

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

**Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 1, 2011**

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1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of March, 2011** by consent (Page 1).
3. **Move to approve Draft Addendum XVII to Amendment 3 to go to public comment** (Page 16). Motion by Ritchie White; second by Terry Stockwell.
4. **Amend the motion for Section 3 under the proposed measures, to allow for these measures to be implemented by LCMA** (Page 18). Motion by Adam Nowalsky; second by Pat Augustine.
5. **Substitute motion to modify the objective of the addendum to reduce exploitation in the Southern New England stock by 10 percent in each affected LMA to initiate rebuilding of the Southern New England stock and enable each jurisdiction to prepare their fishing industries for more substantive reductions to be achieved in a subsequent addendum** (Page 19). Motion by David Simpson; second by Bill McElroy. Motion carried (Page 26).
6. **Move to amend to remove Option 1 under Issue C, closed season, of Option 3, Page 24, the last paragraph** (Page 26). Motion by Rep. Peake; second by David Simpson. Motion carried (Page 27). The amended motion as amended carried (Page 28).
7. **Main motion as amended and substituted carried** on Page 28.
8. **Adjourn by consent** (Page 29).

ATTENDANCE

Board Members

Vincent Balzano, ME, proxy for P. White (GA)
Steve Train, ME proxy for Sen. Langley (LA)
Terry Stockwell, ME, proxy for P. Keliher (AA)
Doug Grout, NH (AA)
G. Ritchie White, NH (GA)
Rep. David Watters, NH (LA)
Bill Adler, MA (GA)
Dan McKiernan, MA, proxy for P.Diodati (AA)
Rep. Sarah Peake, MA (LA)
Jocelyn Cary, MA, Legislative Proxy
Mark Gibson, RI, Administrative Proxy
Robert Ballou, RI (AA)
Rep. Peter Martin, RI (LA)
Rick Bellavance, RI, Legislative Proxy
Bill McElroy, RI (GA)
David Simpson, CT (AA)
Dr. Lance Stewart, CT (GA)

Rep. Craig Miner, CT (LA)
James Gilmore, NY (AA)
Pat Augustine, NY (GA)
Andrew Voros, NY, proxy for Sen. Johnson (LA)
Peter Himchak, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ, (GA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
John Clark, DE, proxy for David Saveikis, DE (AA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Tom O'Connell, MD (AA)
Russell Dize, MD, proxy for Sen. Colburn (LA)
Sen. Richard Stuart, VA (LA)
Catherine Davenport, VA (GA)
Bill Cole, NC (GA)
Michael Denmark, GA, proxy for J. Duren (GA)
Bob Ross, NMFS
A.C. Carpenter, PRFC

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

Ex-Officio Members

Carl Wilson, Technical Committee Chair

Staff

Vince O'Shea
Bob Beal

Toni Kerns
Chris Vonderweidt

Guests

Patricia Kurkul, NMFS
Michelle Duval, NCDMF
Patrick Paquette, MA SBA
Chris Jones, MD DNR
Alison Fairbrother, Public Trust Project, DC
Janice Plante, Commercial Fisheries News
Ray Kane, CHOIR
Charles Lynch, NOAA
Micahel Theiler, CT CLA

Roger Frake, West End Lobster Assn, CT
Jean Frake, Darien Seafood, CT
Arnold Leo, E. Hampton, NY
Bonnie Spinazzola, AOLA
John German, LILA, NY
Ken Hastings, Mechanicsville, MD
John Hollay, Ofc. of Rep. Courtney, CT
Peter Burns, NMFS

The American Lobster Management Board of the The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, August 1, 2011, and was called to order at 1:00 o'clock p.m. by Chairman Douglas Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS GROUT: Good afternoon. This is a meeting of the American Lobster Management Board. My name is Doug Grout. Even though it says Mark Gibson will be up here, I'm vice-chair and I've been asked because of the things that are going to be discussed today to chair the meeting today as vice-chair.

INTRODUCTION OF NEW COMMISSION PROXIES

Before we go too far, we do have some commissioners that are proxies and new to this process. The two that I see are over in the state of Maine. Terry, would you like to introduce your new commission proxies.

MR. TERRY STOCKWELL: Mr. Chairman, I would like to introduce to the board Vincent Balzano who is proxy for Pat White and Steve Train who is proxy for Senator Langley. They will be here for the entire week and please make them feel welcome.

APPROVAL OF AGENDA

CHAIRMAN GROUT: Okay, the next agenda item is approval of the agenda. I would like to add one other item after the public comment that would be a 3A, and that is that Carl Wilson has a small presentation of stock performance indicators that we had requested of him at a previous meeting. He will also go over a memo that the technical committee had put together at one point. Are there any other changes to the agenda at this point? Pat.

MR. PATRICK AUGUSTINE: Mr. Chairman, one of the items that came up – and I think Mr. McElroy was going to address this issue, but I thought I'd bring it up to maybe become a part of the agenda. One of the issues that we've brought up was one of the motions that passed was to consider a 25 percent number in one of those options.

It was summarily discussed and dismissed by the technical committee for whatever reasons. I don't think we've in our writings. I haven't seen it and wondering if it would be possible to put that back for

further consideration. Secondly, whether or not the technical committee approved, disapproved or didn't like it or couldn't see it as a supported item, it was approved by the board to be considered.

In the least case I think it should be included in the public information document that it was presented by the board and summarily dismissed for reasons that were based on the technicality of it. If I could have some clarification on that, I would appreciate it, Mr. Chairman.

CHAIRMAN GROUT: Well, Pat, as I understand it, as part of the presentation on the Draft Addendum XVII there will be a presentation on the reason that the PDT decided not to include it. Clearly, if it is the will of the board to put it back in, we certainly could do that although we may have to look at changing the purpose of this document if we include it back in, depending on how it comes in.

MR. AUGUSTINE: Fair enough, thank you, Mr. Chairman, for that clarification. I'll wait for a further discussion when we get to that point.

CHAIRMAN GROUT: Any other changes to the agenda? Is there any objection to the agenda as I modified it? Okay, thank you.

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: The next item is approval of the proceedings of the March meeting. Yes, Chair.

MR. STOCKWELL: Mr. Chairman, just one minor correction. Joe, I was present at the board meeting.

CHAIRMAN GROUT: So, Joe, I assume you can make that or the modification can be made – Toni will make that modification. Any other changes to the minutes of the March meeting? Is there is there any objection to approving them as amended? Seeing none, we'll move forward.

PUBLIC COMMENT

CHAIRMAN GROUT: Item Number 3 is public comment. This is an opportunity for the public to provide comment on things which are not on the agenda at this particular point. I see one hand.

MR. BONNIE SPINAZZOLA: Mr. Chairman, Bonnie Spinazzola, Atlantic Offshore Lobstermen's Association. In the document that out to the – or the Addendum XVII there is a chart of management measures that are presently in place. I think we've

asked before but I would like to request that Area 3's effort control measures be added to this.

MS. TONI KERNS: Bonnie, we don't put any of the trap reductions that have taken place in that particular chart. I can add it to the Area 3 proposal to say that Area 3 has already done trap reductions, but that particular chart just tells people either that there is historical participation or max caps.

MS. SPINAZZOLA: Is there a reason why we can't add a column?

MS. KERNS: I can try to see if I can make it work. That comes specifically from the table that I used for LEC when I hand out regulations for them to have as a cheat sheet, and so I don't get into as much detail about trap reductions for them because it's necessary and it's not specifically what management measures are in place.

MS. SPINAZZOLA: Couldn't we just have two different tables; only because so far we've reduced 30 percent of our traps and we're going toward 55 percent of our traps. I think that that is at least significant that the industry is moving in that direction. Looking at this, there is no way to know that there is anything like that going on in the area. I would just request that you give it a try.

MS. KERNS: I can see what I can pull together. It wouldn't be just Area 3; it would be all of the areas.

MS. SPINAZZOLA: I think that is proper. Thank you.

CHAIRMAN GROUT: Any other comments from the public for things that are not on the agenda today; not on the agenda? Yes, sir.

MR. ROGER FRATE: Thank you for letting me speak, Mr. Chairman. My name is Roger Frate, president of West End of Long Island Sound Lobster Association. I had a few calls for people back at home. I would like to talk about last year. In 2010 we had an absolute fantastic lobster season at the western end of Long Island Sound.

At the very end we had a rainfall. The state of New York loaded every storm drain, which I was talking back and forth with pesticides. Everything died and ran. I have lobsters in my freezer as of now bulging with guaranteed pesticides, but no one would check them. It's another disaster worse than '99. The whole Sound to me is depleted now.

Out of 1,100 fishermen, in our end there is about five or six part-times. Doc Guenther wanted me to quote him. I talked to him last week. He is against closing the Sound and any new regulations. His quote was every program failed. We wasted millions of dollars. We need a program monitoring pesticides and chemicals.

