the scientists, and the need to manage that stock is also going provide some problems.

I mean, I'm not sure that we've sort of put ourselves through enough pain to resolve that difference at this point in the process; and that if you were going to drop it, it would be with a full understanding of what the tradeoffs are and that we couldn't do any better. I'm not so sure we are at that point.

CHAIRMAN NELSON: Thank you. All right, Eric. Eric, this is in favor of dropping --

MR. SMITH: In favor of dropping the issue. I was actually almost going to offer a comment in opposition to it because you didn't seem to have any for that. I have a question, first, of the technical committee chair.

CHAIRMAN NELSON: I just had opposition a minute ago by your esteemed colleague from New York. Is there another one for? Dennis.

REPRESENTATIVE DENNIS ABBOTT: Thank you, Mr. Chairman. It would seem to me that this Issue 1 would have more merit if there was more specificity to the geographical boundaries to be changed. I think to basically generalize that we should change boundaries I don't think is a good way to go forward. I'm in favor of dropping the issue.

CHAIRMAN NELSON: Let me have staff – I thought they were very specific.

MS. KERNS: Dennis, it would be to change the boundaries – Option 2 would be to change the boundaries that we have for the management areas to match those exactly that we have for the stock unit areas, so that would give us three management areas that would match – the Gulf of Maine, Georges Bank, and Southern New England.

That's on Page 15 of the PID, Option 2. Option 3 is specifically splitting Area 3 into three sub-areas, 3A, B and C. Those lines would be drawn at the base of each stock unit area, so these are lines that border the Gulf of Maine and Georges Bank, and the line that borders Southern New England with Georges Bank.

CHAIRMAN NELSON: Dennis, do you have another question on that?

REPRESENTATIVE ABBOTT: Yes, and maybe I'm seeing the problem that others might see. If I look at Pages 26 and 27, would that be the clarification to that? If I'm looking there, how would I know what the proposed boundaries would be?

CHAIRMAN NELSON: Yes, 26 represents the existing management areas, and the stock unit

areas are on 27. They are a little different. George.

MR. LAPOINTE: I want to offer a substitute motion, which is neither for nor against at this point.

CHAIRMAN NELSON: All right, go ahead, George.

MR. LAPOINTE: And the substitute motion would be to leave Issue 1 in, but take Option 2 out. I hope in subsequent motions we get other options. The reason for this is I understand the reasoning in the stock assessment and the peer review.

It was the same reasoning that was given when we passed Amendment 3. Option 2 to me says abandon the area management that we've had in Amendment 3, and I'm not willing to put that out as an option, because I'm not willing to abandon area management.

So, what I would hope this would do would be to say do we want to jiggle the areas, you know, the boundaries. Dennis' point about specificity is a good one, and I can't tell you what those options should be. I think it talks about making the areas better biologically, but doesn't say that we would go to the three areas, because I don't think, again, that's not something I want to put out as a board member.

CHAIRMAN NELSON: All right, did we get a second to that substitute?

MR. LAPOINTE: Not yet.

CHAIRMAN NELSON: Bill.

MR. WILLIAM A. ADLER: Yes, I'll second that.

CHAIRMAN NELSON: All right, you have that on the board. I have already heard why, so that's a positive. Opposed? One more for? One more opposed? Okay, any public comment on that substitute motion? Bonnie.

MS. BONNIE SPINAZZOLA: I have a comment on the substitute but also on the main issue, so do you want me to give you both now?

CHAIRMAN NELSON: I would like to stick to the substitute motion, which is specifically, really, to Option 2, Bonnie.

MS. SPINAZZOLA: I'm actually quite surprised that you would remove Option 2, because in my opinion, although I want to see this whole motion dropped, it looks to me like that would be the only one that would help the technical committee at all. I can't understand why that section would be dropped.

CHAIRMAN NELSON: Penny wants to make a comment in regard to that.

MS. PENNY HOWELL: I'm not sure where to stick this in, but you're correct that Option 2 would be ideal for the technical committee. My only comment to George's substitute is that as long as the boundaries matched within those stocks, you could have sub-areas.

The problem is when an LCMA area or management area overlaps into two stocks. I mean, within a stock area, you could have an inshore LCMA and offshore LCMA, and that wouldn't matter. It's where they mix and match. Our intent was never to undermine the seven management areas, just realign them.

I think at least our intent was not to wipe out the history, just move it around. Seven management areas, if that's what works for the fishery and that's what everybody is comfortable with – and Harry spent years and years trying to get everybody lined up – we appreciate that, but if you could just line them up the same, that would make it a lot easier for us to do the analysis we have to do.

CHAIRMAN NELSON: I'm just checking for a minute to reflect on whether the other options under Issue 1 provide the guidance that Penny has just provided. I think Dan's options that he just provided a little bit earlier probably provide that flexibility.

If that's the sense of what this overall substitute motion still allows, then probably – I just want to make sure it's clear for folks that that is a possibility out there. One of the staff has just

suggested that under Option 2, if they modified the language that reflected what Penny said, that still might provide a reasonable option to have in there and addresses your concerns about maintaining the management zones that have been set up.

MR. LAPOINTE: I think I wouldn't be opposed to that although it strikes me that it would be a complete rewrite of Option 2. What it would say is all LCMAs would be adjusted to fit into one of the three assessment units.

Then Dennis' question comes up about what does that mean; and when we went to public hearing, we should be able to show on a powerpoint what it means for the various areas in terms of changes so that people could comment on it in a concrete way. If that is what – I mean, if we can make that an option, I'm fine with that.

CHAIRMAN NELSON: Let me have staff make one comment and then I'll come back to the Board.

MS. KERNS: I just want to remind the Board that this is just a public information draft. I made these management options pretty specific; and if we alter that one to be a little more general, then that's a little bit more in line with what we do a lot of times with PIDs.

Then when we go back and have the actual draft amendment, we can have maps made and lines drawn much more definably. But, as we go out to the public for the first time, we could be a little more general just in saying we're thinking about redrawing these lines, having all the management areas fit within the stock unit area. We're not exactly sure where the lines are defined yet, but what is your input just in general?

MR. LAPOINTE: If I may, Mr. Chairman, we are sure what those adjustments would be. We've got the statistical areas that jigjag between the three areas, and we know the coordinates for those, and know the coordinates for the LCMAs; and so to put the two together would allow people to comment on whether this is a good thing to move forward with.

I think the specificity helps us early on in this process, so that people don't go on witch hunts about things that may not happen, and they can comment either positive or negatively on things that could happen under this option.

If that option can say that all LCMA's would be adjusted to fit within one of the three assessment areas, I think that would be a good option to have in there.

CHAIRMAN NELSON: Does anyone object to that? All right, Dennis and then Dan.

REPRESENTATIVE ABBOTT: Again, I'm talking to the motion that is on the board. If we remove Option Number 2, what we really have up for discussion is whether we want to change the lines for Area 3 only.

If we want to discuss that as a possibility, then I think we have to go back to Issue Number 1 and say we're not talking about changing the boundaries for the lobster management areas. We're talking about the issue becomes Area 3 boundary areas.

Then I think we have to redefine the problem statement, because that's not what we're really discussing, and relook at the whole thing. I don't think this is a good idea to remove this. If we want to talk about doing Area 3, call a spade and say let's talk to Area 3.

CHAIRMAN NELSON: Well, again, I think staff has given us some guidance as far as this is in the stage of development. We've got some refinement already on what this substitute suggestion really would mean based on technical input from Penny.

Unless there's real objection, why don't we withdraw those motions. We've given guidance to the staff to continue to develop the document, unless Harry really objects to continuing it, but let's develop the document, look at the possible massaging that could take place with the guidance that's been provided to the staff from this discussion.

Then we'll be able to have further discussions to make decisions on what should be actually going out for public comment as necessary. Does anyone object to that? Do you mind withdrawing that substitute motion?

MR. LAPOINTE: I don't mind doing that at all, Mr. Chairman, because the discussion has gotten us farther along. But, with the discussions with staff, I don't want as an option in the PID meshing seven areas into three. I mean, the text of Option 2 is gone? Okay, thank you.

CHAIRMAN NELSON: That's what I understood, also. Now, Harry, in regard to your motion, given the discussion that has taken place, are you comfortable to let the development take place further as far as what are we talking about? It does then address the technical committee and the stock assessment folks recommendations.

Then you can make a decision a little bit later, either at the public comment or before we even go out to public comment, with a little bit more fleshed-out document. So, are you comfortable also with withdrawing your motion?

MR. MEARS: I am semi-comfortable, and I will withdraw it. Again, it's a matter of intent, just like we've spent 20 minutes discussing something we talked about at a previous Board meeting.

What I'm hearing here is the sensitivity that if we talk about three different areas, as we talk about in Option 2, that does not equate to eliminating the seven areas we currently have on the books.

I'm willing to hear any options or rewriting of an option as long as, hopefully, it's recognized of the importance of those seven areas as we continue down and address Penny's comments with the technical committee. So, yes, I guess I'm quasi-comfortable with withdrawing it.

CHAIRMAN NELSON: I'm almost getting comfortable myself here. Gordon.

MR. COLVIN: Just another suggestion, Mr. Chairman. It seems to me that perhaps in the

process of the staff working on this, a thought could be added to the discussion that would relate to some affirmative steps or procedural steps that could be added to try to improve the alignment of management actions arising from separate LCMTs within a single stock assessment unit.

I'm not sure what it might be, but some process whereby the LCMTs would be encouraged to create a dialogue among them to try to – in recognition of the fact that we have a defined problem and a defined issue, to try to find ways, working with multiple LCMTs, to attack that problem.

Rather than putting aside the seven LCMTs into three, I think it would be better to try to work it out the other way around, and state that very clearly here.

CHAIRMAN NELSON: All right, thank you, Gordon, I think that would be helpful. All right, we are running a little late here. We have got a number of big things to deal with. Bill, you haven't spoken on this, so I'll go to you.

MR. ADLER: Thank you, Mr. Chairman. One thing, when we deal with these assumptions of stock areas – and they are assumptions, the stock areas, where the line is – one of the problems that brought this whole thing up is the technical committee's response that they can't figure out the status -- it's hard for them to figure it out with the different lines.

I just thought of a way that if they were to take any particular area, and let's say – I'll use Area 1 and 3, Gulf of Maine, just as an example. If they took the Gulf of Maine Area 3 Plan and ran it throughout the entire Gulf of Maine, and if they figured that it did whatever they wanted to do, then it certainly would be good for the Area 3 section of the Gulf of Maine.

The same thing with Area 1, if the Area 1 rules were a certain way, they run it through the entire Gulf of Maine, and if it satisfied the need, then there is nothing wrong with whatever the rules are.

It was just an idea of how the technical committee could handle some of the problems that are bring this to the forefront, and that is they can't figure out whether two rules, two areas, whatever, and I think a suggestion like that to them to think about might be a way that they could satisfy themselves without having to destroy the area management, which we have. I am opposed to doing away or changing it to three areas, et cetera, et cetera, and I'll stop here.

CHAIRMAN NELSON: Thank you, Bill. Dennis, let's have a last one on this.

REPRESENTATIVE ABBOTT: Yes, a brief question, John. I'm assuming that, based on the discussions, the tentative timeline shown on Page 23 will be adjusted and the Board will again have a further discussion on the PID prior to its going out for public comment?

CHAIRMAN NELSON: I think we're looking primarily, Dennis, at incorporating comments at this particular time -- I think there was basic consensus of those comments – and send that document out to you for review and get any comments back at that time, rather than having another Board meeting associated with it.

That's the sense of it right now. Again, keep in mind this is just a public information document. We're trying to get public comment. You can adjust things accordingly once you get back to the Board and start formalizing an amendment. This is the very first preliminary step.

Sometimes we try to capture too much in our first preliminary step, but it's still important to try to capture as much as we can, and we've had good wisdom here already today. Vito, and then I'm going to move on to any points on Issue 2 and 3 and 4 and 5.

MR. VITO CALOMO: I think you just answered it, John. You're going to take them in order?

CHAIRMAN NELSON: Yes. Okay, next, two.

MR. MCKIERNAN: Yes, just a clarification. Under Option 5, I believe in the second line under the text, it should say, "V-shaped notch or

indentation". It says, "Any female lobster that bears a notch or indentations". I believe the standard zero tolerance rule is a V-shaped notch of any size, so I think that should be added in there.

CHAIRMAN NELSON: Wait a minute, say that again.

MR. MCKIERNAN: Option 5, Issue Number 2, Page 17, "To implement the coast-wide standard V-notch definition zero tolerance"; I'd like to insert the words "V-shaped" to a description of what is going to be enforced.

CHAIRMAN NELSON: All right, done. Any other comments on Issue 2? Pat.

MR. PATTEN D. WHITE: Does that mean, then, that if you have disfigured tail, that it is legal under the way you're intending. My interpretation of that was without having the "V" in there, it's any notch or any shape that would obliterate a notch.

CHAIRMAN NELSON: Well, isn't Option 1 zero tolerance, so you can stick with Option 1 if you want. You want to get public comment on things, and Option 1 still has that zero tolerance definition. You would like to have that coastwide under Option 5?

MR. WHITE: Correct.

CHAIRMAN NELSON: Thank you. I was missing the point there for a minute. The zero tolerance was an option for Option 5. If you want to modify that, then I think you really need to stick another option in there; or, do you want to modify one of the others?

MR. MCKIERNAN: I want Number 5 to be the zero tolerance option, which in the Massachusetts regulations says a V-shaped notch of any size, with the caveat that if the flipper has been molested or cut up, then it becomes a V-notch, but that's how our zero tolerance rule is written.

CHAIRMAN NELSON: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Maybe one way out of the woods here is I think the real issue is you want a coast-wide standard V-notch. What I'm hearing is the debate over what that standard is, and I think those are two different things.

I am just wondering why we even have to necessarily address that at this point. Isn't really the option is to say whatever the definition is for a V-notch, that you guys would apply that coastwide, and that's the option.

CHAIRMAN NELSON: Yes, I think that was the intent of this particular one, so for public comment it's really looking at what is it that we're defining as zero tolerance. Eric.

MR. SMITH: Well, that's half of it, but also from the PID point of view, I think it's important that we go out and say what is the advice on what the definition ought to be. I don't know that we need to – you know, it's nice to have these different options say, well, there's different dimensions that you could consider.

Obviously, the first point is do you want to have a common definition along the coast, but the second one is what should it be? I think getting advice on both of those is worthwhile.

CHAIRMAN NELSON: I had Bill.

MR. ADLER: Thank you, Mr. Chairman. Just so you don't get into a discussion at the public hearing about the missing part in all of these, it might be worthwhile to add in the second part of that any and all V-notch definitions which talk about or refer to that a mutilated tail to hide is automatically a "V".

Now, that is true in all definitions, the no tolerance one and the quarter-inch one. And, if you don't put that in, they go, well, what happened about a mutilated tail? So you'd add that in on any one of these or all of them, just to clear it up and you won't have that question coming at a hearing.

CHAIRMAN NELSON: Okay, Bill, staff says that will solve the problem for everybody. Issue 3, Pat.

MR. WHITE: I just had a question under Option 2. All the areas were listed except Area 3. Was that because Area 3 already had a bigger gauge? If we're trying to standardize it, I just didn't understand the logic of that.

CHAIRMAN NELSON: I think it is because they already have a larger gauge.

MR. WHITE: So, doesn't still create the problem that Massachusetts was having with an area within their jurisdiction that had a larger gauge?

CHAIRMAN NELSON: No, I don't think so. I mean, we have the same issue, and you either fish in one area or the other, and you're abiding by the regulations in that area.

MR. WHITE: How about dealers?

CHAIRMAN NELSON: No, dealers aren't affected. Issue 4, any clarification? All right, Vito.