Attorney General Blumenthal – I have a pamphlet there – in 2005 tried to start one with us but we couldn't get it going, and he says he would help in any way possible. He is a federal senator now. Sal DeGuise from UCONN is the one that proved what killed the lobsters, what numbers, what pesticides weakened their immune system.

He said to me two weeks ago I come to any meeting you or the state wants and tell the findings that him and Dr. French found and Lance Stewart. Now Dr. Stewart was the head of the V-notch program; he designed it. I worked hand in hand with Doc Gunther trying to get bill going and all.

His thing was to do it for two years, and which we did, and everything was fine until the lobsters died. Now, he was going to lower the gauge, which was needed, and they were happy as could be until those pesticides washed out. Gladstone Jones, \$125 million lawsuit – I had spoke to him and I said, you know, it's a shame it didn't go through.

And I said tell me this, even though Dr. French and Dr. DeGuise were the strongest men on the lawsuit – and he said absolutely not. The strongest man was Dr. Stewart. I said why is that and he tells me because his study was 30 years of Long Island Sound and he led the study in the lobster study for like eight years, which I found it hard to believe but that's true.

Also, Attorney General Blumenthal as a federal senator would help us in any way he can after things settle down. The Clean Water Act came. Marc Dedesco furnished the money. They don't even mention the word "pesticide" now. They mention global warming; what could you do about global warming? They're not dying from global warming.

Like Lance proved, they won't stay in the global warming. There is nothing that seems to be going our way. We at the other end of the Sound see it. I have been on the phone for the last 12 years. My daughter has been on the computer. We have been finding what they're using and when they're using it and trying to stop the pesticides. When we slow them down, lobsters seem to be plentiful. It took 11 years to get it back.

Somebody should be accountable for this. Now, Brian in Albany, he is the head of the – was the head of mosquito control. I talked to him last week. The last 12 years only 1,140 people died with West Nile and not from West Nile in the whole United States. He said it's an absolute disgrace what our state is doing.

He was involved with Tide Baykeeper. He wanted to see the helicopters here spraying the marsh lands over Long Island. He was involved in suing them back and backing them up with the DEC. He said, Roger, there is nothing we can do with these people. I tried to talk to Suffolk County and Westchester last week and they called me every name in the book.

Now, I don't know what in the world we can do. Our state has no money. Last year they used 800 pounds of BTI. New York are using Scourge, Anvil right now, Methoprene, some BTI but not much, but this Stan Wingee from Suffolk County has got the helicopter going and he wants everyone with the helicopter. I can go on and on.

I'm going to be 66 this year. I have been doing it for these something years. I have been directed by Doc Gunther and Lance Stewart to talk to every town and try to talk them out using these pesticides. These laws – you read my letter from our association – we could talk for hours and we can give you the proof. I just want to thank you. I don't know what else to say.

The 3-1/4 inch lobster, as you go back to 3-1/4 catch quota, there is no lobsters left. We're at 95 percent less traps. The 2-inch vents; the keepers are getting out. I just don't know what we can do to get the state to work with an advisor and a committee. These are some pretty big powerful people, and I have worked with DEV for years. Thank you.

CHAIRMAN GROUT: Thank you for your comments. Anybody else? Seeing none, Carl, would you like to go over the stock performance indicators for us?

PRESENTATION OF STOCK PERFORMANCE INDICATORS

MR. CARL WILSON: Okay, this is kind of our annual update of the stock indicators that we use within the stock assessment. This is non-model-based indicators looking at abundance and exploitation. Given the timeframe that we're working under, the indicators for Southern New England are largely complete. The Gulf of Maine

and Georges Bank are incomplete, so at this point I'll just present Southern New England.

I do have a couple of them for the Gulf of Maine if you do want to see them, but in the interest of time I'll just stick with Southern New England. What we're looking at is largely trawl survey results. In this figure, this is Southern New England full recruit, so these are lobsters adjusted for the minimum legal size relative to the time period of the assessment.

What we're trying to do here is put the most recent years in context to our reference period of 1984 through 2003, so from fall surveys from the National Marine Fisheries Service, Massachusetts, Rhode Island and Connecticut. The years since 2007 are largely in black or gray. This indicates that they are in the lower 50th percentile or below the 50th percentile and the lower quartile of abundances, and so this is in the red light area relative to the indicators.

For the recruits, these are lobsters 10 millimeters below the minimum size relatively what we might expect to be coming in the following year. Again, the National Marine Fisheries Service, Massachusetts and Connecticut surveys are all in the black for the most recent years where the Rhode Island Fall Survey shows slightly more optimistic in gray or in 2008 actually in white, which would be in the upper 25th percentile.

We also looked at Southern New England Young of the Year Indexes. This is a diver-based survey and is only conducted in Rhode Island for this presentation and then two larval surveys in Long Island Sound. The two larval surveys are again black or gray, so in the lower quartile, and the Rhode Island Young of the Year Survey is in the black, so again in the lower quartile as well.

The indicators for early juveniles young of the year and larval lobsters do not look good in Southern New England and continue to look poor since our last assessment. If we take the trawl surveys and then develop a relative exploitation rate for the same time period, we see that the NMFS fall and the Rhode Island fall recent years are in the relatively favorable exploitation, so relatively low exploitation, with the Massachusetts, Connecticut and New Jersey Surveys – New Jersey we don't have the last couple of years – are in the neutral to a poor situation as far as exploitation goes. That's it for Southern New England, and again the other two stocks are incomplete at this time.

CHAIRMAN GROUT: Any questions? Bill.

MR. WILLIAM A. ADLER: Carl, black and gray, the black is bad and the gray is in the middle; is that how that was, and the white is good?

MR. WILSON: Correct.

MR. ADLER: Two things ago you had gray under Massachusetts, it was back in one of the first ones where it had the different states. Okay, where those number in 2009 and 2010 were up rather than in 2000 – am I looking at this right? They were up or down?

MR. WILSON: They went up.

MR. ADLER: They went up meaning what?

MR. WILSON: They went from poor condition into more of a neutral –

MR. ADLER: And this is Southern New England recruits from Massachusetts; is that what that is?

MR. WILSON: This is essentially recruits ten millimeters below minimum legal size.

MR. ADLER: So is this good?

MR. WILSON: It's better.

MR. ADLER: It's better so something is improving in your picture there?

MR. WILSON: By 0.01 in –

MR. ADLER: Well, you always deal with those, anyway, you know, percentages.

MR. WILSON: By 0.1 into that.

MR. ADLER: All right, so I just wanted to make sure I got that right; the gray is better than black.

MR. WILSON: Gray is better than black, yes, Bill.

CHAIRMAN GROUT: Any other questions for Carl on this subject? Okay, Toni was also asked to go through some of the motions that we've made concerning Southern New England lobsters over the past couple of years, and she has got a powerpoint presentation to sort of refresh us all on where we've been.

PRESENTATION OF DRAFT ADDENDUM XVII FOR PUBLIC COMMENT

MS. KERNS: I'm just going to quickly go over what the board's direction has been to the PDT concerning Draft Addendum XVII. One piece of information that I did not put on the slide, which someone asked me to just remind the board that it was in March of 2010 when the technical committee report come out saying that there had been a recruitment failure and that the technical committee had recommended the five-year moratorium, and that was March 2010.

In July of 2010 – this was a special board meeting that we held in Rhode Island – the board tasked the technical committee with evaluating impacts of landings on closed season by state, LCMA and time period within one-month intervals; closed areas evaluated by state, LCMA and/or statistical area; quota-based output controls based on landings by state and LCMA; evaluations of trap limits as an input control; and to determine the percent landings reductions associated with the levels of trap reductions; looking at male-only or V-notch fishery programs as well as modifications to the minimum and maximum gauge size.

The board also tasked the PDT to evaluate options for reductions in exploitation that would include a 75 percent and a 50 percent reduction in exploitation as well as status quo measures. At the November 2010 board meeting the board tasked the PDT with developing a draft addendum for consideration at the next meeting including two sets of options; a suite of measures that would achieve a 50 percent reduction in exploitation and a suite of measures that would achieve a 75 percent reduction in exploitation.

At the March 2011 board meeting there was a motion that tried to add an option for a 25 percent reduction in the draft addendum for public comment and that motion did fail. The next motion that was put forward in March was to amend the draft addendum with two changes; one, phasing the biological measures in for two to four years; and, two, to incorporate the language that was presented by Bill McElroy to accomplish effort reduction and consolidation but to add an option of doubling the goal of the program by doubling the target of the trap reduction that was proposed from 25 to 50 percent in the same timeframe as specified in the proposal, but the initial reduction would be 10 percent instead of 5 percent.

In the minutes of the meeting from March 2011 there is clarification on that motion from Pages 21 to 23, and those minutes clarify that effort consolidation measure that was approved in the addendum would be a stand-alone measure in the document, so not to go with the other measures. With that motion to amend the draft addendum, the board did not give direction to the PDT to change the purpose of the addendum document, so the purpose of the addendum document remained to reduce exploitation by 50 to 75 percent.