MR. CALOMO: Mr. Chairman, you can restrain me if you'd like, and I will listen to you, but –

CHAIRMAN NELSON: Consider yourself restrained, Vito, at this time.

MR. CALOMO: Okay, thank you very much.

CHAIRMAN NELSON: Just spit it out, Big Guy, and tell us –

MR. CALOMO: I will spit it out as I usually do, Mr. Chairman, for all to hear that I'd like to move that Issues 4, 5 and 6 be removed from this document. They are aimed and targeted, in my opinion – and maybe in my opinion only – to the non-trap sector. If we go back a little through history, Mr. Chairman, we committed a travesty many years ago in the name of conservation, Mr. Chairman.

CHAIRMAN NELSON: Vito, I'm listening to you, Big Guy. No, go ahead.

MR. CALOMO: I wanted to stop so you had my full attention.

CHAIRMAN NELSON: Well, let me stop you, though –

MR. CALOMO: Yes, you can. Well, you've tried in the past, and I do listen to you, though.

CHAIRMAN NELSON: Well, I've tried and I have never really been successful.

MR. CALOMO: You can restrain me at times because I have a lot of respect for you.

CHAIRMAN NELSON: You made a motion, Vito, and you don't have a second at this particular point and rather than having –

MR. CALOMO: Well, I wanted to give you some justification that I may sell it for a second.

CHAIRMAN NELSON: Well, let me give you the option if you don't get a second, but, really, the discussion on it really would require a second.

MR. CALOMO: Okay, Mr. Chairman, I'll abide by –

CHAIRMAN NELSON: And Gil is apparently going to second that, so now you can give your rationalization on why.

MR. CALOMO: Thank you, Gil Pope. I appreciate the opportunity to justify my reasoning behind the removal of 4, 5, and 6. My fellow state once told me that the biggest travesty that the Atlantic States Marine Fisheries Commission ever did was the targeting of the non-trap sector in the name of conservation.

We reduced some people from unlimited lobster supply, and we were only catching – in our state, we, because I came from that sector – only catching less than 1 percent of the total landings of lobsters throughout the range, less than 1 percent.

And through many, many battles by the non-trap sector, we eliminated -- just about eliminated the non-trap sector to the harvesting of lobsters. The man that I represent, Mr. Chairman, Representative Anthony Verga, moved in the

legislation to allow 100 lobsters a day with a total of five days, 500 in count, even if you fished, as non-trap sectors usually do, nine or ten days.

My friend, Bill Adler, who is dearly my friend, him and I talked many times over this and said we would go no further, and here I see it again, and it's been eating my heart out ever since I read this.

This is, to me, wrong. It was wrong from the start. In the name of conservation, it was a bad move to begin with, but time has passed. Many years have gone by. I have never taken the issue up again to go battle it. In the key position that I'm in these days, I've never brought it back into a place I think I could battle for and maybe win.

Well, I've settled my issues; I've made my peace. But, Mr. Chairman, this brings it all back right in front, 4, 5 and 6, targeted exactly at the non-trap sector. And to go back, I will not sit still for this deal today. Thank you, Mr. Chairman.

CHAIRMAN NELSON: Okay, thanks, Vito. Personally, Vito, I don't see where Number 4, for example, targets the non-trap. Obviously, Number 6 does, and 5 affects both trap and non-trap. I mean, that's how I would read it.

I mean, clearly, Number 6 does, and it's a question of whether or not you want to leave that in, but four and five are just looking at measures, as far as I see it, as far as maximum and landing permits. That's why I was a little confused about it. All right, to the motion that's on the board. Vito, do you still want to leave it as 4, 5 and 6?

MR. CALOMO: Yes, I do, sir.

CHAIRMAN NELSON: Okay, George, go ahead.

MR. LAPOINTE: Thank you, Mr. Chairman. I'm going to speak against this motion for a couple of reasons, and you've pointed out some of them. The issue of uniform maximum sizes is not non-trap sector specific.

If you allowed larger animals to be caught in traps in Area 1, for instance, people would catch them. Certainly, Area 3 gets larger animals. There is an element of all lobster fishing in that.

Issue 5, the restrictions on permits to control effort, also, I think goes among different gears. I actually want to add another option to that based on what the Area 1 LCMT has been discussing about effort shifts within the trap sector from the south to the north and effort shifts there.

And then if Issue 6 is taken out of the document, we will retain the status quo, I think, and so we would stay at the 100/500, Vito, and I don't think that is what – that would be my interpretation, and staff could tell me otherwise, and so I don't think that would get at your long-standing opposition to that particular issue. It's an easy vote for me, but I don't think that's what you're trying to do.

CHAIRMAN NELSON: Okay, thank you, George. Another in favor of that motion? Eric.

MR. SMITH: I'm actually in favor of it, but not probably for the reason that you might think. Anyone who has ever dealt with the old lobster-and-trawl controversies over the several years would have to know how painful and gut wrenching it is, and you saw it expressed in Vito's face and heard it in his words.

For no other reason, I would like to take anything out of here that's going to bog us down and leave blood, guts and feathers on the floor for a fishery that takes 3 or 4 percent of the landings on a coast-wide basis.

It's interesting what has happened in Massachusetts, but Massachusetts isn't the whole world of lobster management. We need to focus on where the major fishery is and not on where the minor fishery is.

Now, having said that, I agree that four and five are non-denominational. They're basically all kinds of fisheries. But, Number 6, if we could leave that to the end of this process; and when we get done managing the lobster pot fishery so we have a healthy lobster resource, then we can take up trawling again.

Having said that, if you'd like a motion to amend, I move to amend to take out Issues 4 and 5 from this motion, leaving 6 to be removed from the document. This is a motion to substitute, I'm sorry.

CHAIRMAN NELSON: Is that a friendly amendment? All right, I need a second to that.

MR. SMITH: It's actually a motion to substitute.

CHAIRMAN NELSON: All right, it's a substitute motion to only remove Issue 6 from the PID. Okay, I don't see a second to it, Eric. Thank you for your efforts, though. Okay, opposed, who hasn't spoken. All right, anyone in the audience? Which are you speaking for, Bonnie, so I'll know which way I'm going?

MS. SPINAZZOLA: Well, I'm speaking for the motion that didn't get a second. I'm in favor of it. I just want to –

CHAIRMAN NELSON: Speak for this one, Bonnie, and you can make a comment.

MS. SPINAZZOLA: Okay, I will speak to that one. Being a part of the lobster industry, we would be opposed to changing the limits for the mobile gear fleet. First of all, they have gotten greater restrictions recently –

MR. CALOMO: Bonnie, would you put the mike closer?

MS. SPINAZZOLA: Sorry, Vito. Okay, we are partially with you. We would ask to have – we have no real comment with 4 and 5, but we don't believe that 6 should go forward. We would like to see the – we don't want to see the restrictions for the draggers or for the mobile gear fleet changed.

We feel that they already have some extra restrictions that are going in place. It's a very difficult situation for them. As Eric said and as Vito said, the whole process was very, very painful. Frankly, I would say from the lobster industry, we would be concerned about retaliation, even though the industry itself wasn't making those rules.

Finally, the groundfish fleet is on the cusp of a capacity-reduction process or plan. Should that go forward, they are looking at a minimum of 30 percent reduction of the fleet. That would certainly help as far as that was concerned.

Frankly, as you'll see later, I hope, Area 3 is putting a maximum gauge in place; and if that were the case, that would also help with high grading. So, therefore, we really feel that changing the numbers for the dragger fleet would be a real problem. We would like to see that taken out.

CHAIRMAN NELSON: Okay, Bonnie, thank you. Anyone else?

MS. SPINAZZOLA: Can I ask you another question, please, John? All right, once the staff has changed this, will this come back to the next meeting to be voted on before it goes out to public comment?

CHAIRMAN NELSON: No, we would be sending it around for any further comments.

MS. SPINAZZOLA: It that is the case, will you –

CHAIRMAN NELSON: But it would not be coming back to the Board. It would be going out for public comment.

MS. SPINAZZOLA: Okay, if that is the case, I was not able to comment on Issue 1, and I would like very much to be able to do that. I don't know if you want me to do it now or not, but I certainly do have comments for splitting up the stock areas and the management areas.

CHAIRMAN NELSON: Well, let me finish with this one, Bonnie. If I missed you, maybe I'll come back.

MS. SPINAZZOLA: I did all but jump up and down, John.

CHAIRMAN NELSON: Anyone else from the public? All right, back to the Board. I would like to get a vote on this because we need to keep this moving along, and I think people basically have their minds made up. Then let's

take a few minutes to caucus. Do you need a clarification?

MR. P. WHITE: I would ask the maker of the motion, in the interest of conservation on Number 6, are there any numbers that they would entertain as opposed to should there be a spread in there, because I think anything in the form of high grading is wrong. Is there something else that would work in there, Vito; that's all I'm asking.

CHAIRMAN NELSON: Did you have a comment?

MR. CALOMO: I can comment.

CHAIRMAN NELSON: Did you have numbers that you thought were realistic?

MR. CALOMO: My deal was status quo after we lost the battle, so I'd like to stay where we are.

CHAIRMAN NELSON: Okay, fine. Gil, you know –

MR. GIL POPE: Thank you, Mr. Chairman. Issue 6 also deals with high grading, which is, to me, something that crosses all of our fishery management plans. If we're going to get into the idea of high grading in this issue, it needs to be discussed maybe at workshops.

It needs to be discussed as a major policy issue not only in the lobster fishery but in all of our fisheries. Because, just to bring this out as one of the issues and as a reason to even have Number 6 in here, then high grading should be something that we should be concerned about, because as we go up in the gauges, go up in sizes, high grading becomes even more of an issue.

As the stock abundance gets greater and you have quotas, high grading becomes even more of an issue. So, this is a big issue, Issue 6, but not for the reason of just the poundage here. It's an issue of high grading; and if we're going to talk about it seriously, we need to talk about it further in workshops and include all of our fisheries management plans. Thank you.

CHAIRMAN NELSON: Thank you. All right, let's have a caucus. Will 30 seconds do it? Seeing no objection, let's have the caucus for 30 seconds.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Okay, ready for the vote? Okay, all in favor of removing 4, 5 and 6 from the Draft PID, please raise your right hand; opposed; abstentions; null votes. All right, the motion fails.

MR. MCKIERNAN: Just quickly on 6, under Option 2, to substitute instead of a poundage limit, just accept comments on a poundage limit to be determined later. In other words, we would just seek comments on what is a reasonable poundage limit as opposed to a count? Instead of the 150 per day, just leave it blank so the public can comment that way.

CHAIRMAN NELSON: Do I have consensus on that suggestion or do you want the range? I had Vito up first, and then I'll go to you, Eric.

MR. CALOMO: I make a motion to remove Issue 6.

CHAIRMAN NELSON: All right, it is different from that first motion that was just defeated, so I will accept it if you get a second. Lance, okay. So this is on the board, to remove Issue 6.

I think we've heard the comments for and against. I don't think we need to hear them again, so I am going to call for the vote. I will give you a 10-second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: All those in favor of removing Issue 6 from the Draft Amendment 5 PID, please raise your right hand; opposed, likewise; abstentions; null votes. The motion fails for lack of a majority. Okay, George.

MR. LAPOINTE: On Issue 5, an issue came up with the Area 1 LCMT that talked about the practice of people shifting the areas on their federal permits and moving effort from the

southern area into the northern area, and it strikes me that is an issue that might fit well within Issue 5 as an option if staff can figure out the wording on it. If we need a motion, I'll do that.

CHAIRMAN NELSON: Well, I think the sense is that you'd like to see either a moratorium as one option; status quo as your second option –

MR. LAPOINTE: But it's not an issue of landing permits by states. It's an issue of the area that's on the federal permit, when permits change, so it's not an Option 1 or an Option 2. It's an Option 3.

MS. KERNS: The language from the Area 1 LCMT was putting a moratorium on the transfer of federal lobster permits from other lobster management areas into Area 1 until further analysis and discussion, so I could amend that slightly and say one of two things, such as putting a moratorium on the transfer of federal lobster permits among lobster management areas.

CHAIRMAN NELSON: Again, let's have staff draw up language, take a look at it; and if you have need to revise that, you can get back to them on this issue, but I think it's the essence of what you were requesting.

MR. LAPOINTE: Thank you, Mr. Chairman.

CHAIRMAN NELSON: Okay, Harry.

MR. MEARS: Thank you, Mr. Chairman. On a related note, the problem statement needs wordsmithing, and I can work with Toni on that. For example, the second paragraph, where it says, "Moreover, federal permit holders who hold a permit to fish non-trap gears are allowed to set traps; thereby increasing trap effort"; that, in itself is not true.

Number 1, they have to be lobster federal permit holders; and, number 2, they can't do that in three, four and five. George is really getting at the issue. In other words, someone that did not qualify in three, four and five, under current federal regulations can in fact be authorized by federal regulations to fish in federal waters of

Area 1. So, we're getting more to the crux, but it does need wordsmithing in the problem statement.

CHAIRMAN NELSON: Okay, and I'll look to you to provide that help to the staff, Harry, for that. Now can I go to Issue 7? Okay, good, let's go to Issue 7. Anyone have any problem with that? Dan.

MR. MCKIERNAN: The comment I made earlier, which was consistent with Pat White's comment, on Option 2 in Issue 6, if that's going to stay in the PID, could we wipe out the 150 per day and just say to a poundage limit to be determined in order to seek comments on what a reasonable poundage limit is?

In other words, we may come out of hearing and say it's 200 per day or 500 per day or some number. I don't want to bias the comments with a low number.

CHAIRMAN NELSON: You want to leave it blank and just ask for a range as far as public comment? I can imagine what that range could be.

MS. KERNS: Could staff put a range of poundage in there, say, 150 to X and then 750 to X, or 100 per day to X per day? I think that would be helpful for the public if you gave them a range of per day and a range per trip, to focus comments better for the Board to then utilize?

CHAIRMAN NELSON: I think you still need to have some numbers in there, Dan.

MR. MCKIERNAN: I suggest 100 per day to 1,000 per day. That's probably the range that we see now. That's the kind of thing we see now, right?

CHAIRMAN NELSON: Okay, staff has got that. Gil.

MR. POPE: There must have been a reason for the 150 pounds in the first place.

CHAIRMAN NELSON: Well, you kind of capture that if you've got a hundred, so that's

part of an overall range, so why don't we just get public comment on it.

MR. POPE: But the public would probably want to know where did the 150 pounds come from.

CHAIRMAN NELSON: Well, there is more rationale -- I think if you're dealing with a hundred count, it could be all one-pound lobsters, and therefore that's where the hundred pounds comes from.

MR. POPE: Maybe.

CHAIRMAN NELSON: Well, I think the intent is to have a range, and we have now put in a range, and we'll get public comment on that. Anyone want to try Issue 7? That was goals and objectives. Dan.

MR. MCKIERNAN: Yes, I am in favor of Issue 7, to add this as an objective to the plan because it speaks to the problem, and the solutions we're coming up with now, under this new stock assessment, in our directive from the technical committee to do away with competing measures.

CHAIRMAN NELSON: Anyone else on Issue 7? Okay, staff is going to take -- Eric.

MR. SMITH: This is an important one. I had a list of nine things; I'm leaving eight of them on the table to talk about at another time, but there is one in here. When you read this document, when we adopted Addendum VIII, we adopted new biological reference points.

We did not adopt a change in the deadline at which we're supposed to have rebuilt the stock. In an area like Southern New England, and particularly nearshore Southern New England, it is an absolute disaster to contemplate meeting the new abundance median reference point by 2008.

You have to close the fishery tomorrow in order to do that. We need to have an issue in here that says as we move forward to embrace the new median reference points, F-based and abundance-based, what is the appropriate timeline for rebuilding the stock? Nowhere in

here is that an issue that is to be addressed and it needs to be, unless it's going to be covered in an addendum.