The board also had motions that were put forward to exclude Areas 4 and 5 from the draft addendum. That motion failed. Lastly, the board postponed taking the addendum out to public hearing until August, and so we are back here in August to discuss Draft Addendum XVII. Between the March 2011 meeting and today, Bill McElroy had asked Mark Gibson to ask the technical committee to look at using long-term time series in looking at the reference points.

The technical committee did look at that information and responded in a memo back to the board that was included in your briefing materials. I've asked Carl to quickly to just go over the high points of what the technical committee sent back since it wasn't a full board tasking, and he will do so.

MR. WILSON: Again, trying to take brevity as my main task here from Toni, we did try to respond to Mark's request. Specifically, the technical has been tasked by the board chair to consider alternate means of establishing biological reference points for Southern New England that might be less influenced by the period of high productivity during the 1990's., and he gave specific reference to the URI GSO Survey.

Our response is that we recommend against create new reference points for the Southern New England lobster at this time based solely on the URI GSO Survey, because, one, this survey is not the only relevant information available and may not be representative of the Southern New England Stock as a whole; and, two, the suitability for extending the time period for the assessment is unclear given the current environmental impediments facing the Southern New England stock.

Finally, we feel that while the request from Mark was certainly appropriate, we think that it would be most easily dealt with through the next stock assessment. We fully support the idea of looking into extending the time period for the assessment and looking into

new biological reference points, which was our intention to begin with.

MR. WILLIAM A. McELROY: A second half of that request was to also look at smoothing off the peak of abundance in the mid-nineties, so the request that I put to Mark was to consider both an extended timeframe using perhaps the URI Trawl Survey or other indicators that might exist of the longer time series, which was recommended to us by the CIE reviewers. I also asked that they consider smoothing out that spike, which again was recommended by the CIE reviewers. Now you said you didn't do the first half; what about that second half?

MR. WILSON: Well, we did address it on Page 3, Number 3, Bullet A, and essentially when the CIE did their review the board had not finalized the reference points. When the board finalized the reference points in May of 2010 – and I'll just read this – following the last assessment, the board adopted a lowered abundance threshold reference point to the 25th percentile of the reference period of May 2010.

In effect this decision has reduced the significance of high recruitment years in the 1990's, so smoothing out to your point accomplishing the same objective as extending the time period of the last assessment or as eliminating peak years from the analysis, so at one level the board has already done that. Then bringing into the next points, again, we think this a reference point conversation and it should be dealt within the next assessment where we've got the time. It's a peer review process that we can fully vet all the different options. From our opinion, the board has largely taken the nineties out of the conversation because they're going to a lower 25th.

CHAIRMAN GROUT: Any other questions? Bill.

MR. ADLER: Carl, sort of talking about what Bill was getting at but trying to make it simpler here, you said that the spike which was an anomaly and the numbers were like 15 – I'm just using the numbers – they were closer to 15 million across, except for the spike, and we're basically at 14 now, which means, yes, we have to do something to get it back up.

I did notice that the peer review panel, in their report – I think it was 12 times – said that it looks like the stock is returning to its normal level. In another comment in the peer review it said that it looks like it's going to end up that somewhere between 8 and 14 million will be the amount that it will settle out at. One of the peer reviewers had that in his comments.

That's why we got going on this thing that goes up – arches up and down and we're going, well, if you're trying to repair the stock to the 20 million or something, it's too high; whereas, if you're trying to get it up closer to the average stock size, then we may not be as far below, but if we had to try to get to 20, I mean, it's going to be very difficult. I think my comments were something along those lines in talking about that spike thing.

MR. WILSON: Without having those numbers in the top of my head, but abstractly understanding what you're saying, Bill, if you want to consider the 1990's as an anomaly, and the late 1980's, that 10 or 15 year period as anomaly, the technical committee isn't quite there yet. We did see some positive impacts to the stock relative to the Rhode Island V-notch Program, so we don't think that all hope is lost on this resource or that it's necessarily completely – the productivity has completely changed.

But on the other hand we certainly support the idea of looking into these varying goal sticks, but, again, with the board adopting the lower 25th percentile relative to the reference period for abundance, you've smoothed that line out considerably.

CHAIRMAN GROUT: Bill, another question?

MR. McELROY: It's a little bit of a follow-on with the point that Bill was just making. Just after the white paper was released, that board meeting was my first board meeting so I was a little uncertain of the technical terms that you use for things. But, I remember very clearly that the first vote that we took at that meeting was to determine whether or not to take the number of millions of lobsters that might exist in the system. We had two proposals there.

We had one from technical committee that said we needed to be up around 20 million or something like that. The peer review of that that given that day had a considerably lower figure. It seems to me the CIE peer review said that we should be looking at that lower figure; and whoever the peer review was that did the peer review of that original thing said a similar thing.

That's where this idea comes from and I have to support Bill in that concept that we've been given advice by competent technical people that says that we might have chosen big a number.

MR. WILSON: That's fine but at the same time Toni presented I think at the last board meeting in November that had all those lines on a figure, and

what the CIE recommended was I believe 50 – or the peer review recommended 50 percent of the median value. The CIE; maybe Toni can help me out what they recommended, but essentially where the board followed up with the 25th percentile was pretty darned close to what the alternate recommendations were.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, at the start of the meeting you had a question about the 25 percent option, and Toni included that in her presentation, but there was a distraction on one side of the room when she gave that, and I'm just wondering it might be helpful if you'd let her go back over the 25 percent reduction option, please.

CHAIRMAN GROUT: Sure, go ahead, Toni.

MS. KERNS: At the March 2011 meeting, our last meeting, there was a motion for an option for a 25 percent reduction in the draft addendum instead of a 50 or 75 percent reduction in exploitation. That motion failed so it was not included in this version that will be presented today.

CHAIRMAN GROUT: Any other questions at this time? Okay, keeping going.

MS. KERNS: Next I want to go through – we're getting closer to the draft addendum at every little step we take. Again, the draft is to reduce exploitation by 50 to 75 percent. At the last meeting, after Bill McElroy had presented his effort and consolidation plan, there were a couple of others that were interested in also proposing some additional plans to be considered for the draft addendum so the board said that all the plans had to be submitted to the PDT by June 15, 2011 and asked that the technical committee review any plans that were submitted.

Proposals that were submitted included the effort and consolidation plan, a proposal from the Lobster Conservation Management 3 as a proposal from the state of New Jersey. I am going to go through each of the proposals and then I'm then I'm going to give the technical committee's review and the PDT's review of those three proposals in sort of a consolidated effort in order to save time since a lot of the comments were similar for each of the plans.

For the effort, consolidation and reduction plan submitted, that plan called for a reduction in traps in all areas by 25 or 50 percent over a nine-year period. For the 25 percent reduction the first year would be a 5 percent reduction followed by 2.5; and for the 50

percent it would be 10 in the first year followed by 5 percent.

The plan would allow for transferability but only within a single state would people be able to transfer within the same LCMA. A conservation tax of 10 percent would be put in place in all areas and would also allow for the movement of federal permits between the vessels within the same company.

The plan would allow for trap banking and is that individuals would be able to buy traps equal to the maximum trap limit within that LCMA, so, for example, in Area 2 there is an 800 trap cap; an individual would be able to own an additional 800 traps in his bank. An individual would never be able to fish more than his or her allocation; so no matter how many bank traps you have, if you were only initially allocated or qualified for 600 traps, you could not fish more than 600 traps. You also would not be able to move more than 100 bank traps per year.

For the Area 3 Plan, it calls for additional trap reductions on top of the 30 percent that have already been made. It's 2.5 percent over ten years, equaling a 25 percent reduction. The Southern New England portion of Area 3 would have a trap cap of 1,800 traps. The Gulf of Maine and Georges Bank portion of Area 3 would have a trap cap equal to the highest allocation after each year's reductions.

For the transferability program, no permit may be able to increase for more than 7.5 percent each year and each transfer would have a 10 percent conservation tax. The plan would also allow for trap banking. It's a little bit different than the effort consolidation. You would only be able to buy the number of traps to maintain an 1,800 trap allocation, the maximum trap limit.

Bank traps would be reduced annually by the – and it's not a conservation tax, but it is a reduction each year of 2.5 percent. Then when traps are moved, they would not be subject to the conservation tax like transferability is. The anti-monopoly clause for Area 3 would remain the same at five vessels. They also asked for a crab pot provision. This crab pot provision would mean that any trap capable of catching lobster set within Area 3 would have to possess a lobster trap tag with an Area 3 designation.

The state of New Jersey also submitted a proposal. This proposal gave a little bit of background on the New Jersey fishery and then contained four options. The New Jersey harvest has been stable since 1992,

unlike the other areas within Southern New England. It accounts for a greater percentage of the total Southern New England stock since 1996 so meaning that their harvest has been increasing.

New Jersey examined their VTR reports from 1996-2009 and they show an increasing trend in landings as well as a significant increasing trend in catch-per-unit effort. The New Jersey harvest is mostly in Areas 4 and 5, somewhere between 10 and 50 miles offshore, so the majority of their permit holders are federal and state permit holders. There are very few individuals that are state-only permit holders.

In LCMA 5 their fishery is mostly a bycatch fishery from their black sea bass pot fishery, so those individuals are not allowed to take more than 100 per day or 500 per trip. They would like to be considered something similar to the strategies that we have given some states in horseshoe crab or menhaden as setting risk-averse measures so not to do any additional harm but not to take as much of the effort reductions as some other areas.

The four options that they submitted in their proposal; the first was a 10 percent reduction in harvest. This could either be based on the 2010 harvest or based on harvest from the last five years, which would be 2006-2010. The second option would be a one-month closure of harvest from May 1st through May 31st. It could either apply to both the commercial and the recreation fishery or just their commercial fishery.

The third option would be to have a trap reduction. Those trap reductions; the first one would be 5 percent in 2012; and then a second trap reduction would occur in 2013. There would be no trap reductions in 2014. Lastly, there was an option for just status quo. The state of New Jersey also said that they would continue their resource monitoring since it's important. In order to be able to assess the status of their New Jersey lobster stock, they would continue to do a CPUE Analysis using VTRs as well as a fishery-dependent ventless trap survey. They would continue to do recreational monitoring for their diver fishery as well as the non-commercial pot fishery. Are there any questions on any of those proposals?

MR. STEPHEN TRAIN: I have a question that I didn't understand after reading some of the background and maybe I just didn't get it right. On the Area 2 proposal banked effort, it seems like I've been reading a lot about latency being a problem. Then we're going to have banked tags that would be

taxed or whatever you want to call it at the time of transfer; but if there was ever a further effort reduction, they wouldn't be counted in the effort reduction; only the active tags. Does that not lead into further latency problems in the fishery?

CHAIRMAN GROUT: Bill, do you want to answer that question since it's your proposal?

MR. McELROY: Yes, you're not the first one that pointed that out, and quite frankly that was an editing error on my part and it was not supposed to be such. All the traps, whether they're in the trap bank or not, would be subject to whatever reductions would be enforced. That's something that if we reinvigorate that proposal, that would need to be changed, but the intent was exactly as you suspected it should be, that pots would not be exempt. The advantage to putting them in the bank is that's a way of taking some of the latent pots and kind of locking them up because they'd only be able to come back in at a very, very slow pace as any trap reduction occurred, but they were to be included in the trap reductions.

MR. TRAIN: So I think I've got you right, if I were in Area 2 and I were to bank 400 traps and we reduced 25 percent, I would lose 25 percent of my 800 I'm fishing and a hundred out of the bank?

MR. McELROY: Yes, that's correct.

MR. DAVID SIMPSON: Just a small clarification on the New Jersey Proposal, the one-month closure, was that to be a gear out of the water? I didn't notice it and had that question.

MS. KERNS: Gear is not out of the water; it would remain in the water when I asked that same question to New Jersey.

CHAIRMAN GROUT: Any other questions. Bonnie, do you have a question?

MS. SPINAZZOLA: Actually it's a clarification on the Area 3 Plan. The 2.5 percent for ten years isn't a voluntary active trap reduction. However, it doesn't say anything in that plan and it doesn't seem like it was taken into consideration that LCMA 3 has already reduced 30 percent active trap reductions. The other thing is that we will also be reducing our bank traps by 2.5 percent per year.

Actually, there is one other quick thing. With the 1,800 trap cap, what we would be doing is the trap cap in Southern New England would be 1,800. As those guys said, that is what they need to fish because

they're a very different fishery than the rest of the areas. However, because it would be an annual designation, if anyone wanted to fish in Southern New England, they have to take a Southern New England Area 3 designation, have it on their permit, something like Area 3 SNE.

However, with looking at most of the guys wanting in Georges Bank and Gulf of Maine, should they ever want to fish in Southern New England before all of the latent pots run out, they will probably buy up as close to 1,800 as they possibly can; and therefore if they do not designate into Southern New England, they are held by their trap cap in the other areas, which is just as they go down as the trap allocation is the trap cap which will cap off at 1,500. Therefore, all of them or however many can possibly do it would be holding 300 in their bank, be tying them up, and that would be 300 per person who wouldn't be using those 300 traps each. Did everybody get that?

MR. DAN McKIERNAN: Just a point of clarification; I served on the PDT and I was involved with many of the conversations that reviewed these. I think what is really necessary going forward is clarity of terms. When there are proposals to reduce traps, no one knows at first glance if it's reducing traps that are fished, reducing traps that are allocated through any of these schemes, and so that's really became the bottom line for the PDT is it wasn't clear what we were trying to accomplish as sort of a final metric.

I think that's critical in all these; and so when Bonnie mentions Area 3 has taken significant trap reductions, that's true in the allocations, but I think we all need to get onto the same terms, the same vocabulary about what the goals are and what we're actually reducing, allocated traps or traps fished.

MR. PETER HIMCHAK: Yes, that's a critical point here in scaling down our fishery. From the New Jersey point of view, again we have probably 30 fishermen. There are 109 that have pot allocations. The 30 that I talked to about pot reductions, and they were being even more generous to begin with, and all I could see is that they're opening the door for latent pots to get into the water.

Before we start doing anything in New Jersey with scaling down our pot allocations, we have to address the 70 or so people that are sitting there with pots in the bank, and we have no control over them. That is critical.

CHAIRMAN GROUT: Any other questions? Bill.

MR. ADLER: A question I guess; if any of these plans, when we were talking about the banking and the latent and the freezing and the stuff, if any of these ideas for the trap reductions were put into an addendum and came back to us, would there be room within the wording if we wanted to decide to freeze the traps that are being reported fished now for a time certain, perhaps, which could be discussed, so that the traps that are allocated but not fished would not be fished for a period of time so we sort of like put the brakes on and say let's see if we can get this resource better before we open the door again, so that it would be under traps reported fished and not traps reported allocated numbers or anything else.

It would be basically frozen at where you were. You have 800 traps allocated but you're fishing 600, you're frozen at 600, you're frozen at whatever and maybe a time period later when something would change; would that be available to us if we were to put in one of these trap plans and then come back; would that have to be a separate thing or could we do that without changing the world here?

MS. KERNS: Bill, I going to have to think about that for a moment longer as to not answer your question right away because I need to think about what every state reports and how accurate those reports are and where the information comes from. There's one or two states that I have in mind that I'm not sure if they accurately report traps fished. Not to say that it wouldn't be something that could be out there for you guys to consider; I just don't know if we have that information for all the states.

MR. ADLER: Well, truthfully, yes, that's correct.

PLAN DEVELOPMENT TEAM AND TECHNICAL COMMITTEE REPORTS

MS. KERNS: Now I'm going to go through the technical committee and the plan development team's review of these three proposals. The technical committee found that of all the three proposals, none of them met the board's direction to reduce exploitation by 50 to 75 percent. There was really no change in exploitation from the proposals.

For trap reduction strategies to be effective the board would have to reduce the number of actively fished traps; and until they do so, you just don't have any effective reductions in fishing mortality. For trap banking the PDT and the technical committee noted that the trap banking and control growth options of both the LCMA 3 and the Effort Consolidation Plan could impact the board's ability to reduce traps over

time by creating demand or long-term value to current latent effort.

In some of the proposals the amount of traps that you can move from your bank to your actively fished traps, you wouldn't actually do any reduction at all during that year because you could make up for it every year with the amount of traps that you potentially could have in your bank, so there would actually not be any reduction in the active traps.

For the crab trap designation from the Area 3 LCMA Plan, the PDT noted that the current federal regulations indicate that federal permit holders are already required to tag each trap that is capable of catching a lobster. All other vessels fishing in federal waters with fixed or mobile gear are prohibited from retaining lobster.

However, the National Marine Fisheries Service does note that they do not possess the regulatory authority under ACFCMA to require vessels to tag each trap with a lobster trap tag if the vessel does not possess a federal permit. Concerning the proposal for movement of federal permits within the Effort Consolidation Plan, it asked to be able to move federal permits between vessels within the same company.

The PDT noted that the federal regulations require all limited access permits to remain together as a bundle when a vessel is sold or transferred. The intent of this requirement is to prevent the potential for an increase in directed fishing effort on federally regulated species if a limited access permit were to be unbundled, so the PDT does not recommend making a chance to that regulation.

For the technical committee's review of the New Jersey Proposal, specifically to the assessment of the New Jersey lobster stock in their waters, the technical committee found that the premise of stability in federal waters off of the New Jersey portion of Southern New England cannot be supported solely by CPUE estimates because of well-known problems using CPUE data to track changes in population abundance.