CHAIRMAN NELSON: Well, let me ask staff to address that, Eric, if that helps.

MS. KERNS: Eric, it is my intention that we would address that timeline, from the memo that we worked on together, in Addendum, what we call, IX in that memo.

MR. SMITH: Okay, it doesn't have to be here?

MS. KERNS: It doesn't have to be here. It can be in the addendum that -- the first addendum that we put forward to have measures for rebuilding Southern New England.

CHAIRMAN NELSON: Okay, you said you were going to leave the others aside for now? Bless you. Bill.

MR. ADLER: If this eventually moved forward to an amendment and then eventually the cement mixer mixed it into an amendment; how close does this demand that all the rules have to be exactly the same, if this goes into an amendment?

I mean, I see the words "where practicable", which always leaves some questions in my mind. Does this dictate that everything we do after that has to be the same?

CHAIRMAN NELSON: No. All right, any other comments on this? All right, I think this has been helpful. We're obviously going to have more comments from the public, and we'll get additional discussions about this whole thing before we really get into the full amendment.

I had wanted the staff to just give us a timeline, and then we'll get Bonnie, if she really needs to go back and rehash a particular issue. She can think about that while we're given the timeline.

MS. KERNS: I will work on making the language changes this week, and hopefully by Thursday I can pass out copies to you all, and then on Tuesday you can get back to me via e-

mail if you need to make any changes to the comments that I have given you on Thursday.

I will individually hand out documents to those of you that are here; and those of you who will have gone home by then, I will e-mail it to the Board as well, so you have the opportunity. Then that way we can still fall within the timeline that is scheduled in the document, and we can go out for public hearing in September.

CHAIRMAN NELSON: Okay, thank you. Any questions associated with that? Is that clear? Pat.

MR. AUGUSTINE: Mr. Chairman, that's assuming that none of the Board members is going to come back and say, "Hey, I had a second thought about it, and I want to change this item and that item." Can we not assume, then, that everything else that we passed over today is in its final stage with the exception of those you noted for the record?

CHAIRMAN NELSON: Well, we're going to get to motion shortly, and it will be to adopt the document as modified, but I haven't got there yet because I did want to get one more comment in. Go ahead, Bonnie.

MS. SPINAZZOLA: I appreciate this, thank you, Mr. Chairman.

CHAIRMAN NELSON: Bonnie, though, recognizing that we are running short a little bit, and I do need to get some folks in here. So, if it hasn't been changed, you know –

MS. SPINAZZOLA: I will speak quickly. I would just like to point out, what I believe to be, very important things about Issue 1, Option 3 -- it's on Page 15 – splitting Area 3 into three different sub-areas.

In talking with the different members of the technical committee, it seems that splitting Area 3 into sub-areas accomplishes nothing. It would still evaluate three separate stock areas to come up with a value for the whole of Area 3.

Therefore, it wouldn't un-complicate anything. It does not do away with the technical committee's

concerns at all. Also, if there is a new allocation process put in place, it's a management nightmare. We're looking at a federal process probably of four to six years.

It took four years to get this one in place. To undo everything and then redo it, I would think we're talking at least that long. Right now, just so that everyone realizes – and I'm talking quickly – Area 3 manages to the most restrictive area, so, therefore, if we have three different areas and Georges Bank and Gulf of Maine are in good shape and we split them up and have sub-areas, you're going to see Southern New England continue to management regulations in.

However, we're protecting and, you know, have insurance policies, if you want to say, in the areas that are doing well, and all of those measures will go away. I'll stop there.

CHAIRMAN NELSON: Thanks, Bonnie. I think public comment is certainly what we'd be looking for, and I appreciate your comments right now.

MS. SPINAZZOLA: Well, I was hoping to get to this before you voted on it so perhaps it could have been removed from the whole document, because I don't think –

CHAIRMAN NELSON: Well, we got past that issue and nobody wanted to remove it, and I think that's where the public comment comes into play to provide insight at that particular time.

MS. SPINAZZOLA: I know and I understand, but I thought it was important for the Board to hear it. Thank you.

CHAIRMAN NELSON: Harry.

MR. MEARS: Actually, the last comment I wanted to make was on – even though we spent a lot of time on Issue 1 as well. I believe that the wording – this was an awful lot to read in preparing for this meeting, but under Option 3 the wording should be very clear for that to take place, if ultimately endorsed by this Board, that recommendation would need to be made to the Secretary.

In other words, this group, itself, could not kind of establish timeframes, et cetera, for areas that have not yet been federally promulgated. That should be clarified. Thank you.

CHAIRMAN NELSON: So, that's done, Harry, thank you very much. Vince, did you have another comment?

EXECUTIVE DIRECTOR O'SHEA: Yes, Mr. Chairman, thank you. My understanding of what the staff is going to do for you all is to – during the course of this Board meeting, you've made recommendations of changes to the document.

My understanding would be we'll endeavor to capture those changes and let you look at it again on Thursday. What would be in play was whether or not we got it right and not necessarily bringing up additional things that people have second thoughts about. Thank you.

CHAIRMAN NELSON: Yes, that is correct. Now I would look for a motion to adopt the document as modified and move it to public hearings for comment.

MR. P. WHITE: So move, Mr. Chairman.

CHAIRMAN NELSON: Well, said, Pat. Pat Augustine seconds it. Is there any objection? Bill.

MR. ADLER: It's not so much that. It's like a lot of these things that we have in this thing, it seems to me could be done by an addendum rather than having to do an amendment. A lot of these things we sort said, okay, put it in, put it in, put it in.

So, I just question the need for an amendment. Since the area management thing is one of the big issues – and that would require an amendment – I just have concerns here that we're moving ahead on this process for an amendment when some of this stuff here could simply be done through addenda.

CHAIRMAN NELSON: Okay, let me have staff address that quickly.

MS. KERNS: Bill, I went ahead and looked to see what we could do though an addendum. The issues that need to go through an amendment is changing the management area boundaries, adjusting the V-notch definition, looking at the non-trap sector, and the goals and objectives of the plan. The ones that we could do through an addendum is the minimum size, maximum size and the permits.

MR. ADLER: Yes, but like the V-notch definition part, we came up with a different definition through the addendum process, so I didn't see why we couldn't do that. But, anyway, that's enough.

CHAIRMAN NELSON: Okay, as far as I could see, there was no objection to modifying the document and moving ahead for public comment. Okay, thank you. I would like to go back to Item Number 5. That is a motion to deal with the concerns that have been raised by some of the states. Is there a motion? Gordon.

MR. COLVIN: Yes, Mr. Chairman, I have a motion. I move that the American Lobster Management Board initiate an addendum to establish a landing data collection program that is consistent with ACCSP standards, in response to the recommendations of the 2005 Lobster Stock Assessment and Peer Review Advisory Report.

CHAIRMAN NELSON: Is there a second? George, thank you. Comments on the motion? Everyone understand the motion? Eric.

MR. SMITH: From an efficiency point of view, by my count, staff has three addendums and one amendment now on the planning horizon. Can this be somehow embedded into another one to make life a little easier, or is that not possible.

CHAIRMAN NELSON: Let's see if Bob has the answer to that.

MR. BEAL: Well, actually, Eric, by the time we leave the meeting today, we may have more than three addenda going on, maybe five addenda going on and one amendment going on. I get the sense around the table that there is concern

about slowing down certain issues by tacking other issues on through an addenda.

I think we'll probably work at the staff level, with the chairman, and consult with some of the Board members on the speed at which some of these issues should move forward. There is definitely going to be some efficiency in public comment, maybe combining some of the public hearings or initiating some of the draft documents with a note that we may break out issues to reflect the controversy or the rate at which those can be approved by the management board.

I think we may have to do some creative things at the staff level to maximize the efficiency. Some of these issues are more difficult than some of the other ones. Some of these data collection issues, given that it's going to be pretty difficult and a pretty heavy lift for some of the states to get those in place, we want to let them know what the standards are going to be far enough in advance so that they can do it.

I think you're right, though, there's going to be a lot of roman numerals going on at the same time with all these addenda. We'll have to sort it all out.

CHAIRMAN NELSON: Gordon.

MR. COLVIN: Just to reinforce what Bob said, I think it may well make sense to couple the addendum proposed by this motion with another addendum. I think if that's done, it needs to be sensitive to what George referred to earlier, and that is the need, at least in Maine and potentially in some other states, to address legislation in 2007. That time track needs to respect that.

CHAIRMAN NELSON: Thank you, Gordon. Dennis.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. Gordon's motion as made, what effect does that have on the Board's action in May, which is contained in the letter? What happens to the action that was taken?

MS. KERNS: We would have to have a plan in place before January 1, 2008, to replace what

you guys approved at the last Board meeting, if we were going to fully replace what you did, which is what this motion intends to do.

CHAIRMAN NELSON: Ritchie.

MR. G. RITCHIE WHITE: What would the timeline be? Knowing that sometimes the legislative process in Maine can take some time, what would the overall timeline of this be, such that we could get something passed to meet the deadline?

CHAIRMAN NELSON: George is going to answer that.

MR. LAPOINTE: The date puts a stake in the ground, and we'll work with that. We will work through our in-state process as best we can. I say leave the 2008 date there, and we will work as hard as we can on it, unless you want to make it 3008, of course, like I suggested earlier.

CHAIRMAN NELSON: I guess that's out of order, George. All right, any other questions or comments on the motion? Ritchie.

MR. R. WHITE: I guess just a follow up to my question – and I appreciate George's answer – does that mean that if you're unable to do something by that timeline, will you be out of compliance?

MR. LAPOINTE: That will be a question for this Board to answer in our first meeting in 2008, I think.

CHAIRMAN NELSON: As we develop the addendum, it may very well be that there's a different date in there than the 2008. It may be the same; it may be later. It's up to the Board, as far as the development, what makes sense. Right now it would be January or 2008. I think that's the best answer I can give you, Ritchie, for that.

We'll have to debate it if we're going to change the date. All right, ready for the question? All right, all in favor of the motion, please raise your right hand; opposed, likewise, abstentions; null votes. Okay, that motion passes.

MS. KERNS: Going back to the PID, who would like a public hearing for the PID? I'm assuming it's everybody, but who would not like a public hearing for the PID; let's put it that way? Thank you, Bruno.

CHAIRMAN NELSON: All right, the next item on our agenda is Number 7, recognizing that we're a little past two o'clock and that we are proposing to stop around 2:20 for the discussion of Connecticut's V-notch. This could be fairly straightforward. That's kind of a suggestion.

Let's try to see if we can't get through Item Number 7. Again, I recognize the sensitivity of the folks that traveled here and have travel arrangements. If we cannot finish, which I'm sure we can, then we will break at an appropriate time to have their discussions take place. So, having said that, Toni.

MS. KERNS: Please bring in front of you the memorandum, dated July 27th, to the Lobster Board. I will quickly go through this. This memorandum was on the CD. Back in July, a memo was sent out requesting that states convene their LCMTs from Areas 2, 3, 4, 5 and 6 to advise the Board on management strategies that would achieve the new biological reference points that we adopted at the May meeting.

Some Board members had concerns with the schedule that was proposed and recommended that we break the rebuilding process into two parts. The first approach would be to address the fishing mortality reference points, and then in a subsequent addendum to devise management measures to address the abundance reference points.

We had the TC review this. They had concerns with breaking the approach into two steps because meeting the F-target would afford the stock some relief from harvest. The target F was calculated when stock sizes were much larger. Achieving the target F alone would not significantly reduce the effects of harvest on a very low stock.

The TC then again recommended the alternatives that they believe would potentially bring Southern New England back into healthy

stock. Those recommendations are in your report and are italicized on Page 4.

The most effective way to increase abundance is to have a complete harvest moratorium. The second recommendation is to limit harvest by implementing an annual harvest quota lower than the current landings.

The third recommendation is to put forward input controls. An example of a suite of input measures is listed. Those measures include trap reductions, a minimum gauge, a maximum gauge, and a closed season from August 1st through October 1st.

After further discussion with those Board members that had some concerns, we still felt that it would be appropriate to split the rebuilding into two addendums, so we would have Addendum IX and Addendum X.

Addendum IX we would initiate at this Board meeting to have proposals for the October Board meeting that would rebuild the Southern New England stock area's fishing mortality to its target. That would be a decrease in F of 10 percent.

That addendum would then go out for public comment through the winter, and at the winter meeting in February the Board would review comments and have a final action on measures to decrease F to the target.

The second addendum would address abundance. We would need a 70 percent increase in abundance to bring the stock to its rebuilding target. We would convene the LCMTs over the winter and the spring, and proposals would be due to the Board June 1st.

The TC would have time to review those proposals in July, and staff would present the proposals to the Board at the summer meeting, which is in August of 2007. Public hearings would be held in September.

The Board would review public comment and consider the addendum for approval at the 2007 annual meeting. That would address abundance itself. What I want to find out from the Board is

if this timeframe is appropriate for rebuilding Southern New England.

CHAIRMAN NELSON: All right, the folks in Southern New England, do you have concurrence with the process that's laid out here? Go ahead, Bill.

MR. ADLER: Why? The report that you're basing this on is 2003, which was a bad year. It was bad; it was low at that time. Since then there has been actions taken particularly in Area 2, and where are we now?

We're talking about mortality, which was .02 above or below whatever mortality, very close to the threshold, and we don't know where it has gone since then, but everything that's been shown shows an increase.

We have V-notch that came in and was done since then. We had reports since then that said that the lobsters have rebounded and that they are improving in settlement and abundance. They may not be perfect yet. We also have reports that the effort has gone down.

The measures that were put in place were put in place after 2003, and I see no reason why we need to, at this point in time, move this quickly on something that is already improving.

CHAIRMAN NELSON: Okay, Bill, the staff will address why 2003. It is in the document, but let's reiterate why we're using 2003.

MS. KERNS: The TC was asked to give us the current state of the stock, but the TC is not able to estimate where we are in reference to F without doing a complete stock assessment. Unless you want to give the TC the time to focus specifically to do another stock assessment starting today, they won't be able to give you that estimate of F until the next assessment, which is scheduled to be completed by the end of 2008.

MR. ADLER: Well, I was just saying that I know that 2003 was when they drew the line and took the thing. I understand that. Since that time, measures have been have been in which were designed to improve the situation. We

need to give them time to improve the situation without hammering them again.

MS. HOWELL: I guess I have to address that. The indications that we have with the trawl survey that takes place in Long Island Sound and the trawl survey that takes place in Rhode Island, to my knowledge, shows no recovery. We have seen very alarming data.

When you've gone down to historic lows and the best you can say is things have gotten slightly better, that's not a recovery. I think the focus has to be on the fact that if you want to rebuild the stock, you're 70 percent below a median value. It might be that there are signs of recovery.

There is an analysis that shows that the V-notch program has been very positive in Area 2, but none of the biological indicators, which is all we have to go on at this point, have pointed to anything but a slight increase off the worse numbers. I would not characterize 2003 as an exceptional bad year. 2004, 2005 and it looks like 2006 are as bad or worse.

CHAIRMAN NELSON: Gordon.

MR. COLVIN: I wonder if we could just spend a minute addressing the question that arises from Toni's response to Bill. With respect to our capability to conduct periodic assessments of where we stand, what would it take to put us in position to be able to do what we do with many other fisheries that we manage and do an annual update and assessment of the most recent fishing mortality rates and other stock characteristics intermediate between major benchmark assessment updates?

CHAIRMAN NELSON: Let me have Penny address that, Gordon.

MS. HOWELL: Well, the first thing we need is timely landings' data. Here we go again! I'm struggling. I wanted to look at the effects of Rhode Island's, just for example, Rhode Island's V-notch. I had to go through unbelievable staff help and numerous manhours in order to get data for 2004. That's one thing.