CPUEs are inherently hype-stable. It has been demonstrated that CPUE in some areas such as Massachusetts and Rhode Island has remained stable despite strong evidence of population decreases. The lower bounds of catch-per-unit effort are constrained by profitability. Once an individual can no longer make a profit, they will exit the fishery; and those that stay in the fishery could benefit from the

reduction in effort from those that leave the fishery; meaning that those that remain can then experience increased CPUE associated with attrition.

The technical committee found that trends presented by New Jersey do not correspond with the trends provided by the Northeast Fisheries Science Center of the same data. We believe it's because New Jersey broke down the trawl survey data into small geographic regions. A careful examination of sample size would be necessary prior to breaking down the data into this fine scale. At present the technical committee is concerned that sample size would too small.

The options that are presented within the New Jersey Proposal are not designed to follow LCMA management as it is put forward in the current fishery management plan for lobster because it proposes to manage its landings by state. The measures would not necessarily prevent the landings of lobster from federal permit holders that currently land in New Jersey because a federal permit holder can get a permit to land in any state.

I think Pete indicated in his proposal or to me personally that all but one of their permit holders are federal permit holders so those individuals, if the New Jersey closed its waters or its ports to landing of lobster, those fishermen could go land in the state of New York. All they need is a permit to do so, so you can't necessarily prevent them from landing lobster.

It also would treat fishermen differently than other states' fishermen fishing in the same LCMA, which the FMP tries to treat all fishermen within the LCMA the same. For each of the three proposals, the plan development team considered but excluded all the proposals from the draft addendum document because they did not meet the board's direction to reduce exploitation by 50 to 75 percent in order to begin rebuilding the stock.

If the board considers effort control plans in the future, then the board may want to consider elements of the plans as a way to address effort control. The PDT recommends that the plans be examined more thoroughly once clear goals and objectives are established by the board, and effort control among LCMA's should have common objectives. The plans do have proposals that have merit but they're not currently designed to what the board had directed the PDT to do. Are there questions on the review of the three proposals?

CHAIRMAN GROUT: Pete, did I see your hand up?

MR. HIMCHAK: Yes, I received the report on our proposal last Thursday, and I wanted to make a couple of comments based on what I've read. Based on what I've read, I'm even prepared to fall on my sword to back up the CPUE analysis. I'd like to see the CPUE analysis in some other areas of Massachusetts and Rhode Island. I think the technical committee and the PDT missed the point that the Rhode Island landings are in freefall in Southern England and Massachusetts is decreasing precipitously and ours have been stable for 20 years, and this is a CPU analysis that is fishery-wide and resource-wide and not specific areas.

It's a stable, increasing fishery. There are a lot of differences here in this hyper-stable phenomenon that we will address in writing. Another key piece of information that we presented was the remarkably low incidence of shell disease of 1.18 percent that I don't even see addressed in here. Again, this is resource-wide and fishery-wide.

I heard some comments at the technical committee where they have 10, 20, 25, 30 percent incidents of shell disease where we have other areas where it's not as intense, and I can understand that, but ours if resource-wide. It was never my intent to put forward a proposal for a 50 to 75 percent reduction in exploitation.

We're remaining steadfast in our request that Areas 4 and 5 are totally different habitats and different fisheries from Areas 2 and 6, and 2 and 6 are data-centric with all the settlement and recruitment, et cetera, et cetera. I'll see what happens with the addendum going out to public hearing, but you can never convince me that reductions as severe as these, in Areas 4 and 5 are going to do anything to enhance recruitment in Long Island Sound. We just can't support an addendum that even has a 25 percent reduction. Thank you.

CHAIRMAN GROUT: Any other questions for Toni? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I'm not sure if this is for Toni or Carl Wilson, but earlier we talked about terminology, and there are two terms that were being used here. One is a certain percentage effort reduction and the other is the technical committee's recommendation on an exploitation reduction.

I want to see if I'm understanding correctly on the difference between the two. The technical committee guys are saying that we have to reduce exploitation a

certain percentage, but just simply reducing effort, say traps, it does not necessarily mean the exploitation is going to go down because the remaining traps could be fished differently or the traps we get out of the fishery might not be catching as many as some of the other traps. Maybe the way I should ask the question is a reduction in effort, is that the same as a reduction in exploitation?

MR. WILSON: At some point reducing effort will reduce exploitation, but it is not a one-to-one relationship. We tried to make that clear in our technical committee documents in the past year that there is a significant compensatory reaction with gear that is left in. Just as you suggested, you can change how often you haul any number of way to adapt to changes in regulations.

MR. HIMCHAK: Just one last question; was there any discussion on the Delaware CPUE Analysis? Again, Area 5 is a black sea bass fishery with a bycatch of lobsters and a possession limit. Half of our state is in Area 5 and then everybody south of us is essentially in Area 5. Was there any discussion on the analysis that was provided by the state of Delaware?

MS. KERNS: Pete, yes, the technical committee also did the same review of the Delaware analysis as they did New Jersey. Delaware never specifically asked the technical committee to review their analysis so I haven't brought that forward to the board nor has the board asked to review it, but they found the same issues and problems with using CPUE as analysis to look at stock health as they did with New Jersey. Delaware did not provide the same analysis of the survey trends, so that does not apply.

CHAIRMAN GROUT: Representative Minor, I think I saw your hand.

REPRESENTATIVE CRAIG A. MINER: Earlier you said something and I missed the first part of it, Toni, where I wrote down tries treat all fishermen fishing in the same LCMA the same, and I think it had to do with New Jersey's proposal for fishing in LCMA 3. My question is who tries to treat them the same; is it the technical committee or us?

MS. KERNS: The FMP puts forwards regulations for each LCMA. If a state does a conservation equivalency program, then it's possible that a state within the LCMA would have different regulations, but when we put forward regulations of the FMP we do it as an LCMA and not as an individual state.

REPRESENTATIVE MINER: So it is conceivable, then, with an appropriate conservation proposal, that with fishermen fishing in the same waters could achieve the same goal with a different model?

MS. KERNS: Yes, but still achieving that same goal or exploitation reduction or trap reduction – whatever that goal may be, you're still achieving the same goal with different measures.

REPRESENTATIVE MINER: So we don't foreclose that option as long as we are hitting those targets?

MS. KERNS: Correct.

CHAIRMAN GROUT: Bonnie, you had your hand up while Toni was going through the response to Area 3; do you have a question?

MS. SPINAZZOLA: No, I actually have a clarification again. As far as the crab plan is concerned, what we're really trying to do is protect the crab resource. First of all, the offshore lobstermen depend on the crabs during certain seasons because as a bycatch it's important that the lobsters are not as prevalent.

At one time the crabs were quite healthy; the crab resource was quite healthy. We're finding large boats coming in and dropping – if they don't have a lobster permit they can fish with a million traps out there; it doesn't matter. There have been boats putting a lot of gear in the water and the resource is really showing it and we can't get the council to do anything and we can't get the commission to do anything. Nobody wants to touch Jonah crabs.

So really and truly what we're trying to do with this provision is protect crabs and we're just asking that an Area 3 trap going in the water that is capable of catching a lobster which is a crab pot would need a tag of some sort. Basically, I hate to say it, it's closing it off to lobstermen, but that's because we don't any other way to do it.

We've asked for a crab plan for everyone and we can't get it through anywhere, and yet the resource is becoming depleted. That's the first thing with the crab portion of the thing. The second thing is with our effort control plan, while it is an effort control, as Carl said, once you get to a certain point you do start to affect mortality and exploitation. We have already done 30 percent of our traps. We're going to 55 percent of our traps.

Area 3, which is 127,682, I think, square miles, has less traps than Cape Cod Bay. I just want to make that really clear; that's how many traps there are. All of our latent traps, after this plan is finished, will be gone. We will have no latent traps in the resource and we will have already gone into our active traps. I just wanted to make everybody aware of that. I'll wait because Dan has got his hand up.

MR. M McKIERNAN: Yes, I would ask Bonnie to refer to those as allocated traps.

MS. SPINAZZOLA: You're right, they are allocated. Absolutely, as far as terms are concerned, they are allocated traps. However, with all of our allocated traps, once our trap reduction plan is completed, we will have gone through all of our latent traps and we are into active traps.

DISCUSSION AND ACTION ON DRAFT ADDENDUM XVII FOR PUBLIC COMMENT

MS. KERNS: Okay, now we're to the addendum and I will go through this very quickly, I promise. I've already gone through the background material in this draft addendum several times, so I'm just going to hit a couple of the points that I want to highlight for the board to have fresh in their mind as they go through management options.

The first is the Area 3 conundrum. Any measures proposed in this document impact all parts of Area 3, Georges Bank and Gulf of Maine on top of the Southern New England portion of Area 3. Unless there is some sort of delineation of the Area 3 management unit, other stocks of Area 3 will be impacted and therefore landings will be impacted.