MR. COLVIN: Following up, are we in a position to maintain the lobster data base consistent with the data as it becomes available from the states, in light of the staff situation and so forth?

CHAIRMAN NELSON: No.

MR. COLVIN: So, my first question is what will it take to get us where we need to be besides Maine putting their landings' data in quicker, Maine not being an area in Southern New England, et cetera?

CHAIRMAN NELSON: Is this along the same point, Eric, because Mark had his hand up, also? I see no objection from Mark so go ahead.

MR. SMITH: Well, obviously, we've had a lot of talk about this, because during the course of the assessment, if you take yourself back to circa 2003 or 2004, we agreed, after some battles, to decisively go forward and create the common coast-wide lobster data base, because we needed it for the assessment, A, and, B – and B is more important now, in my view – once we had it, we would update it every year.

That's why we use these reference points, which are the three-year moving average of the median F and median abundance relative to a baseline of the previous 20 years, so that you know where you are on an annual update basis.

It's more than a source of chagrin, quite frankly, to find that because of lots of very good reasons in their own right, we're not able to do that. It's not such a problem right now. We're only a couple of years out from the assessment; and no matter how good they are, they're always two years old, because it takes a year to finish your data workup, and it takes a year to do your assessment.

In 2008 it will be unforgivable if we're still saying, you know, our best estimate of current F is what occurred in 2003, or level of abundance. We need to get that data base update every year.

Then I think the answer that you got from the technical committee the first time around, which was how can we find out what F was last year

and what abundance was, and their answer was you've got to do a whole new assessment over again – well, that's really not true because if they had the data base updated each year, they could use that to give us an annual update of F and abundance by stock area.

They couldn't tease it out to the management areas and all that extra stuff, but they could give it to you by stock area. We need to have that.

CHAIRMAN NELSON: Let me have staff address the overall point.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I very much appreciate the question or the point, and maybe it was both a question and a point that has been made here.

In a way, this is a bit of chicken-and-egg thing. The data base framework, if you will, exists, but it seems to me that it's not going to be of use to us unless everybody participates in it. The embedded question is the staff able to populate the data base given the current staffing levels, I think one of the answers you got was no.

Given the other priorities that we have on our plate, up until now the answer has been no. The reason for that has been that we didn't have confidence that we'd get a complete dataset from all the states.

It seems to me the way this discussion might want to go this afternoon, if we get a commitment for the states to do that, as some of the conversation has been, my reaction would be to then rejigger what we're doing with the staff and make sure we get that data fed into the data base and populated and hand it over to the technical folks to do this.

Maybe the chairman of the technical committee will correct me, but I'm kind of sensing this is sort of an all or nothing deal. There is no point in us going through this drill unless we get a full population of data that you all need.

Some of the states have said, "Hey, this isn't due for five more years. We've got other stuff to do. We're not going to send it to you." We've already tried to do that; and rather than try to

fight that issue, we've said, "Hey, we're willing to help work and get this stuff put in the data base."

Some states have taken us up on that offer and others haven't. If you guys want to go forward and do that, we will do everything we can from a staff standpoint to make it happen. I think a decision has to be made from the states.

CHAIRMAN NELSON: Penny, do you have something?

MS. HOWELL: The only thing I can say from the technical committee's standpoint, even if no numbers changed, I would like to have a contact person where if I query the data base, I can be sure that I'm getting the number I think I'm getting through 2003 or whatever.

You really do need somebody that can shepherd the data and help guide us so that we're not getting numbers – my greatest fear is not that I wouldn't get anything, but I would get something and I wasn't sure where it came from.

EXECUTIVE DIRECTOR O'SHEA: That's part of the egg part. The chicken part is giving us the data to put in the first place.

CHAIRMAN NELSON: Doc.

SENATOR GUNTHER: As probably the oddball in this trio over here, you know, I sit here and I listened to the dialogue just now. Don't mind me if I say I think the technical committee ought to go out fishing.

As a non-fisherman and non-scientific guy, I sit down here with all this dialogue we have going on, and you're talking about abundance, you're talking about still doing trawl surveys, and fishermen say to me why the hell don't they go out and have a closed trap-type survey to come up with the data?

The trawl survey – I know that my friend over there probably thinks that's the best way to catch them, but I happen to be on the other side of it, and I think even getting data there is difficult.

Now, we sit down in Connecticut, we have 60 percent less pots or better than that, even. I haven't had final figures on that. There's 60 percent less pots in Long Island Sound, on the Connecticut side. We bought them back. People are going out of business.

We have less than 50 percent of the original lobstermen. Where is this data being fed into the technical committee? I really have a problem when I hear – and right now, I just heard the abundance of female egg lobsters in the eastern end of the Sound is tremendous.

In fact, they want to stop fishing almost immediately here because they're getting so many of them in there. Out of 100 lobsters, only 10 of them were non-eggbearing and things like that. I mean, I hear data like that from fishermen.

I hear fishermen in our western end of the Sound that are telling me why can't they get better statistics for that? All right, now maybe I'm out of line, I don't know, but I sit here year after year, and I hear some of this stuff.

The fishermen, just the other day, said, "Look, we'd like to take some of your technical people out and take them fishing." All right, now, I know you're getting a little hot on that one because up until now they haven't said that.

We were at a meeting on Wednesday that they said that, but they don't want children or students going out there. They want your research people. Now, do you want to rebut that? Am I way out of line? Is anybody taking any recognition on the pots being down?

You know, to me, the pots are lunch counters; and without those lunch counters out there, how do we attract the fish, not only the lobsters but everything? You could be putting pots of bait out there now to get them down in there. I mean, you know, this is layman's type of approach.

CHAIRMAN NELSON: Well, obviously, there's a lot of wisdom in that also, and I think that the technical committee probably is very happy now to hear that folks are willing to take

them out on the boats. I think that's a positive step in the right direction, and we applaud them for coming forward for that.

You know, we did make a commitment because of time constraints. What I would like people to think about is you really need to discuss your timeframe – not right now, because we're going to take a break, and we'll talk about V-notching. When we come back to this, you need to have decided on your rebuilding schedule, and that will be an interesting discussion in itself.

Then you need to discuss how you're going to get to the reference points and the process you want to use to do that. I'm going to leave it at that. Mark, I am going to take any comment that you wanted to make, unless you want to make it afterwards when we get back in here. I know you have been waiting, and I want to be fair to that.

DR. MARK GIBSON: Whatever is your pleasure, Mr. Chairman. I mean, I can hold my powder. What's that saying?

CHAIRMAN NELSON: Keep your powder dry. All right, I'm not going to take a break. If you need to get up and move around, go ahead, but we are running a little bit behind. I would like to suspend this for the time being and we'll come back to it right after we do the discussion on the Connecticut V-notch Proposal. Eric, are you going to provide a brief update on that?

MR. SMITH: Thank you, one of three of us intimately involved in all of this, as well as many others. As previously discussed in May, the Connecticut General Assembly appropriated a million dollars for a V-notch program in Connecticut, if the Commission approved it in terms of an equivalency with the other kinds of measures that might be used to manage lobsters.

We have a legislatively empowered advisory panel, which has met weekly for about eight weeks and developed a plan to rebuild the biomass in Long Island Sound based on verifiable V-notching of mature females.

CHAIRMAN NELSON: Is that bothering you, Eric.

MR. SMITH: No, it doesn't bother me. I just wish more people were listening because we're going to call for a vote in about ten minutes, after some debate.

CHAIRMAN NELSON: Hang on for second. Could I ask folks in the back to either take the conversation outside or listen from the back to what is going on because, as Eric pointed out, we are going to be voting on this shortly.

MR. SMITH: Thank you. You'll hear the technical committee report in a moment. We had hoped the technical committee would approve numerical equivalence, so we would know exactly what we were getting out of this program. They had a different view. They preferred to evaluate the progress later, after the notching occurred.

I will point out the plan itself was on the CD, and there are extra copies around, and there is a one-and-a-half page summary of key points coming around, so those would be the reference things to look at.

They were not comfortable with approving the exact numbers that we were looking for, but I think there's a silver lining in that cloud. While it generates some uncertainty in the minds of those of us like Senator Gunther and Dr. Stewart and myself and others about what we get out of this program, it also provides us some time to deal with the concerns of those who are not as convinced as we are of the value of the plan.

One of the tradeoffs we made, for example, in an early planning meeting was to pay for mature but sub-legal female lobsters to be notched and released. This is clearly to maximize the number of mature lobsters out there protected.

But, because under the current definition of a molt they would be exploitable as soon as they molted into legal size, then obviously you're paying for nothing. The compromise was to put a definition of zero tolerance in there so they would be protected into when they become legal.

Well, those kind of things end up always having people with different points of view on them, and there is a difference of opinion on that now. We obviously want to maximize the value of the Connecticut taxpayers' money on this and accomplish something of real conservation value, but we also have to understand the differences in the points of view.

Based on what the technical committee recommended or chose not to support, we have time to discuss this with the LCMT and other lobstermen. Importantly, though, the thing we need today is approval of the Commission that V-notching will be authorized as a principal conservation strategy in Area 6; not the only strategy, but a principal one.

From the TC's report, they said V-notching is not a permanent solution unless you know you have continued funding, but it is a short-term solution that can help rebuild spawning stock biomass, and that is what we desperately need. Certainly, if shorts aren't notched and we don't use zero tolerance, then you're not going to notch many lobsters, and the effectiveness of your program is diminished.

That clearly means that other conservation measures will have to be adopted, whether it's quotas or gauge increases or maximum sizes. The Connecticut lobstermen on this restoration committee understood this. They weren't happy about it, but they understand that.

Now why are we confident about future funding? We have three marine education high schools in Connecticut that are funded as vocational aquaculture schools essentially. Their reason for being is to put students on the water. They educate with the intention that the students are positioned for employment in business and industries related to Long Island Sound.

This program provides a direct link between the educational goals of the legislature and the schools, the marine user community; that is, the lobstermen and the agency that is responsible for restoring the health of the resource.

The Speaker of the House of Representatives was the sponsor of this bill, so there is a huge amount of legislative support because of the education overtone, as well as the conservation overtone and the bipartisan support in the legislature.

So for those reasons we think we're very confident that a modest refinancing every year is going to be approved. However, if funding should ever be concluded or ended, we understand we will then be required to adopt the next best strategy to continue stock rebuilding or reduce F or just maintain the healthy resource if we've then rebuilt it.

So, I tried to be as brief as I could, Mr. Chairman, and I hope you will allow Senator Gunther and Dr. Stewart some time to provide their own perspective. At the proper time I have a motion to offer to approve the V-notch plan as the principal conservation strategy for rebuilding the Area 6 lobster stock. Thank you.

CHAIRMAN NELSON: Thanks, Eric. I think that probably sums it up pretty well and folks had a chance to read that when it was sent out on the disc; so, if you guys don't mind, unless there is really something you need to jump in on, I'd rather go to the technical committee and have them provide their insight, also, and then we can have a discussion.

MS. HOWELL: The Lobster Technical Committee was asked to review Connecticut's proposal for a V-notch plan and provide a report to the Board. This is the report I am going to give. I'm going to provide this report as chair of the TC, and I want to make it clear that I am not representing Connecticut here but the entire Board.

Statements in the report were consensus statements of all the TC members and don't represent separate views of individual members. I am going to do this as quickly as possible. This is what we were asked to do. The work tasks were to evaluate whether the goals were obtainable.

Are the conservation objectives obtainable as the proposal is constructed? Is the proposal an

effective way to build the Southern New England Lobster Stock toward its target and reduce fishing mortality towards its target? Is the approach outlined effective?

There were two program goals that were outlined, and we have addressed them in order. The first one is to implement a long-term lobster stock rebuilding program based on V-notching. There is consensus among the TC members the proposed V-notching program does not represent a long-term rebuilding program.

The magnitude of measures required for long-term stock rebuilding is far greater than proposed here and beyond the scope of the program as it was constructed.

The second goal, which was to utilize V-notching as the only (principle) method of future lobster conservation in Lobster Management Area 6, was a little confusing. We addressed it, as it was worded, as the only method. The TC does not feel that V-notching should be relied upon as the sole management tool to rebuild the stocks, because it does not address the high catch rate observed in the fishery.

This plan, like many others – this is not exceptional – does not address the underlying assumption that the removal rate experienced by the unnotched harvestable population will stay constant. If this removal rate increases because harvest rate relative to stock size increases, then the effectiveness of the plan would be greatly reduced.

The only conservation measure in this plan relies on actions that are both voluntary and need to be fully funded. The TC feels that the funded program should be limited to short-term resource mitigation. In that light, the proposed V-notch program could be a positive mitigation for the Long Island Sound Lobster Resource similar to the successes observed in the North Cape Lobster Restoration Program in Rhode Island and southern Massachusetts waters.

The conservation objective to reduce the fishing mortality rate on female lobsters by the amount required by the Lobster Management Board; the TC felt the proposed plan is likely to reduce the

fishing mortality rate on females. However, the amount required to rebuild the Southern New England stock is yet to be determined.

Addressing Conservation Objective Number 2, this program could have a positive effect on the size and age structure of female lobsters, but may not fully achieve this objective if the exploitation rate is not substantially moderated.

Number 3, this program will likely achieve the objective of increasing female spawning stock biomass. Comments on the approach, the TC supports the fact that the program will not V-notch during the months when water temperatures are higher than 20 degrees centigrade in light of the published research showing lobsters becoming stressed or exposed to greater risk of bacterial infection at temperatures above this threshold.

However, by limiting the program to cooler months and expanding the program to include sub-legal size lobsters, the majority of V-notching will be prior to the annual molt when legal catch rates are lower and sub-legal lobsters make up a larger proportion of the total catch.

The TC has consistently endorsed the effectiveness of V-notching programs on legal-sized lobsters rather than sub-legal size. The benefit of notching sub-legal lobsters is that they are protected upon entrance to the fishery.

However, the downside is that shortens the effective duration of protection for this portion of the stock. When sub-legal lobsters are encountered and notched, there is by definition only one additional molt. They lose a molt's worth of protection.

The TC endorses the plan's call for zero tolerance V-notch regulation to increase the probability of protection of notched lobsters through two molts. That becomes particularly if a large percentage of the notched animals were notched as sub-legals.

A very conservative V-notching definition would be required to uphold the assumption that the notch retention is going to last any duration at all. Additionally, protection would be

maximized by a uniform -- if not zero tolerance, at least a uniform coast-wide V-notching definition.

The plan acknowledges accountability and verification is critical. The sea-sampling data is essential from both New York and Connecticut fishermen to document and validate the effectiveness of this program.

Extensive sea sampling has been used in the past to evaluate programs in the Gulf of Maine and Rhode Island. The TC recommends that industry be obligated to take out sea samplers when requested.

Finally, the conservation value of the program; the plan, as detailed, the TC did not feel warranted deferring implementation of other management measures. The TC will consider improvements in the stock to this program as short-term mitigation. A four-year program -- at best four years, depending on how many sub-legals are included -- does not constitute a long enough duration to address the rebuilding needs of the stock.

The plan, as detailed, does not warrant rescinding any current management measures. Rescinding any current measures would likely have a negative impact on the Southern New England stock in the long term.

The request for affirmative conservation value following the completion of the program rather than in anticipation of the program is a positive step for lobster management. The plan's use of clear metrics to validate the effectiveness of the V-notching program is also a positive step for lobster management.

CHAIRMAN NELSON: Thank you, Penny. Any clarifications needed? Mike, do you have a law enforcement report?

MR. MICHAEL HOWARD: The Law Enforcement Committee was asked to review this. Kyle Oberturf, who is a member of the Connecticut Law Enforcement Group, was on the original committee and worked with the committee to have acceptable language. He

took that back to his field officers and to his superiors.

It was reviewed by our committee. It was felt that the regulatory requirements of the plan were enforceable. However, as the technical committee said, we would like to reiterate consistency throughout, and definitions such as V-notches are always of concern and will assist us in the long term. However, the plan is enforceable, and we appreciate the field officers were available early on to make happen. Thank you.

CHAIRMAN NELSON: Is this for a motion? I don't really want to have -- we've had reports, we've have presentations. I would like to have a motion from the Board, and then we can have discussion associated with it. If there is no motion, then we're going to move on to another subject matter.

MR. SMITH: Mr. Chairman, I move that the Lobster Management Board approve the Connecticut V-notch plan as a way of providing conservation value that is equivalent to other measures used to manage lobsters; the degree of equivalency to be determined during the development of Addenda IX and X and in consultation with the technical committee and Area 6 LCMT.

MR. CALOMO: I'll second that, Mr. Chairman.

CHAIRMAN NELSON: Okay, Vito has seconded the motion. Now we can have discussion on it. I'll look to Connecticut to provide discussion on the, I would assume, positive side.

DR. LANCE STEWART: We'll try to be positive before we're negative, John. I just want to add a few things of why we think this is -- you know, this is certainly not a new idea, but it's something we feel is especially important for our population in Long Island Sound in that it's basically endemic.

It does not migrate, it does not get mixed well with the coastal stocks. They have definite, certain characteristics, genetic traits, behavioral traits, temperature tolerances. The importance of

V-notching and retaining that native stock characteristic is of even more value than it would be for offshore in Area 2 or even the Gulf of Maine.

We're trying to retain migrational patterns, stress tolerance patterns, thermal tolerance patterns. These are added points. I'm disappointed the technical committee didn't look at a lot of positive traits, and it seems to be somewhat of a negative bias about substituting it for something that's as inane as a size increase.

We think it has a much more biological benefit, irrespective of the point that the state put up the \$1 million as compensation for the fishermen. As you all know, if those animals are going to market, they're not going to be in the population. They are not losing anything, but they're gaining economic benefit because of our legislature's good willingness and long-term support.

This million dollars, as we've equated out the economic factors in terms of costs, will last at least three years and possibly four. And even at the very high rate of reduction, 35 percent, that the technical committee recommends at the maximum, we're going to be achieving that every year in all of our calculations, the number of fishermen and the number of animals that we can tag with a voluntary force.

So, you know, there are several points. Irrespective of the point we have a fiscal management entity, this is doing it for zero cost. So, all the million dollars -- in terms of reimbursement to the fishermen, the student payments, you know, the intern programs, and spinoffs of additional programs that will not be funded by the Commission, the state won't have to do, a ventless trap survey will be undertaken by these vocational schools to augment what our lobster statistical deficiencies are.

Irrespective of saying that, lobstermen, with this program approval on the Board, are going to be much more receptive of taking out DEP observers to get real on-board statistics. So there is a whole ball of support value that I think would counter-refute the technical committee's concerns.

CHAIRMAN NELSON: Thank you, Lance. Was there any further clarification? All right, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. There is some further clarification. It sounds like a very worthwhile program; however, I know we have a conflict with time relative to getting this money and having this program in place before the fall comes on.

It's creating two problems, and I need to get them addressed by the Connecticut folks. Area 6 LCMT, needless to say, have not really seen this whole thing. Although we have talked about it, they haven't come to a consensus with the fine detail that's been presented today.

I know there has to be more detail. Getting back to the critical timing here, there is nothing in here that will support or benefit the other half of Long Island Sound, which is the New York side. There is nothing in here that will allow them to do their job.

So, in the event they're catching some of these same lobsters, and particularly when we talk about sub-legal size, this could definitely have an impact for at least one molt, if not two. I guess those are the two questions or three areas that I'd like to have a little more clarification on.

Quite frankly, I'm struggling with this. I know the importance of getting this kind of a project under way, but there are still unanswered questions, so if the gentlemen from Connecticut would help me with this, I would appreciate it.

CHAIRMAN NELSON: Okay, Eric.

MR. SMITH: I heard three points there, and I probably went too fast and didn't really answer them carefully enough in my opening remarks. The LCMT has not seen this.

Well, because of the way the technical committee reviewed this, they did not want to support the numerical values we had in there, so that means we don't have a plan that needs to be approved for all its details.

We need a plan approved in principle so we can start to use the million dollars to gear up to start notching lobsters in November. The details of such things like whether you notch shorts or not, whether you use zero tolerance or not, we can take those to the LCMT. We now have that time.

I missed this point and I apologize. This plan is way different than the one we had last year. Last year it was a promise that we'll V-notch lobsters if you won't make the gauge go up, but the promise was kind of an open promise.

Frankly, I now know that we probably wouldn't have had many lobsters notched using that strategy. It was a bad strategy. This one says you notch lobsters first and then you verify that and you account for those lobsters, and then you say how much is that worth in terms of deferring other management measures?

The numerical quantification is still going to have to be done. That's an uncertainty we have to accept, but the value is that you don't have to give up anything of another management strategy, and you don't have to decide on whether you do shorts and do zero tolerance or not until after the fact, after you're rolling on the plan.

So the LCMT can have the fall to talk about this, and we have to buy on faith that we'll get something of value out of this program. Nothing in here supports New York fishermen. I don't quite know how – I do know how to answer that. There's two ways to answer it.

They benefit from not having had to put any of the effort into the V-notching effort, but they don't have a gauge go up that might go up higher than they might like. It might go up a little, but it won't go up as much, to the extent that we get our conservation out of the effort of the Connecticut lobstermen and the legislature who funded the bill, and they get the recruitment from those extra spawners out there who are helping rebuild their fishery.

So, they get something out of that, and they didn't have to invest anything. The other way they can get something out of this is go to their

own legislature – and they have said this at LCMT meetings.

They like the idea of what Connecticut was doing, and they were prepared to go and talk to the New York Assembly about the same thing. They are welcome to. That would be a great add-on after two years of Connecticut funding if New York came on board and said they were going to do two years of funding now.

That would be great; we'd be off and running with a five- or six- or seven-year program. I mentioned the sub-legal sized lobsters. Now that can be a subject for discussion. If you don't do sub-legal lobsters and you don't do zero tolerance, you're not going to notch many lobsters, given the population abundance out there.

It means you have to do more of the other measures that might be needed to reach this 70 percent increase in abundance. That's a matter that I don't care about. I think that's a worthwhile thing for the LCMT to talk about in the fall, and we'll figure out where a happy median across the Sound is at that time.

One way or another, I think this Board is committed to rebuilding the lobster stock to meet that median abundance, and it's just a question of much of that you want to get out of V-notching. Thank you.

CHAIRMAN NELSON: Pat, does that get the answer to your questions?

MR. AUGUSTINE: Yes, as far as we've gone so far, but there will be more questions. Thank you.

CHAIRMAN NELSON: Okay, George.

MR. LAPOINTE: I think it answered my question as well. My question was – I mean, clearly, there are a lot of good things in this V-notch plan. My question is, is Connecticut asking us to forego the conservation measures they've already committed to, and the answer is no, until you can determine the efficacy, and then you might ask for some change?

MR. SMITH: Yes, there are two points here. I am glad you asked that because we understand it entirely now, but everybody may not. Yes, exactly. The hope is that we'll V-notch enough lobsters – this is the hope – that ideally we won't have to do any other measures, and the legislature will keep funding it, and we'll be managing and building our abundance and meeting our targets based on V-notching.

It's probably not going to happen. I mean, we all kind of know that. You read the technical committee's report and you see you probably can't get everything you need out of V-notching, so we want to get as much as we can out of it.

Then ideally, if you could satisfy that need, the initial thought a few months ago was if we could V-notch enough lobsters, there are those on our committee and in the fishery that would like to roll back the two gauge increases.

The technical committee had a view that, but that doesn't mean that the views of the proponents of rolling back aren't justified. What it means is we don't have anything in this document that this motion would set in stone that says we have to roll back.

That's all judgment calls that have to be made on a technical basis later. If we go out there and we notch 600,000 lobsters, you probably could roll it back. That's not going to happen, but that is the kind of "if" that could happen. So, nothing like that is set in stone.

CHAIRMAN NELSON: Further clarification, George?

MR. LAPOINTE: Just a follow up. The gauge increases that are due to come about, what period of time are they going out. I don't remember the details on Area 6. My only thought is we should be under any illusions about the length of time it takes to quantify the effects of a V-notch program.

You recall what happened in Area 1. It took a long time, so we could be talking about a number of years, in excess of half a decade before you start getting those numbers clicking in place, unless I'm mistaken.

CHAIRMAN NELSON: Penny wanted to make a couple of comments.

MS. HOWELL: Yes, just as a point of clarification, and you make a good point. I'm a little concerned about the degree of equivalency kind of thing because, clearly, what the plan asked for is that you notch and then you get an assessment after the fact.

It may be that we, as the TC, would not be able to give you a quantitative degree of equivalency in a numeric value right off the bat. I'm not sure how that would actually – the mechanism that that would actually happen within Addenda IX and X.

We kind of saw this as certainly a mitigation, certainly a way we can assess very quickly, if we're allowed to get data off the sea sampling and some other ways, of what the effect is on the sex ratio of the harvest and a few other things that would be very immediate. But, working it through, in terms of equivalency, may take years. I'm just throwing that out.

MR. SMITH: Okay, if I may, that's an interesting point. That didn't jump out from the report and maybe it should have. It could be imperfect reading on the fly.

MS. HOWELL: I am not sure the TC spent a lot of time thinking about that.

MR. SMITH: Let me ask it this way. I appreciate the sensitivity, of course, because we work together. I am asking Penny to try and read the minds of the technical committee so I get better insight.

Is it your feeling that the technical committee will never buy the argument that after a year's time we've done 50,000 lobsters, and we're asking them to use their best professional judgment and any kind of scientific leanings they have, to figure out what that means in terms of equivalent gauge increases or quota?

For example, how we analyzed it in the document, they didn't buy that at this time, but I read the report to say – I didn't read it to say that

they will never buy that argument. It's just they didn't buy it now.

What I just heard, though, is hold that thought because the other side of the question is if I'm way wrong on this and what they are saying is they will never buy that argument, they will only buy how abundance responds once the lobsters that were notched, their eggs; those eggs grow up to adult size and now the population is at a whole different place a generation later.

If that is what you mean by years later, reading the minds of the members, let me know that now, because I would still want to have this motion passed, but I will be, with these two guys, back with our committee real fast afterwards, saying, "Is this really your intent?" It may then be that Connecticut might have a different view on it.

MS. HOWELL: I'm going to have to –

MR. SMITH: Let me make that short. Years away to get an analysis means fishermen are going to have gauge increases and quotas just as if they never V-notched, and they may decide they don't want to V-notch under those circumstances.

We never asked them that question, because I didn't read the technical committee's report to say it is a slammed door. It's just that we need some time to work this through.

CHAIRMAN NELSON: Okay, Penny.

MS. POWELL: The TC certainly sees this as a positive mitigation tool. So, to that extent, they are fully prepared to give the Area 6 "credit". The problem is – and we had a fairly long discussion about this – the numeric equivalency.

You know, is it worth 20 percent; is it worth an eighth of an inch? That's where it's difficult to do. The TC had a little bit of a problem. We really need to have our model up and running. We can put it through simulations, and then you can actually put a number on it – if this, then that – and you could do this.

If the model gets up and running fairly quickly – and we don't have a date certain on that one –

then all we can say is, yes, this is a positive thing; yes, this is a mitigation.

If it continues longer than the two or three years, four years, that the program is now committed to, then certainly we're going to start to see changes in sex ratio and changes in harvest patterns that would be very positive. I can't speak for the whole TC to say that they are going to be able to put a very definitive value on that.

CHAIRMAN NELSON: Okay, I have Ritchie.

MR. R. WHITE: My question has been answered, thank you, Mr. Chairman.

CHAIRMAN NELSON: Bill and then Vince. These are clarifications, right? Bill, what is your question for clarification.

MR. ADLER: So you are leaving open the idea of the zero tolerance versus the equal 1/8th with no cetel hair discussion, which they said is equal, just so you don't get yourself into too deep a pot here? That's one good thing. The other thing was that this sort of like has to get going now for your money; is that correct? Thank you.

MR. SMITH: If I may, the answer to the first question is, yes, the definition is open for discussion. The answer to why we need vote now or why we would like a vote now is the way the legislation reads, the Commission has to approve this as basically a strategy that is equal in conservation value to the other kinds of things you could do.

Now, that doesn't mean that it has to be four lobsters this way means one lobster that way, but it means it has to be considered to be a viable conservation strategy as the principal means of conservation, not the only means.

That's really the essence of what you're voting on is whether you agree that verifiable V-notching of lobsters can be a principal component of a rebuilding strategy. If you buy that argument, you can vote yes; if you don't buy the argument, you vote no.

So, the point is if we don't get a read by November 1st, according to the legislation, the money reverts into direct assistance to fishermen based on a formula and lobster pot buy-back.

The people who are the proponents of the V-notch program are the ones who worked with the legislature for the whole spring to get the million dollars, those guys want V-notching, and they don't want a handout and they don't want a buy-back that they don't think will have much value. That's why we're trying to be as active proponents as possible to get the money into the V-notch program and capture the value of that.

CHAIRMAN NELSON: Eric, I think we've had discussion associated with V-notching before, and there is a value associated with it. I think what I've heard so far is that the technical committee is not going to give you a degree of equivalency, and so that part of your motion may be inappropriate to have in there.

They, as some point, can give you some type of value, maybe, but it's not going to be in this horizon that you're asking for. So, I think if you are saying is this a conservation measure, the Board has already answered that, and it has put it in place for other areas. If you're asking for the equivalency, then I think what I am hearing is that this is inappropriate to ask for.

MR. SMITH: The second task is not appropriate to ask for; is that what you're saying?

CHAIRMAN NELSON: That is correct, during that timeframe.

MR. SMITH: Okay, so if we struck the words "the degree" onward is what you are suggesting?

CHAIRMAN NELSON: At least that part, yes. I can't speak for whether it's equivalent to other measures, but it probably has some level of equivalency towards other measures, but I don't think the technical committee can tell you that right now and –

MR. SMITH: Or in the horizon of those two addenda.

CHAIRMAN NELSON: In that horizon, so if that –

MR. SMITH: Yes, all right, I would suggest we strike that, then, as long as there is no disagreement. Yes, end the sentence after "manage lobsters". Delete what is bold-faced and back off the comma. The other way of dealing with this is to leave that in there and say, "The degree of equivalency to be determined in the future".

DR. STEWART: We would like to see it addressed, John.

CHAIRMAN NELSON: I'm sorry, I was not listening to you guys because I had not recognized you.

MR. SMITH: Are you doing the editing, Brad?

MR. BRAD SPEAR: Yes.

MR. SMITH: Leave in "the degree of equivalency to be determined" and take out after – yes, take that out – "during ongoing management deliberations". Obviously, that includes technical and advisory involvement.

CHAIRMAN NELSON: Now, let me see if the technical committee, who is addressing it to me, is comfortable with that type of language; and if they are not, why?

MS. HOWELL: Well, the TC was instructed that we weren't to be concerned about equivalency -- correct me if I'm wrong – and everybody was very relieved because the equivalency issue is very difficult in a quantitative way.

Unless we can run this through a simulation model, it is going to be very difficult to put a numerical value on it; and if that's what you're looking for, then the TC did not want to have to do that. Until we get a full model and could see what the capabilities of the model were, I wouldn't say "ever", but not in the near future, I'll put it that way.

MR. SMITH: Okay, and this is Yung Chen's model?

MS. HOWELL: Yes.

CHAIRMAN NELSON: So the degree of equivalency is the issue that the Board needs to be aware of, and that's what you're asking, so that it's equivalent to other measures that you might not put place because you're doing V-notching; is that basically what you're asking?