Output controls, there are challenges are putting forward output controls, including some enforcement and compliance, but just to point out that if we do move forward with output controls, we will have to have real-time monitoring and better reporting in order to do so. This is also a reminder that the National Marine Fisheries Service is currently in the regulatory process to evaluate the federal implementation of LAPPs in Area 2 and the transfer programs for Area 2 and 3, hopefully to be completed in early to mid-2012.

For the management options that are being proposed within the addendum, these measures are proposed for all gear types, both commercial and recreational unless otherwise noted, and are proposed for all Areas 2, 3, 4, 5 and 6. The first option within the

document is status quo, make no changes. The second option is to have a complete harvest moratorium. This would be for a minimum of five years.

The third option in the document is to have a tiered approach to management with four parts. All four parts would need to be implemented for this option. Implementation would need to be by January 1, 2013. It could occur in pieces, but the whole parts would need to be in place by January 1, 2013.

Measures would be put in place for two to four years and then would be followed by a later addendum that could either put forward effort control measures or input and output control measures. Parts A and B, Part A is to have an increase in the minimum size to 3-1/2 inches. This would be for Areas 2, 4, 5 and 6 as Area 3 is already at 3-1/2 inches.

Part B is to decrease the maximum size in Area 3 to 5-1/4; all other areas are at 5-1/4. The combination of these size limit changes is a reduction in harvest of approximately 22.8 percent. The ultimate reduction in catch will depend on the recruitment levels in the year in which measures are implemented and the degree of which fishing effort is actually offset.

For Part C we would have a closed season in each LCMA that achieves a 25 percent reduction in landings, assuming no recruitment. Option 2 is to have a closed season in all of LCMA 2, 3, 4, 5 and 6 from June 1st through September 30th. This closure between June and September would provide additional benefit during the molt for egg extrusions and periods of high environmental stress, especially in the late summer when the water temperatures are extremely high.

Then Part D, the last part of Option 3 is to not distribute the 10 percent overage of trap tags unless it is determined needed by the state agency giving out those tags. Currently we get out all the tags including the 10 percent overage at the beginning of the season, and it has been indicated to the PDT that those extra 10 percent are being fished immediately, so they're always out in the water.

Under this option for the season closures, the technical committee did not recommend that the board choose Option 2 of Part C that allows an overall 25 percent season closure by each LCMA because it would have a low probability of achieving a 50 to 75 percent reduction due to the considerable opportunity for recoupment.

Also, the biological benefits of the four-month season closure may be lost if alternative months are chosen. Diverse season closures across LCMAs would reduce the effectiveness of the season closure as a whole. If you want more information on this, the technical committee's report on season closures is in the appendix.

The technical committee also believed that a size limit combination and the four-month season closure has a good probability of achieve a 50 to 75 percent reduction if there is no recoument from the season closure. There may be future of effects of shifting geographic distribution of fishing or possible changes in the sex ratio of the catch of the option that cannot currently be analyzed because we don't have the data to do so.

The next option to be considered as stand-alone and not a part of the 50 to 75 percent reduction is to have the establishment of a subcommittee that would evaluate all jurisdictions' ability to monitor various input or output controls such as quota-based management. Within this, the PDT recommends that the board look at effort control measures; and if the board chose to move forward with effort control measures, that they should provide the PDT with clear guidance on their goals and objectives.

For monitoring, changes in the monitoring program would only need to be necessary if the board adopted a harvest moratorium and that states would not be required to sample fisheries through sea and port sampling if there were a moratorium, and the technical committee would determine what types of other surveys would be needed.

The board would need to determine dates for states to implement management measures. Lastly, the board would need to determine what measures they would want to recommend to NOAA Fisheries if the addendum were to be moved forward to the public comment process and adopted. That's all I have.

MR. McELROY: Toni, when you were referring to the impact of the gauge increases, you said it would be a 22 percent reduction in harvest for Areas 2, 4, 5 and 6. Now, I recall when we looked at the information that was provided for the individual areas, Area 2 was going to lose 37 percent; Area 6 was going to lose 44 percent, I believe; Area 3, which isn't included in here, was only going to lose 3 percent on their oversize gauge.

I'm not sure what the impact was for Area 4 and 5, but I suspect it was somewhere in between the 37 and

the 44. Those numbers don't seem to jive. If you're not counting Area 3 in there, the impact of a gauge increase would be vastly higher for all of the areas than 22 percent. Is there any way that you could explain how that figure was come up with without including Area 3 there? I'm a little confused.

MS. KERNS: It's an impact an impact on – I believe that it's not additive. You look at it as a whole for all of Southern New England and you use the – when you look at the percent of the catch discarded due to size limit changes and percent increase of discards over current levels in order to determine what we think the size limit impacts would be; because we don't currently have those size limits in place and we don't have measurements for every single lobster that is caught, so we use our sea-sampling information to determine what we think that the impacts are going to be.

When you look at the table on Page 44 of the document, I believe that it's not additive and that when you look at it as a whole of all Southern New England, that is what we think the impact will be.

MR. McELROY: And that includes Area 3, but your thing here discounted Area 3 and said we're still up at 22 percent reduction, and that just doesn't add up. At that last meeting you presented information that showed Area 6 was going to lose 44 percent, Area 2 was going to lose 37 percent, and those are higher numbers than 22 so it just strikes me odd that we have all these high numbers that somehow averages down to a much lower number.

MR. WILSON: This goes back a little bit to the assessment process. In order to do the assessment process by stock area, we assign all of the landings to a size lobster; so instead of catch in pounds we now have catch at size in numbers. I believe the way Kim went through this was she had looked at that total matrix at catch at size for all of Southern New England and looked at what the impacts of increasing the minimum size would do and the impacts of decreasing the maximum size, and that's where the 22.8 percent came together so an instantaneous net benefit or decrease.

Just to add one more thing to throw a little mix into the situation is that the minimum size increase is a temporary loss in landings. As the lobsters mold into the next size and then become available, they're available for harvest again where a maximum size is a permanent loss of harvest. So even that 22 percent might be an overestimate in the long term.

MR. ADLER: So, in other words, are we saying that the three proposals that we reviewed, even though the technical committee and PDT did not like them, they are going to be available to go into this Addendum XVII as options in addition to what you just went over? Is that how that works?

MS. KERNS: If the board chooses to put them out for public comment, then, yes, they can be included; but if the board does that, then the board needs to change the purpose of this document, which is to reduce exploitation by 50 to 75 percent because the proposals that were submitted did not reduce exploitation by 50 to 75 percent, and that is why they were included in the draft addendum. If you want to change the purpose of the document and include those proposals, then you can do so. Just put that forward in your motions; though we just need to be clear that if you do not want to change the purpose of this document, then those proposals do not meet that goal.

MR. ADLER: Okay, if I may, Mr. Chairman, I was upset when I got the document because I was hoping there would be a bunch of other options that we could at least put into the document to take out to public hearing, and, of course, there wasn't and I'm sort of finding out why. However, there was the motion made by the board to include it at the last meeting, and I felt a little bit strange that somebody decided not to put it in after we made a motion to put it in.

Now, certainly, the technical committee or PDT could certainly make their recommendations saying we put it in because you said to put it in, but I've got to tell you I don't like it. I mean, that's fine, but just to throw it out and not put it in after we made a motion to do it, then I think we can throw out a few other motions that we made like 50 or 75, throw them right out.

MR. G. RITCHIE WHITE: Mr. Chairman, it kind of seems like we're getting into discussing this addendum. Are you looking for a motion at this point, Mr. Chairman, for this discussion or would you rather wait?

CHAIRMAN GROUT: Yes, if we're going to discuss the addendum, does any of the people on the list have any further questions, just questions? All right, Mark, you have the first question.

MR. MARK GIBSON: I don't want to ask a question, Mr. Chairman. I'd just like to make my Harry Truman speech here and that won't take very long. A lot of people are concerned about the status

of the addendum and how it came to be that certain options weren't there. I just want to make it clear that this wasn't an arbitrary decision by the plan development team or the technical committee.

We passed a motion at the March meeting that was inconsistent with the objectives of the addendum that have been now demonstrated through the motion records. As Board chair, once a meeting is adjourned, I have to continue to work as board chair with these groups on the delivery of work products.

They came to me and said that we have a problem. I said, yes, I know that. That was the case when I seconded the motion, but I felt it had to be done in order to give credit due to the industry for working hard on an industry proposal recognizing it would be difficult to leverage into an addendum where we already had two votes on the exploitation reductions.

When they came to me with that, my first thought was to create two addendums, one a version which was a rigorous one, around 50 to 75 percent; another one which was a kinder and gentler addendum which would have a lower standard and the other alternatives which were being developed prior to the June 15th deadline could be considered. We thought through that and that didn't make any sense either because that would presume that the board had specified on the record for an alternative addendum.

They had not done so and they had not removed the 50 to 75 percent exploitation rate. So when they proposed putting these as considered but rejected, I agreed with that. It was simply an executive decision I had to make as the board chair, knowing that you could clarify that motion and reconsider and move those adoptions the way you want to today. That's my Harry Truman speech. I take responsibility for it.