MR. SMITH: I guess my question now – and, again, I'm asking you to do the impossible, which is read the minds of other technical committee members.

Your sense of the group, do you think they would ever give us a reasonable amount of credit against other measures, or would they more likely say whatever you get out of V-notching is gravy, that is a good thing, but we're going to quantify this program totally based on quotas or gauges or pot limits and things?

CHAIRMAN NELSON: Wait a minute, why don't we leave that?

MS. HOWELL: I'm not sure I can answer that.

CHAIRMAN NELSON: There is a level of uncertainty associated with what you are asking here, Eric, and I think we're going to leave that as it is. I had people for points of clarification. Vince, did you have another point of clarification that you needed to ask, or are you all set?

EXECUTIVE DIRECTOR O'SHEA: No, I think I'd like to raise it. The motion was amended or has been perfected, as it were, but my question related to this role of advisory panels in the conservation equivalency determination.

It just seems to me that in our other species we rely on that being a matter for the technical committee to present to the management boards.

The previous motion and the wording here seems to envision a new role for advisors in determining equivalency, and I was just wondering if that was really what was intended. It would seem to me to be very different from how we do other boards.

MR. SMITH: I wouldn't expect them to do the math, and I agree with you entirely. It's just not appropriate. However, as we try and talk about what is effective here and what is effective there and provide guidance, I thought that might be helpful to have at least that opportunity.

It's a slippery slope, because you send a signal that maybe isn't justified to send. I did add that as an after thought, and then I looked up and realized the words that got into the original perfection of the motion was "ongoing management deliberations", and I said, obviously, that includes the technical advisors. Maybe we ought to just take out "technical" and "advisory".

CHAIRMAN NELSON: Let me ask you this. It seems to me that there is more of a sense of comfort if it said – and this is just my suggestion, reading the minds of the technical committee, whom I can't read their minds at all – move, et cetera, et cetera, "as a way of providing conservation value, the degree of which to be determined during ongoing deliberations".

I mean, that's really what it boils to. If you put in the word "equivalency", I sense a lot of concern by the technical committee having "equivalency" in there, Eric.

I think that's where everything is revolving around here, and you're still looking for, hey, is it some type of conservation value that can be determined at some point? That is what it boils down to, in my mind. Does that help you?

MR. SMITH: If I didn't remember what is in the legislation, it would. I, frankly, want to just capture the value of what we get out of V-notching, because I think there is a real biological value.

The problem is the legislation said "of equivalent conservation value," but they didn't mean numerically. We're pretty certain of that after talking to the people who drafted it – "providing conservation value" –

CHAIRMAN NELSON: "The degree of which to be determined during ongoing deliberations."

MR. SMITH: "Shall be determined" – all right.

CHAIRMAN NELSON: Are you comfortable with that? Does that help with the clarifications that we have been struggling with here? Vito, you're comfortable with that modification?

MR. CALOMO: I am, Mr. Chairman.

CHAIRMAN NELSON: Okay, thank you. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I need to ask a couple of questions of the maker of the motion just for the record, if I could. The motion is worded that the Board "approve" the V-notch program.

It is my understanding that, if passed, that approval requested is not intended to constitute any kind of formal compliance requirement or expectation of implementation at this time; is that correct?

MR. SMITH: No, it's a good question to remind me. What I had said earlier in this debate was those details, because of the way the technical report came out, I feel leaves us with a lot of latitude to work it out, including LCMT meetings; and also, clearly, anything that comes about from this, obviously has to – it has to go through an addendum process for the measures themselves that it will be imposed on both states to go into effect.

So, there is a bite of the apple with the LCMT review and there is also a bite of the apple in the addendum process. Well, I guess I'll leave it at that.

MR. COLVIN: So the short answer to my question is that I was correct?

CHAIRMAN NELSON: Yes. My sense is that the technical committee chair is comfortable with the language that we have up here. Having said that, then those that are in opposition to the motion, please raise your hand.

The motion is move that the Lobster Management Board approve the Connecticut V-notch program as a way of providing

conservation value, the degree of which to be determined in ongoing deliberations.

I didn't see anyone from the Board. I am going to go to the audience.

MR. JOHN GERMAN: My name is John German. I am an Area 6 fisherman, New York. I would like to comment on this plan. The plan as presented has some benefits, but as Mr. Adler stated earlier, the stock, I feel, is well on the upswing.

I think the management process here is kind of being bypassed because this issue of the V-notch plan has come before the LCMTs. It was discussed – the zero tolerance part especially was discussed at length at the LCMT meetings, and they were completely against zero tolerance.

They wanted to have a definite definition of a V-notch and not something that is in a gray area. We want to know exactly what the V-notch is. They were willing to go to a 1/8th inch V-notch as an equivalent for a gauge increase, and since then we've had two gauge increases.

I don't know if the LCMTs would be too much in favor since we had two gauge increases already when they agreed to go to 1/8th of an inch, but they were definitely against zero tolerance. Also, the LCMT is a state fishery and no federal waters.

They were also against mandatory observers on their boat. They might change their minds right now, but I don't know. In order to V-notch the equivalent lobsters that we feel would have to be V-notched, the Connecticut lobstermen would have to V-notch them basically in New York State waters, because most of the landings in Connecticut come from New York.

So, with that in mind, we are – like I said, the plan has some benefits, but the zero tolerance is a major stumbling block in it. The managers that are here were at those meetings and were well aware of that LCMT decision, and yet put it in there repeatedly in the document. Thank you very much.

CHAIRMAN NELSON: Thank you, John. Anyone in favor of the motion from the audience?

MR. GEORGE DOLL: My name is George Doll. I'm an Area 6 fisherman and New York Chair of Area 6 LCMT. This is a rare occasion that John and I are not in total agreement.

I first want to thank Doc Gunther and the Connecticut delegation for all the work they've put into this. I know a lot of Connecticut fishermen have put a lot work into it this summer when they could have been fishing.

What John has said is true, and the minutes of the previous LCMT meetings will show that they were against going to zero tolerance the last time. To make it quick, the LCMTs were not opposed to notching legal females and returning them to the Sound.

That part of the program, I'm sure, the LCMT would probably go along with again. I am assuming – and I would like someone to tell me if I'm correct – that the other provisions -- this is not a package deal. The other provisions in there about V-notching the shorts and going to zero tolerance are options and not absolutely part of the program.

If that is the case, I would actually recommend that you pass this motion with the assurance that this will go to the LCMT because they have not had an opportunity to speak up. I would like to remind the Board that when you vote, that this suggestion or plan is from the fishermen.

Although all the fishermen have not been contacted, the original intent of V-notching legal-sized females I don't feel is objectionable, and the Board consider that this is a suggestion from fishermen, and they would look favorably on the Board if they passed it. Thank you.

CHAIRMAN NELSON: Thank you, George. Eric, is it clear what is in the plan, zero tolerance, defines V-notch?

MR. SMITH: Yes, this plan, as it sits now, has – and it was a compromise measure in the debate among this 11-member committee. If you are

going to notch females, you needed to do zero tolerance so that there would be some conservation value for them.

And I said before twice, I want now -- because of the way this has evolved, I think it is appropriate that it go to the LCMT and have that level of scrutiny and insight, make it more popular some way.

However, as I told the committee, if you take V-notching of shorts off the table and you take zero tolerance off the table, the number of lobsters out there available to be V-notched declines dramatically.

If we're true to what the advice seems to be to get our stock back to that median level of abundance, it just magnifies the number of other conservation measures that you are going to be confronted with if the Board is going to do what the technical advice from the assessment, the peer review and the ongoing technical committee debate seems to suggest.

That will be the battleground. If the number of lobsters that you notch goes down by 60 or 70 percent, theoretically the number of gauge increases or the amount of a quota that you have goes up by that amount. That is how it has to happen, and I don't mind which way it is.

I think it's a place for a healthy debate. So, to George's point, yes, my intention is that -- all of the details in here were instructive, but when we got the kind of technical committee report we got – and I don't disagree or mind it at all – it just put us in a different direction for looking for approval.

It basically gave us time to work new details out with the understanding that we have a deadline here that we're trying to meet. The deadline, even though it is November 1st, the contracting problems we have mean that if we get approval now, we can go through the process and be on the ground doing some V-notching, even if it is only legal lobsters, in November.

But if we wait until November for approval, we're into February. There are no lobsters

caught at that time. The effectiveness of the program doesn't start until April or May.

CHAIRMAN NELSON: Let me come back to that in a minute, Eric. Let me get other public comment. Opposed to the plan; anyone else opposed to the motion? All right, for the plan.

MR. ROGER FRATE: Thank you for letting me talk, Mr. Chairman. My name is Roger Frate, President of Western End of Long Island Sound. I have been a lobsterman for 45 years; owner of Derry Ann Seafood 25 years.

In 1974, I was the first guy to take Lance Stewart and Eric Smith to make a logbook, which they called the best breeding grounds in the world. Seventy percent of the lobsters are caught in my territory from Westport to Greenwich. We support the V-notching 100 percent.

I would like to talk to you about this data. It is so wrong about what is going on and what we're reading here. I mean, there is hardly anybody fishing in the Sound. When people go out – when the state goes out to gauge lobsters, they are going out to us part-time boats.

My son, Roger, is a fisherman for 21 years, one of the best fisherman on the western end of the Sound. I mean, I talked to Eric and he sent somebody out there, and they sent a kid out there last Saturday. And the biologist – I guess he is a college resident – said he has been going out on part-time boats.

And you get the data from these guys that don't know how to catch lobsters. In the mud flats, there are no lobsters. Lobsters are coming back tremendously. The John Dempsey boat, where they drag, there are no lobsters. I mean, you can laugh all you want.

I have been out there all my life. We ran three boats. We're the biggest fishermen on the western end. I just don't think it's right. It is 100 percent pesticide kill. I got documents from here to Rhode Island to Newport down to the Jersey shores.

I just want to say we support the V-notching, but what you are doing is putting handcuffs on fishermen in Long Island Sound. We have live fish now, no fish dieing. It's because we stopped the pesticides. I have been on the phone for six years talking to every town from New York, Long Island, and Connecticut to use the BTI, which Senator Gunther directed me.

I just want to thank you. You know, we have families; our kids have families. I have a two-year-old grandson. To me, you've got to start learning what is going on out there and go with the commercial fishermen that know how to catch, not the part-timers.

And if you are going to drag the John Dempsey boat, please drag where there are lobsters, and you can't because they are around the shoreline and the deepest parts of the Sound. Thank you.

CHAIRMAN NELSON: Okay, thank you. Anyone else opposed to it? Okay, anyone else for the motion who hasn't spoken? All right, who needed to catch a plane is all squared away, right? All right, back to the Board.

Eric, would you give me a sense – you know, it is approving the Connecticut V-notch program. Do I understand what the Connecticut V-notch program is going to be?

MR. SMITH: That's a point that only the chairman could make because he stands off from the debate and reads those things that way. You are quite right; it is really approve the Connecticut proposal to use V-notching – approve the Connecticut proposal to use V-notching as a principal way – well, I have to kind of honor the legislation.

Mr. Chairman, now that you have asked, it is really as a way of aiding in the rebuilding of the Long Island Sound lobster stock.

CHAIRMAN NELSON: And, Eric, based on the plan that is before us, you are really looking at in the near term, because you are not sure about whether it is going to continue?

MR. SMITH: In the analysis that was at the back of the plan that was on the CD, we have

enough funding to notch two full years; and if we use zero tolerance and you get two molts of protection, that is four years.

If you back off on that, then you get one, but program is extended out three to four years, depending on that definition. I was told by a fellow in the audience, just today, that Massachusetts has analyzed the notch, and even the 1/8th inch definition gives you two molts of protection. If that is confirmed in a technical review, then you can get as much as four years extended out over the horizon.

CHAIRMAN NELSON: When we talk about horizon, though – and, again, I don't –

MR. SMITH: No, I'm not adding words here to the motion right now.

CHAIRMAN NELSON: No, I know, but the sense is that based on the technical committee review and also what your own analysis was, you're with this as a short-term effort to deal with a rebuilding approach? If it is long term, then I think we're not sure what the program is.

MR. SMITH: Well, since we are not asking the Board to buy any numerical equivalencies -- we have gotten way past that – really, the short term/long term is really our read on how likely it is that we're going to get continued funding.

And when you fold in the educational value and the fact that Connecticut has paid millions – these two guys were the proponents of these marine vocational aquaculture schools. There is a lot of interest in finding a way to fit all those together, so we think the funding is going to come.

CHAIRMAN NELSON: Thank you, Eric. Thank you for indulging me. Anyone who hasn't spoken? Gil.

MR. POPE: Very quickly, how about a positive way?

CHAIRMAN NELSON: That is up to you guys; you are the makers of the motion and whatnot.

MR. SMITH: Let's try and conclude the business, Mr. Chairman. I appreciate the time you have given us.

CHAIRMAN NELSON: It is your meeting after this. All right, Pat.

MR. AUGUSTINE: A point of clarification, Mr. Chairman. George Doll, who is chairman of the LCMT Area 6, asked some very specific questions. One was he asked whether or not the items that we are now discussing, this being the primary one, were optional, and the answer I heard was yes.

I had a previous conversation – I hope I'm not speaking out of school, Lance, when we had our conversation out there. The options were – that these options were all options, and they were negotiable.

Now, according to this, they are no longer negotiable, there is only one thing we're going to do, and we have to approve it. So, George came up here and asked me are any of the proposals within here optional or are they not?

If the LCMT is not going to have an option in September or October, whenever we meet, and this is going to be a slam dunk, then it is awful difficult to support it, and yet I support the concept. I need an answer to that.

CHAIRMAN NELSON: Eric, do we know what the plan is going to look like in the fall? Yes or no, Lance?

DR. STEWART: John, I just want to respond to Pat. We've said over and over that the committee adopted that zero tolerance as a way to just get things going and look at our projected values. Everything will go back to the LCMT for agreement between the cross-Sound fisheries, so they are not all mandatory it.

We just want the approval of the V-notching program, to then start the deliberations with the LCMT. I know, we've said that two or three times, but I think that's -- so, there is nothing binding for zero tolerance.

CHAIRMAN NELSON: Okay, that is the problem that I raised to Eric previously; are we

voting for a plan that we don't know what the plan is. If the components are going to change throughout, then do you really want the Board to vote on this at this particular meeting versus --

DR. STEWART: Yes. What we are trying to say is that we need it to get this ball rolling, get the plan going --

CHAIRMAN NELSON: Lance, wait a minute. I understand that, you need to get the ball rolling. The point is the Board needs to know what the plan is, and you are going to go back to the LCMT and you are going to negotiate or discuss things with them, which is appropriate, but you may put in place, then, some plan that is not what this Board thought was that plan. That is the problem that I think a lot of folks are wrestling with.

DR. STEWART: The plan is only to -- the objectives are to V-notch so many female lobsters to get a certain value, a protection value, an increased recruitment value. There are several projections on how to get X-numbers, whether you have 35 percent reduction, 25 percent, 20.

We have done those calculations. We find it fully achievable with the work force we have and the dollars we have. These incidental things that can easily be put in place the way the LCMTs want should not affect our plan.

Our plan is to achieve the largest number of female lobsters we can per tagging period. So, the plan is to do the best we can to achieve the most conservation value.

MR. SMITH: This is a tag team now. Essentially it is to get as much value as we can out of what the legislature provided, and none of the details are set in stone. I will take this to the LCMT as a strawman and listen to every different way they would like to adjust it. The bottom line of this is we're not asking the Board to approve any numerical values. Thank you.

CHAIRMAN NELSON: George.

MR. LAPOINTE: What I think I'm voting on and what I'm going to vote yes on, if Pat will vote with me, is Connecticut wants to do a V-notching program. They can't get the cash without our vote.