CHAIRMAN GROUT: Are there questions before we get into the debate? All right, Dan.

MR. McKIERNAN: Just a technical question on the table that describes the impacts of the gauge increases that Bill McElroy had mentioned earlier – this to Carl – is the table that depicts the impacts on Area 6 being so high; is that in error because the size frequency during the time when the data was collected was prior to Connecticut raising its minimum size; and so therefore if we're looking at a 3-1/2 inch gauge applied to Area 6, the impacts would appear to be inflated because since then they have come up to 3-3/8?

MR. WILSON: The question back at you is the gauge increases happened after 2007 or after 2008, I believe? So, yes, this was using data from the last assessment to develop these.

MR. SIMPSON: Obviously, that's an important issue to us and I made sure that when Kim was doing that work, because we looked at it ourselves that it was based on a change from 3-3/8 to 3-1/2, so that's a reflection of the smaller gauge that was in Long Island Sound at the time. That's an estimate of the difference for Area 6 going from 3-3/8 and to 3-1/2 would be a 46 percent reduction.

As I think both Bills pointed out, it compares apples to apples with the 3.9 percent reduction that would be expected for the, what was it, 126,000 square miles of Area 3. Well, in short, no, the analysis was done on the difference between 3-3/8 inches and 3-1/2 inches. It had nothing to do with our old gauge.

CHAIRMAN GROUT: Pete, did you have a question?

MR. HIMCHAK: Yes, I had a question on the options in the current Addendum XVII, and my question is a simple one. I'm looking for a yes or no answer. Does the adoption of any of these options – let me rephrase it – are all areas within the Southern New England stock susceptible to the same option or is there an opportunity for a particular area to have something less than a 25 percent reduction or is it one management option for the entire area?

MS. KERNS: All areas are subject to these measures for both the commercial and the recreational. There are no options for one area to have a less reduction than others. We voted on that at the last meeting and that motion failed for Area 4 and 5, so it was not included in the document.

MR. HIMCHAK: Well, more specifically, we voted on Areas 4 and 5 being taken out of the addendum, and that motion failed. We didn't vote specifically that – I mean, I thought we were making some headway on this fact that one management measure should not be applicable for every LCMA in the Southern New England stock, and now it seems to be a foregone conclusion. We're in a tight spot here because New Jersey – I mean, who is the Southern New England stock below. There is Delaware, Maryland, Virginia and North Carolina and they're all de minimis, but we have a rather substantial fishery that we consider to be pretty healthy.

MS. KERNS: The technical committee's evaluation of the New Jersey Proposal does not find that what you've presented so far is a viable assessment of a lobster population to be used for management, so therefore New Jersey waters are being treated the same as other areas within Southern New England.

New Jersey harvests more lobster than the state of New York has in the last year, so your harvest is significant and does have significant impacts on the state of the Southern New England stock as we assess it. Until we assess the Southern New England stocks differently, then the technical committee will continue to make its recommendations for management for the Southern New England stock as a whole.

MR. HIMCHAK: I mean that was the whole part of our vision document is that the trend in the Southern New England stock is peaked and bottomed out. We don't have the habitat and we don't have the type of fishery. The only link we have to the entire stock assessment is through landings, the NMFS Trawl Survey and our nearshore trawl survey.

I've got to tell you we don't have any lobsters in any Atlantic coastal bays or any nearshore waters. Our trawl survey concentrates on zero to five fathoms. I mean, you dismiss our CPUE analysis but I can see you're not comparing apples with apples on our CPUE analysis and the same thing with the shell disease. We will maintain that we're a separate entity and we shouldn't experience the same reduction in exploitation.

MR. AUGUSTINE: It's interesting that we have six LCMAs and we're all being treated the same and yet we all manage them differently. Mr. Himchak is right, we're collectively now assessing it as one body of animals and treat them all exactly the same. Long Island Sound is a complete different animal all by itself.

We're experiencing things that Mr. Proto indicated. We do have a great temperature change and we don't have a lot of small lobsters in our nearshore waters less than 68 degrees, but yet we're being lumped in with all the rest, the same way New Jersey is being lumped in with all the rest. That's the basis for my concern right now.

We're trying to manage overall treating everyone equally the same and not different. I don't know how it works. I don't know how it's going to work. My concern is when you set a goal for this addendum that would require a 50 to 75 percent reduction, period.

My effort to change and include a 25 percent fell on deaf ears. It was defeated ten/zip.

In order to get any other options in this document before it goes out, would we or could we change the goal to include any other options? It may not be what you want to hear, but I would like to hear the opinion of can we do that? If we cannot do that, then I'll drop my case. Otherwise, I would want to move to change that. Mr. Chairman, could I have some clarification, please?

CHAIRMAN GROUT: Okay, it seems like we are debating and so before we go any farther I'm going to shut off questions because, clearly, people are ready to debate this. I would like to have a motion before we start further debate. Ritchie.

MR. R. WHITE: Mr. Chairman, I'm going to make a motion and then I'd like to talk to it. I move to approve Draft Addendum XVII to Amendment 3 to go to public comment. If there is a second, I'd like to speak to it.

CHAIRMAN GROUT: Is there a second to that motion? Seconded by Terry. Go ahead and speak to it.

MR. R. WHITE: Remembering the comments of our Chair, we were presented with a stock by the technical committee that was in collapse a year and a half ago, almost a year and a half ago, and we are just now starting to take action to send something to the public. I think there are a lot of problems with this document, it's difficult, it's going to affect a lot of people, but we have to take some action. This document doesn't fix anything today. It puts it out to the public. We'll hear from the public, we'll get some ideas and maybe we'll adjust this document, but we have to start. Thank you.

MR. THOMAS FOTE: I've been pretty quiet sitting here listening and I'm really upset. The fact here is we're going out with a document where certain states have been playing shell games about whether unused effort really means something or it doesn't mean something. I always look when you look at recruitment, it's very hard to basically determine what it will be.

And then you've got the southern end of this and you've lumped everybody together and it just really doesn't make any sense. The excuse is saying, well, the stock assessment is doing this and is doing that and we can't separate them out. That means you can penalize fishermen in New Jersey.

You're not going to penalize them in Delaware, Virginia and the southern states because they're de minimis, but you're going to penalize the fishermen in New Jersey, one of the few fisheries that have been consistently making the same living because the stocks are in the same shape or actually growing, and we're just going to do it because we're having problems in Long Island Sound and we're having problems in other areas, but not off New Jersey.

That doesn't make economical or biological sense to lump people together just because that's the only stock assessment. How do you justify that to the fishermen out there when I basically tell them they're going to be restricted by a 50 percent reduction when it's not really their fault or it's not the waters off their state, but we can't separate them because we haven't done our job right.

I mean, the stock assessment hasn't done its job right by separating these things out. It reminds me of when we get into the argument we're going to be getting on scup and sea bass in a couple of weeks because we don't have good data, it's data poor and we've got to restrict both the recreational and the commercial sector. I get tired of using that excuse to basically restrict both commercial and recreational fishermen.

MS. KERNS: I just want to clarify that all states that have Area 2, 3, 4, 5 or 6 will implement these measures. The de minimis states still put in minimum and maximum size limits in place. Maryland and Virginia have the same minimum and maximum size as New Jersey does today; and if we're moving forward with this, then the board would ask those states to put those measures in place as well, as they have in the past.

MR. SIMPSON: I have a couple of motions to amend, but before I get into those I think we have to back up a little bit to the fundamental issue that the board is struggling with as reflected in some of these plans that have been submitted and the deliberations of the plan development team and the board itself, and that is that this is an extremely important fishery in Southern New England.

It's certainly nowhere near the magnitude of the Gulf of Maine fishery but it's extremely important not just in economic terms but in social terms. The reason for initiating this addendum was in the interest of preserving a fishery for this resource. As I've said to people at home, this is about meeting ecological objectives, it's not about preserving a forage base for other species.

We're interested in conserving this resource for the benefit ultimately of the industry, and I use that term in the broadest sense, recreational and commercial, fulltime or part-timer. But we've found as we've gone into this is that the pieces that would need to be in place in terms of regulations, allocation of LAPPs in Area 2 and 3, addressing latent effort, just the pieces that would need to be place for the industry and the state and federal jurisdictions to help this fishery transition from its former state in the late nineties and early 2000's to current state and likely much lower things – those things are not in place.

That's why the PDT struggled, that's why the board has been dare I say a little schizophrenic in terms of an objective in looking for or for reaching 50 or 75 percent reductions, but then passing ten to zero inclusion of an alternative that on its face would not seem to reduce exploitation at all. I think that's where that comes from.

It's not that people aren't thinking about this; it's that they're struggling with this dilemma. I think what we're facing here is moving forward now – what I'm facing is this idea that if we move forward now, today, for implementation on the timeframe that this is talking about, we will do considerable harm to the industry with questionable long-term benefit to either the resource or the industry.