Thereafter, they can come up with whatever plan they want, and the technical committee will evaluate it in time. If it is a worthless plan, they will get no credit. If it is a good plan, they will get some credit. That is in essence what I think we are voting on this afternoon.

CHAIRMAN NELSON: All right, the caucus is 30 seconds.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Okay, are you ready for the vote? I'll read the motion: Move that the Lobster Management Board approve the Connecticut proposal to use V-notching as a way of aiding in the rebuilding of Long Island Sound Lobster Stock, the degree of which to be determined in ongoing deliberations.

All those in favor of the motion, please raise your right hand; opposed; abstentions; null votes. Okay, spend the money. The motion carried.

MR. SMITH: Thank you, Mr. Chairman, for your indulgence.

CHAIRMAN NELSON: All right, does that conclude our V-notching discussions? Then let us go back to how you are going to rebuild the Southern New England Stock.

I'm tempted to take a five-minute break. I would just point out that in ten minutes we're supposed to start the Herring Section, but since the chairman of that committee was the reason why we are so far behind, take a five-minute break.

(Whereupon, a recess was taken.)

CHAIRMAN NELSON: Okay, we're ready to reconvene. Now we're back to Item Number 7, and that is the discussion about the Southern New England Stock. We are going to discuss the

rebuilding time period and then the reference points and move right ahead. I promised Mark he would be the first one to speak.

DR. GIBSON: During that time, I actually forgot what I was going to say. I just disagreed with some of Penny's comments about the current status of the resource. I do agree with Bill that the 2003 terminal year of the assessment is badly dated at least in the Rhode Island area of Area 2.

We have seen a lot of positive signs in our trawl surveys and the catch-per-pot haul index of V-notched eggers in the sea sampling. There needs to be some mechanism for, if not for these full-blown assessments, that information to flow more timely to the technical committee and on to this Board for them to make use of. Thanks.

CHAIRMAN NELSON: I think we all agree that, Mark.

DR. GIBSON: At some point I need to make a statement for the record relative to Addendum VII, so I don't get in trouble with my governor; implementation of Addendum VII. I know you are way ahead with IX and X and all that, but we are still hung up on VII.

CHAIRMAN NELSON: Okay, you can do that after the federal update under Other Business. I have got you down there for it. Okay, who wants to talk about the rebuilding timeframe that is recommended by the technical committee to do a ten-year rebuilding?

Everyone wants to be in agreement with that, or is there some slight variance that should be discussed for a brief period of time? Gordon.

MR. COLVIN: Fluke. I would like to see some alternative to a ten-year rebuilding schedule.

CHAIRMAN NELSON: Such as?

MR. COLVIN: Longer and shorter. In all seriousness, Mr. Chairman, if we have learned anything in Long Island Sound in recent years, it is that things happen that affect abundance and can affect abundance in remarkable ways that

are difficult for us to predict and impossible for us to control.

I am concerned about a rigid adherence to kind of a formulaically derived rebuilding schedule. I think we need to give this more thought, and I think there needs to be some options and there needs to be discussion.

The discussion should embrace aspects of probability, of the risks of different courses of action, and I don't think we should limit ourselves to simply saying we'll rebuild them in ten years and we'll deal with it that way, and here are a bunch of ways to do it. I don't think that is the approach that makes sense right now.

CHAIRMAN NELSON: Well, since you didn't rise to my bait, did you want to have the staff come up with several other suggestions in addition to the ten-year rebuilding option, that they would then provide in this addendum that will be available for the Board to take a look at? They can provide the rationale of why they've provided those other rebuilding timeframes.

MR. COLVIN: Sure, staff or a plan development team could do that. On the other hand, before we leave here this afternoon, the rest of the Board may tell me I am dead wrong, but that would be my view.

CHAIRMAN NELSON: Well, not even looking towards Connecticut, there is not a chance of them providing input since they are going to back you up. Anyone else from Southern New England – is everyone from Southern New England in pretty much agreement that the staff can provide some other alternatives? Okay, Eric, are you in agreement? Are you comfortable with that; can you live with it, Eric?

MR. SMITH: Yes, I can, but it may not go far enough.

CHAIRMAN NELSON: Well, why don't you wait and see what they come up with?

MR. SMITH: Okay.

MS. KERNS: Okay, in the memorandum that went out to the Board, we described the two

addendums. Are we going to initiate what we call here as Addendum IX to look at the fishing mortality targets?

What other options besides the rebuilding timeframe will be included in this addendum is what I need some guidance on. So, what type of management measures will be put in place to decrease fishing mortality by 10 percent?

CHAIRMAN NELSON: Bill.

MR. ADLER: First of all, we're talking about 10 percent as of 2003. Remember, we already did some things, so the management measure would be for the Area, for instance, 2 to go up to 3-3/8th inches, maybe, and for maybe a trap plan to be put in place based on history and maybe a V-notch program maybe then?

CHAIRMAN NELSON: Wait a minute, Bill, let's have staff comment on each of those as necessary.

MS. KERNS: The trap plan put in place for Area 2 put you at effort equivalent to those that were in 2003, so that puts you at a level playing field of the data from 2003, from my understanding.

MR. ADLER: What I was getting at was that some of these measures were put into effect after 2003. The mortality reduction needed, according to this, is .02 to get down to one thing; or, you said 10 percent, okay, fine, 10 percent reduction in mortality, and did we or have we already done the 10 percent reduction in mortality from the original number? Have we done that already?

CHAIRMAN NELSON: The answer is they do not believe that is correct, so they cannot determine that has happened, Bill, so therefore you're going by the assumption that you need to take a 10 percent reduction. What suggestions do you have to put into the addendum that will be measures to try to reach that? Dan.

MR. MCKIERNAN: One of the measures that – I'm sorry, I'll yield.

CHAIRMAN NELSON: To whom? You're just stepping back. Okay, anyone else? Eric, to that point.

MR. SMITH: Three things in here related to what Toni said. I think this process needs to have slightly different or additional goals. In other words, in Southern New England cap effort close to current levels, that is sort of part of – it is implied at least in the technical committee's advice.

But then the two key things – and it leads you to what kind of a process you have to use. This memo started to evolve from a one-step to a two-step process, and Toni needs to know which one to use.

My view is we need to get to F-target as quickly as possible, like measures adopted in 2007. I will say why in terms of abundance in minute, but my first part of my comment is get to the F-target as soon as reasonably possible. And then what Gordon was saying, but he didn't actually use the words, I don't think, was we need to use adaptive management to get to the abundance target.

The sad fact is – and we have told lobstermen this – if environmental conditions in Long Island Sound stay bad, you will never get a fishery back the way you had it in the eighties and nineties. If natural mortality is high, you just can't get back there mathematically.

We don't know all of what those factors are, and I think that is why Gordon was saying, when you look at the fluke situation that we're involved in, it would not be wise to pick a date out there and say we know we can get there.

At the same time, I know he is also not saying, nor am I, that we don't really need to do anything because we can't predict whether it will be eight years or nine years.

That is what adaptive management was intended to do, adopt some aggressive measures and monitor what happens in response to those measures and see if you are going in the right direction; and if you are, maybe adopt a few more or decide that the rate of change is proper

and you don't need to do anymore because the stock is responding well to those measures.

We won't know in 2007 what those measures really are in the next two, three, four – we'll know what we need to do, but we won't know what the consequences are until some time has passed. For that reason, those two parts -- get to the F-target in 2007 and adaptive management to get to the abundance target some time in the future, that's a two-step process.

CHAIRMAN NELSON: Go ahead, Dan.

MR. MCKIERNAN: Two ways that I think we can address the F-level; the first is an improved V-notch definition or more conservative V-notch definition in the Rhode Island and Massachusetts area to protect those lobsters that have been placed back in the water by the North Cape Oil Spill Project.

Massachusetts and Rhode Island are considering doing that, actually, almost immediately because the shed has taken place. We are in conversations between the two states to do that. We anticipate taking that action before the end of the month.

The second one, as far as trap numbers go, I think it is really important that the Board give the different states, specifically Rhode Island, Massachusetts, New York, and Connecticut, an opportunity to look at what the Addendum VII impacts are going to be.

In Massachusetts I'm forecasting about 48,000 traps are going to be allocated in that area, it may be even less in terms of the number of traps that are actually being fished. I think we need time to assess what the effort control plan is going to do instead of looking back three years relative to the 2003 level.

I feel we can do that by next year. Rhode Island, I believe, is yet to approve Addendum VII, and whole set of other problems that Mark can address. But, for now I think we can address it with two ways; improve V-notch definition for Area 2 and the trap reductions.

CHAIRMAN NELSON: Now, that is trying to reach the mortality – just deal with F; is that right, and those are the suggestions you have? Now, the existing trap reduction program; is that what you are talking about or further?

MR. MCKIERNAN: The existing trap program has to be fully executed in terms of the allocations. We're examining fishermen's histories on a case-by-case basis, and we will have that completed by the fall. When we report in the fall the actual number of traps allocated, we can look at that relative to the historic highs that include a 2003 benchmark.

CHAIRMAN NELSON: Thanks, Dan. All right, I'm going to go to a little different route here. Area 3 has got a plan, and let's go through that, and then we will come back to what we would hope would be components of plan for Southern New England. Bonnie, do you want to come up and go through yours?

MS. SPINAZZOLA: Thank you, Mr. Chairman. The Area 3 LCMT met in response to Lobster Board's report at the May meeting.

CHAIRMAN NELSON: Before you go on, Dave Spencer would be the person that normally would be giving this report. Bonnie is actually giving the report of the LCMT Area 3 meeting, so she is proxy for David at this particular moment.

MS. SPINAZZOLA: Yes, thank you. Unfortunately, he has had problems with his boat and could not make it. He is very nervous, but I told him everything would be all right.

Anyway, the LCMT met and discussed several measures to try and meet the Southern New England requirements for all of Area 3, which actually, as I said earlier, manages to the most restrictive area.

So, therefore, as you know or as you may know, we have 5 percent trap reductions coming up in 2007 and 2008, because our active trap reductions are finished in 2006. The LCMT voted to have an additional 2-1/2 percent per year in trap reductions going into 2009 and 2010.

Also, to go along with the trap reductions, we wanted to notify the Lobster Board that the Area 3 industry is in the process of researching a mechanism necessary for the implementation of an industry-funded buy-back program.

We are looking at the buy-back program and the transferability program to take out approximately 20 or more percent of our traps; and with the trap reductions in place, the active, the two fives for the two years; the two 2-1/2 for two years, we will have a total of 30 percent active trap reductions.

We're not necessarily stopping at the 50 percent as recommended by the technical committee. We're just seeing where it takes us, and then we'll consider more if we have to.

We asked to delay the implementation of the vent increase that corresponds with the implementation of the 3-1/2 inch gauge. As I said, that's strictly a delay until 2010. What we've found, with all of the measures that we've had in place – we've had seven years of management measures, and we need the resource to actually catch so that the vent is going to make a difference.

We are recommending to put in a maximum gauge of 7 inches, reducing 1/8th inch per year for two years, resulting in a 6-3/4 maximum gauge in Area 3. That is it. The only thing, if you look on the back of that page, if these are all proposed and if these go forward, we will have a 3-1/2 inch minimum gauge in Area 3 and a 7 inch to 6-3/4 final maximum gauge.

We have the mandatory V-notch above the 42/30. We have a two-inch rectangular vent; 2-5/8th circular vent; 30 percent plus active trap reductions. The other thing I will say about Area 3, the LCMT approved a 1/8th inch V-notch provision and description to allow for compatibility, if it is appropriate.

We didn't necessarily put it in the plan because we didn't know what everyone else would vote, and we didn't want it to be a hangup, but if that is something that the Board feels is a good, compatible measure throughout the range, we

are more than willing to put it into our LCMT plan. Any questions?

CHAIRMAN NELSON: Okay, any questions or comments? Pat.

MR. P. WHITE: On that V-notch, Bonnie, considering the discussions that were on earlier, do you have any idea, if they went from – I think the two extremes were a quarter-inch V-notch with or without cetel hairs; two is zero tolerance. Do you sense any willingness to go either way on that, or are they supporting the eighth inch?

MS. SPINAZZOLA: We support the eighth inch or we want to stay with the quarter inch. We don't feel that zero tolerance is, frankly, a very good way to go with the V-notch. We feel that it is very arbitrary. We feel if we are going to do it, we want something that we can actually have an actual description and know what we're doing.

MR. P. WHITE: And the second question is – my math is bad, but if you have a 5 percent and two 2-1/2 percent, how does that equal 30 percent?

MS. SPINAZZOLA: Because we've had active reductions prior to that. In other words, from 2002 we have been reducing actively for all of those years. So, if you add all of those active reductions up, you come up to the 30 percent.

Actually, I just want to mention also that the reason we're considering the buy-out plan is because we had concerns that if we just put a transferability plan in place, the latent traps would be the first ones to go fishing.

We didn't want to see all of our active reductions be reduced that way, so we are hoping to have the buy-out plan either along side or coexistent with the transferability plan, at which point we would likely put our transferability conservation tax at about 50 percent to try and dissuade people from transferring and going to the buy-out so that we can actually get rid of those pots.

If we can put the buy-out plan in first, we may be able to do that. Everything we're talking

about really depends on NMFS, but we're trying.

CHAIRMAN NELSON: Thanks, Bonnie. Before you run off, let me just make sure if there are any other comments or questions associated with the Area 3 proposal?

MS. SPINAZZOLA: Can I ask one other thing? Due to the process that Area 3 has to go through the Commission and then NMFS, we would ask that the Board at least pass this on to the technical committee or approve it or do whatever it is you'd like to do so we can keep going since we want to try and keep all of our trap reductions, you know, consecutive. Thank you.

CHAIRMAN NELSON: Okay, thanks, Bonnie. Okay, anyone object to including this in Addendum IX, and that would be, then, the technical committee taking a look at it, seeing if there are any other measures that might need to be suggested, and they can work with the Area 3 LCMT to incorporate those as necessary; or, if it meets the goals of the plan, then you don't have to do anything else, but we need to get a read on that.

MS. SPINAZZOLA: Mr. Chairman, we really don't want the recommendation of not to do anything. We feel that proactive is the way to go.

CHAIRMAN NELSON: Well, when I said not to do anything, it was the measures that you had already proposed already met the goals of what the plan were, and you didn't need to do anything further. If I mischaracterized that, I'm sorry.

MS. SPINAZZOLA: All right, that's fine, thank you.

CHAIRMAN NELSON: All right, I saw no objections, so that solves Area 3. Now back to other considerations for Southern New England; what other measures would you like them to consider for incorporation into Addendum IX?

You've already got a rebuilding timeframe of various options in there. We have at least status

quo on rebuilding. What about the gauge increase that you suggested? Was there a gauge increase or was it status quo as far as the gauge increase?

MR. MCKIERNAN: Status quo on the gauge increase, but we did want to request that we institute a transfer tax regarding Addendum VII's effort control plan. This was part of Addendum VII, but it was not passed at the time, back in October of '05.

I believe it is important to put that in. It is similar to what we have in the Outer Cape. This would be a tax of trap allocation when it is transferred between parties of the range of, say, 10 to 25 percent. I would like that to go into an addendum.

CHAIRMAN NELSON: Well, that is actually Number 8. The technical committee had come up with a number of ways to deal with achieving the objectives for Addendum IX. I don't know if you want Toni to run through them again. They are in the italicized on Page 4 and 5.

I would think that there would be other measures that you would want to have the LCMTs talk about in addition to these, but are you comfortable with not just having these but having these as part of the discussion with the LCMTs? Okay, I have Gordon and then Eric.

MR. COLVIN: I don't know how much discussion today on measures is what we need so much as coming to agreement on the overall strategy that we will employ. There is a proposal on the table for a two-part strategy in that a given area, if it wants to do it all at once, can do it.

But the measures to achieve a 10 percent reduction in F, if we went with Part 1 of that, we all know what they are, and they can be left to the states to work with the LCMTs to come up with. You know, it is the usual suspects.

It seems to me that the bigger issue is the Proposed Addendum X issue of this question of a rebuilding strategy over how many years, what proportionate initial reduction in F, and what is the process – I think Eric had it right before – for

tracking progress and an adaptive process, to see that the trajectory we select, that we are close to it, and if not, to adjust accordingly.

If we all agree on that, I think we probably have what we need to direct the staff to begin to prepare the two addenda, Mr. Chairman. So, my sense is that if we come together there, we may have accomplished something today.

If we start talking about different specific measures in different management areas, I don't know that we are going to get to that bigger need to come together on the strategy.

MS. KERNS: Gordon, just to be clear, then, Areas 2, 3, 4, 5 and 6, excluding maybe 3 since you guys have already come up with a plan, will go back, convene their LCMTs between now and the annual meeting – and let's say a little bit before the annual meeting – and come back to staff with some proposals for achieving the F at a 10 percent decrease, so that I can put together an addendum for the annual meeting.

Those proposals probably will not be able to be reviewed by the TC if we don't get them together fairly quickly. It's just those points of information. The sooner that the LCMTs can get together, then the better for TC review and then to be distributed out to the Board prior to the meeting.

And then at the annual meeting we will start discussions on information to be included or how we will craft Addendum, whatever, Number X for reaching the abundance target. And also included in IX will be the rebuilding timeframe options.

MR. COLVIN: And the details for Area 3.

CHAIRMAN NELSON: And the details for Area 3?

MR. COLVIN: Yes, to me that makes sense.

CHAIRMAN NELSON: Eric.

MR. SMITH: It does to me, too, and are we going to partition this discussion at this late hour so we also have the same discussion for

Addendum X? Okay, so I will hold that until we talk about X, or do you want it now?

CHAIRMAN NELSON: If you concur that you want to do all the other areas in that two-step process, then we would have that discussion at the annual meeting. I think we just need to have the buy-in that, yes, Area 3 will do theirs as they have outlined.

The rest will meet their F-targets, and in Addendum IX we already have the staff directed to come up with rebuilding timelines. I think that covers it, and then we will deal with the rebuilding targets in Addendum X, and that will start at the annual meeting.

Is everyone comfortable with that? I see everyone nodding. Okay, let's move on to the next agenda item. I'm sorry, come up to the mike.

MR. LENNY DALINGER: Lanny Dalinger, President of Rhode Island Lobstermen's Association, Area 2 fisherman. Area 2 fishermen have a problem with the technical committee's recommendations for Addendum IX.

This Board mandated us to have this effort control plan back in '03. The reason that they picked that timeline was because in '03, under the current conditions and the amount of traps that were being fished, that rebuilding was occurring.

If you look at the trap numbers in the late nineties, we've already taken a 50 percent reduction in gear. Once Addendum VII gets implemented, we're going to be at somewhere around 170, 180,000 traps.

I believe Rhode Island's sea-sampling data can show that we're probably the only area that made the F-10 egg-production standard before it got changed. We also are looking for an 1/8th inch V-notch definition change to protect the North Cape lobsters, not to mention the lobsters the industry is now actively notching on their own.

We also have money that has already been allocated that is sitting on the table from Senator Reid, but we can't use it until Addendum VII has been implemented. I think that pretty much covers it, I mean, other than the four gauges that we took in 2003 to current, the vent size.

I think if the technical committee was to confer with Rhode Island's sea sampling and Massachusetts data, they would see that rebuilding still is going on right now; and with the effort control plan, we can do nothing but go back on traps, and the number is never going to go up.

I think it is ludicrous to look at what the technical committee recommended for Area 2. I mean, you know, to make it simple, we are not denying that Southern New England's neighborhood is in bad shape, but Area 2 has cut the lawn, painted the house, gone over the whole thing.

Our piece of property inside Area 2 is the best-looking one there is, and we have got the data to back it up through Rhode Island and Massachusetts control surveys, ventless trap surveys, sea sampling. They go out on the boats. I think that covers it. Thank you.

CHAIRMAN NELSON: All right, thanks. I think what we were talking about at this particular point were the recommendations for Southern New England from the technical committee. Those are the items that the LCMTs can talk about.

It's obviously not limited to that, but that is at the annual meeting, the start up of it at that particular time. Then you'll go to your LCMTs and use whatever best-available information and whatever can be justified, I think, as far as additional insights.

These were suggestions from the technical committee in order to deal with this in the near term. Since we're not dealing with the near term, it will be at the annual meeting, and we'll have the discussions at that time. So, having said that, Bill.

MR. ADLER: Okay, if your Addendum IX is going to talk about a rebuilding schedule and probably the Area 3 proposal, that would be fine. But, other than that, as far as trying to do more measures in the area before the other ones get time to work, I just wanted to go on record as opposed to that part of it, if that is part of Addendum IX. Thank you.

CHAIRMAN NELSON: Okay, thanks, Bill. All right, are you ready to move on to the LCMA 2 Transferability Program?

MR. SMITH: Mr. Chairman, just before you do, a quick question. That stock has come up a couple of times, and I think it is important that we're clear that the baseline from which we're moving forward with things that are required to meet these reductions or increases in abundance reductions in F is based on 2003, the last year of the assessment; everybody understands that? That is where they will analyze from. Thank you.

CHAIRMAN NELSON: Go ahead, Toni.

MS. KERNS: Thank you, Mr. Chairman. Staff just passed out what is called Addendum IX, to just make things more confusing, but technically speaking this is the next addendum number in order of where we've been.

It is in reference to a conservation tax for the Area 2 effort control program. Addendum VII established an effort control plan for Lobster Conservation Management Area 2. This addendum established a transferability program that we are in the works of putting together.

The addendum was supposed to also establish a conservation tax that would be used with that transfer program. We did not establish a value for that conservation tax. In order for lobstermen to be able to start selling and trading traps in 2007, when that plan has been implemented, we should add a value to that conservation tax.

Therefore, we would need to initiate an addendum at today's meeting to go out for public comment, so this can be approved prior to January 1, 2007. The purpose of including a

conservation tax is to help maintain the conservation objectives to sustain the lobster resource.

It also allows for economic profitability through flexibility and supports creative options for future business planning. For this program, a transfer is defined by a change in ownership of a trap tag allocation or any portion thereof.

Trap tags can be transferred among Lobster Conservation Management Area 2 fishers to allow individual businesses to build up or down within the maximum allowable 800-trap limit. However, a passive reduction in traps will occur in each transfer event at the rate of either – and, I’m sorry, that is a mistake.

It should be somewhere between and 10 and 25, whichever option is chosen in the end, or no option. So, if we have 100 traps transferred and we use the 10 percent rate, then, the number of tags received by the fisher who is buying the traps would be 90, and overall trap cap would be reduced accordingly.

The trap cap can be adjusted downward over time through active and/or passive reduction measures until such time that the fishing mortality rate is reduced to a level below the target. Trap tag transfers may occur only within the Lobster Management Area 2 boundaries.

There are five options within the addendum; the first option being status quo; Option 2, where there is no conservation tax currently. Option 2 is a 10 percent tax. Option 3 would be a 15 percent tax. Option 4 would be a 20 percent tax. Option 5 would be a 25 percent tax.

And as always, we would recommend for these actions to continue in federal waters. Do you have any questions on the program and why it is necessary for today’s meeting?

CHAIRMAN NELSON: Any questions? Vince.

EXECUTIVE DIRECTOR O’SHEA: Thanks, Mr. Chairman. I apologize for not picking up on this. When you were going over the options, Toni, you said a typo was made. Would that be

in that first sentence that it should read – I was thinking what you meant was that it should change at the rate of – you know, in a range from zero to 25 percent, but you said “10 to 25 percent”. The status quo was zero, but somebody else whispered, no, that was just an example. So, maybe, if you don’t mind, just tell us what you intend there.

MS. KERNS: I intended to say “zero to 25”; you are correct. The example below is at 10 percent, but that is not what that first sentence reads. The first sentence will be corrected to read “A passive reduction in traps will occur with each trap transfer event at the rate of zero to 25 percent, depending on which option is chosen.”

EXECUTIVE DIRECTOR O’SHEA: That’s great, Mr. Chairman, thank you.

CHAIRMAN NELSON: Okay, any other questions? Okay, do we have a motion to move this forward to public comment?

MR. P. WHITE: So move.

CHAIRMAN NELSON: Okay, Pat White, and seconded by Dan McKiernan. Okay, any other comments? Bill.

MR. ADLER: Okay, so, we’re going to go to public hearing with Addendum IX. This is the Addendum IX; right? So the other one we talked about that I don’t want –

CHAIRMAN NELSON: Be renumbered.

MR. ADLER: -- would be X, and then –

CHAIRMAN NELSON: It may be X.

MR. ADLER: -- we would do XI. Okay, thank you.

CHAIRMAN NELSON: Don’t worry about the numbers, Bill. It will be whatever numbers need to be there. Okay, all in favor, please raise your right hand; opposed; abstentions; null votes. The motion carried. Okay, nicely done, we’re getting there.

MS. KERNS: May I see a show of hands of those states that will need public hearings to be discussed if staff will attend those or if you will hold them yourselves. Thank you.

CHAIRMAN NELSON: Okay, under Other Business, we have three items. George, buffer zone. You're other one, the transferability one been already dealt with.

MR. LAPOINTE: That is correct. There is a new group in Maine called the Maine Offshore Lobstermen's Alliance, who are organizing to try to do a number of things. One of their ideas is a buffer zone between Area 1 and 3.

We have counseled them to go to the Area 3 LCMT, just to get their input under this co-management process. I will tell people the buffer zone goes from the Area 1-3 line, into Area 3, and not the other way. It's just so you are aware there is a proposal out there, Mr. Chairman. That is all I wanted to tell everybody.

CHAIRMAN NELSON: So your request is to have this evaluated or reviewed by the LCMT 3?

MR. LAPOINTE: I actually just thought that the two groups should talk about the idea before we take any further action. It is just, again, to give Board members a heads up in case they hear about the proposal.

CHAIRMAN NELSON: Well, let me just ask that whatever proposal comes forward be given to staff and that staff will then forward it to the LCMT Area 3 folks for their consideration. You know there has to be consensus between the two groups in order to move something forward.

MR. LAPOINTE: I am aware of that, thank you.

CHAIRMAN NELSON: Bill.

MR. ADLER: The "buffer" word was replaced at that meeting of the Area 1 LCMT with the "overlap" word, so it would be like they could fish there, but so could Area 3 still. But I think you are right, they ought to get together with the Area 3 LCMT.

CHAIRMAN NELSON: Okay, the next item on the agenda is the federal update. Harry.

MR. MEARS: Thank you, Mr. Chairman. In May 2005 Peter Burns presented where we were at that point with completing the historical participation process for the Offshore Fishery Area 3 and also the two areas south of New York, 4 and 5.

We have now completed that process. We have a new handout somewhere on the back table. I'll ask that those either be distributed or put on the back table. It gives the number who qualified; the number who were approved, disapproved; how many appeals.

Mr. Chairman, at your discretion, Mr. Burns is prepared to give a quick summary or you might just want to suffice with the handout on the back table. Thank you.

CHAIRMAN NELSON: Harry, given the time and the slight overrun by this Chair, if you don't mind, I'd would like to have it just suffice as the handout, if that is okay, unless there is something really urgent that needs to be explained.

MR. MEARS: I only ask that it be made part of the record for this meeting.

CHAIRMAN NELSON: You've got it. Okay, the last item that I have under Other Business was, Mark, you had a comment or something to do with Addendum VII.

DR. GIBSON: Yes, thank you, Mr. Chairman. Rhode Island is trying very hard to implement Addendum VII in our regulatory process.

As you all know, it has been very controversial at home, and the director of the parent agent, the promulgating authority, as well as the governor's office is trying to do due diligence and thoroughly evaluate the draft regulations that I have presented them and have recommended be implemented.

We've had extensive public hearings, public comment, input from industry advisory panels and all sectors of industry. Most importantly,

our Marine Fisheries Council has taken up the matter and has rendered advice to the director.

It is important because the Council is created in statute to advise the department. A similar state law requires that our department take account to the Marine Fisheries Council and a fair amount of deference to their views.

In fact, we if we disagree with them, we have to provide a rational and compelling argument as to why we're not going along with their recommendations. Their recommendations were to adopt Addendum VII, but to provide for additional flexibility in two areas, in the qualifying years for allocations, as well as expanding the hardship provisions beyond their narrow scope.

My director is struggling to find a way to do that in accordance with the state law. I just want to advise this Board that there could be a request from the state of Rhode Island grounded in conservation equivalency to come forward with an allocation scheme, that while it would allocate the same number of pots were we to go strictly with Addendum VII, they might have a somewhat different distribution.

It could involve using the 2004 data year as an additional qualifying year, and it could involve creating a pot reserve out of the initial allocation which could deal with the disputes that might head off some significant litigation down the road.

I just wanted to let the Board know that if I'm told to do that, I would, within the next month, probably develop a conservation equivalency proposal, deliver it to the Commission and ask that the technical committee look at it, and then have it considered by the Board in November. I just wanted to raise that possibility for the record and let everyone know.

CHAIRMAN NELSON: Now, Mark, when you talk about a conservation equivalency, that is going to be for your state waters, so that is not affecting people that fish in the federal zone?

DR. GIBSON: That may not be the case. It could be applicable to anyone who resides in

Rhode Island and has a state and/or federal permit. I certainly recognize the red flag that will send up to the Service relative to treatment of federal permit holders, as well as the consternation my partner to the north already has over this situation.

CHAIRMAN NELSON: Okay. Well, again, I did want to raise that issue and make sure that your state has not missed that point. Okay, we'll withhold any other comments on it until we see what comes out, if anything, from the state of Rhode Island.

All right, anything else under Other Business? A motion to adjourn?

(Whereupon, a motion was moved and seconded from the floor to adjourn.)

CHAIRMAN NELSON: We are adjourned. Thank you very much.

(Whereupon, the meeting was adjourned at 4:30 o'clock p.m., August 14, 2006.)

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INDEX OF MOTIONS

PAGE 4: Move to close the nominations and cast one vote for Brian Culhane. Motion carried on Page 4.

PAGE 16: Motion to remove Issue 1 from the public information document. Withdrawn on Page 23.

PAGE 19: Substitute motion to leave Issue 1 in, but take Option 2 out. Withdrawn on Page 22.

PAGE 27: Move that Issues 4, 5 and 6 be removed from the document. Motion failed on Page 33.

PAGE 33: Motion to remove Issue 6. Motion failed on Page 34.

PAGE 39: Motion to adopt the document as modified and move it to public hearings for comment. Motion carried on Page 40.

PAGE 40: Move that the American Lobster Management Board initiate an addendum to establish a landing data collection program that is consistent with ACCSP standards, in response to the recommendations of the 2005 Lobster Stock Assessment and Peer Review Advisory Report. Motion carried on Page 42.

PAGE 56: Move that the Lobster Management Board approve the Connecticut V-notch plan as a way of providing conservation value that is equivalent to other measures used to manage lobsters; the degree of equivalency to be determined during the development of Addenda IX and X and in consultation with the technical committee and Area 6 LCMT.

PAGE 68: After discussion on Pages 56-68, the above motion was changed to: The motion is move that the Lobster Management Board approve the Connecticut V-notch program as a way of providing conservation value, the degree of which to be determined in ongoing deliberations.

PAGE 75: The motion carried as reworded on Page 75: Move that the Lobster Management Board approve the Connecticut proposal to use V-notching as a way of aiding in the rebuilding of Long Island Sound Lobster Stock, the degree of which to be determined in ongoing deliberations.

PAGE 89: Motion to move Draft Addendum IX forward to public comment? Motion carried on Page 89.