I'm looking for something much shorter – much less ambitious that we could set forward as an interim goal while we finalize the limited access fishing privileges in Area 2 and the trap allocations and so forth, transferability in Area 2 and 3, once those things were in place – and that will require some time – and once states have had the opportunity to adjust their statutes and regulations regarding access to this fishery and frankly access to other fisheries to allow this industry to survive – a small inshore fishery to survive, at that time I think we can take more significant actions in terms of conserving this resource and the industry itself will be able to survive.

I think it's evident throughout the document. Some of the alternatives, even in combination, don't achieve 50 percent. You know, the 22 percent reduction that we would get from the gauge and the 25 percent nominal reduction we would get from the closed season together is about a 35 percent reduction in nominal exploitation and the realized exploitation would be somewhat less than that.

The summer closure, frankly, was argument that was made on the previous amendment and previous

objectives of the fishery management plan that aren't in place anymore. They were more egg-per-recruit arguments; close the whole summer because it would help eggs per recruit. Well, that's not the measure anymore.

We're further stymied by the fact that the technical committee has not been able to come forward with a currency or an equivalency in terms of trap effort and exploitation reduction. It says it's not a good idea, but those numbers don't come forward. It's clear that the industry has a great deal of interest in using traps in some form or another. I feel somewhat painted into a corner here.

I guess this is the moment that the board needs to think about what do we really want to try to accomplish with this addendum knowing that those pieces aren't in place. The federal partner that represents more than half the landings don't have the basic pieces in place. We have not figured out how to address the Area 3, the fact that Area 3 spans three stock assessment area.

With none of that in place, I don't see how we can move forward with such large cuts in exploitation before the industry has the tools and frankly the government jurisdictions have the tools in place for them to survive this. I apologize that is just sort of a long drawn-out speech. I do have motions but I'm reluctant to offer them now because I think they're to fix horrific inequity problems in what is proposed now, inequities that we can't stand in Connecticut

The one size-fits-all gauge is one of them. If this goes on and this motion carries forward, I will ask to be recognized again to offer up those motions to address equity and the original intent of Amendment 3, which was to customize regulations to management areas. I'll quit there. Thank you, Mr. Chairman.

MR. STOCKWELL: The state of Maine is currently blessed with an extremely healthy resource and fishery, and most everybody in this room knows how economically dependent we are on it. I seconded this motion primarily of my concern for the process and the process to address rebuilding measures in a timely manner as Ritchie was referring to.

Should the Gulf of Maine resource ever come anywhere near the world of hurt that Southern New England is experiencing right now, we want to be able to address it straight on. I agree with David and I hope some of the measures he proposes will make this a more equitable addendum.

The question I have I think to Carl and Toni is concerning Option 3. Did the technical committee discuss conservation equivalencies with the increase in minimum size? The one size fits all, I imagine there is support for it because it did the job; but when we're asking multiple different states and LCMAs to address the issue, it's very problematic.

MS. KERNS: We did look at different conservation measures for each of the LCMAs. Where the problem falls is when we try to evaluate what kind of benefits those conservation measures have on the stock. As you know, many of these areas are bordering on each other; and so when you have one size limit in one area and a different size limit in the neighboring area, then the conservation benefit of one area versus the other can detract from the area with the smaller size limit.

And then it also becomes much more difficult for the technical committee to assess the overall stock health when we have six different size limits for each of the areas and so therefore put forward one size limit for all areas. As a reminder, the measures in this document are to be implemented in 2013 and in place for only two to four years.

It is a temporary addendum to address some sort of initiation of rebuilding and that in the longer term we can put forward these effort control plans, input or output control measures through a later addendum, but it was the board's intent to try to get something together immediately. When we first started talking about this, we wanted to consider an emergency action to change the size limit, and now we are here today with an implementation date of 2013 and measures in place for two to four years.

MR. ADLER: A couple of questions, Mr. Chairman. First of all, there is a motion made now and I was thinking in terms of does that mean we can't add or delete something from the existing addendum at this point in time? That was my first question. Secondly, was there a socio-economic part to this at all?

Did they put anything in here that talked about – now I know there was an economic thing about prices and stuff, but I mean the effects of some of these tools, if they ever got into the rulebook, of what they would do to the fishermen's communities? Was there anything or is there anything going to be in this document about that?

CHAIRMAN GROUT: To answer your first question, if this motion passes it goes as is. The second question, the one part that I saw in here was

on Page 20 was the economic impacts. I think there is a section, but, Toni, you go ahead.

MS. KERNS: There is not a direct loss number because harvesters do not report direct values, economic information, so therefore we don't have that information to do the analysis to give you direct losses.

MR. ADLER: I don't know if it would be appropriate here to make a motion to amend this motion, which would basically say "approve Draft Addendum XVII to Amendment 3 for public comment but deleting the section on the closed seasons from the document. Would that be appropriate?

CHAIRMAN GROUT: You can make any motion you want and if you get a second it will go.

MR. ADLER: Well, that is the motion, which at this point is to delete the part about the closed seasons.

CHAIRMAN GROUT: Is there a second?

REPRESENTATIVE SARAH K. PEAKE: Point of order, Mr. Chairman. Can a member of his state delegation second or do you need somebody from another state to make the second?

CHAIRMAN GROUT: We need a second from another state. Is there a second? **The motion fails for lack of a second.**

MR. R. WHITE: I suggest a five-minute recess and allow the maker and the seconder of the motion to talk with a few of the states that would like to amend and maybe we can figure that out and make the amendments without having to vote and do a lengthy process, if that makes any sense.

CHAIRMAN GROUT: Are there any objections to taking a five-minute break here? Seeing none, we'll take a five-minute break.

(Whereupon, a recess was taken.)

CHAIRMAN GROUT: Okay, let's get back together and see if we do have – we have a motion on the board. Ritchie, was there any headway here?

MR. R. WHITE: Mr. Chairman, unfortunately there were some pieces of what Terry and I heard that we would accept, but it sounds like there are more major changes that they want to make, and I guess we'll have to do it through the process.

CHAIRMAN GROUT: Okay, on my list right now I have Adam and Mark. Adam, did you have some comments on the motion?

MR. ADAM NOWALSKY: In talking with the maker of the motion and the seconder, one of the things that there seemed to be some common ground on is that we keep hearing this concept of one size fitting all doesn't fit all. **As I understand, one of the things that we can agree on, it sounds like, is going ahead and offering to amend this motion for Section 3 under the proposed measures to allow for these measures to be implemented by LCMA is what we'd like to go ahead and amend the motion with.**

CHAIRMAN GROUT: Is there a second to that motion? Pat. Yes, Ritchie.

MR. R. WHITE: Was the motion to add that as an additional option?

MR. NOWALSKY: I think that I would – I don't think I would offer it as an additional option but rather you're modifying Option 3. Presently the language for Option 3 states that all parts must be implemented by all LCMA's. I would suggest that sentence either be taken out entirely or wordsmithed in a way to allow implementation by LCMA as opposed to all LCMA's across the board.

CHAIRMAN GROUT: Toni, do you have a question about this?

MS. KERNS: Adam, I think what you're trying to do is to be able to allow each LCMA to draft their own measures, but the way that I read this is just instead of saying "all" you're saying "each", it still means that each of the LCMA's are going to have to implement all of these measures that are contained here. It doesn't change how the document would move forward.

MR. NOWALSKY: If I could allow Mr. Himchak to offer some insight from the state as well, I would appreciate it.

CHAIRMAN GROUT: Could I just get some clarification from Bob and then I'll go to you Pete.

MR. ROBERT E. BEAL: It sounds like Mr. Nowalsky is asking for the ability to use conservation equivalency by LCMA to implement these regulations.

CHAIRMAN GROUT: Okay, Pete, do you want to clarify it; is this conservation equivalency?

MR. HIMCHAK: No, we're not, but we're looking for the public hearing document to include the option for area-by-area management for discussion and presentation to the public. Conservation equivalency would be similar to saying that we would accept the same reduction strategy – the same reduction amount as every other area, but only we would accomplish it in a different measure. We're not looking for conservation equivalency. We're looking for differential implementation of reduction measures.

CHAIRMAN GROUT: So wouldn't this also require a change in the problem statement? I have a question about it. If we're requiring, say, a 50 percent reduction according to the problem statement and one LCMA is only going to do a 10 percent reduction; does that mean the other LCMA's have to take greater than a 50 percent reduction?

MR. HIMCHAK: Well, when we submitted our vision document as requested for Southern New England area, we never subscribed to the issue of a 50 or a 75 percent reduction.

CHAIRMAN GROUT: But that's what the addendum is and that is what the board voted to have in the addendum.

MR. HIMCHAK: Well, yes, then it does complicate the problem statement of the addendum.

MR. SIMPSON: I guess we need to let this resolve itself; it doesn't have a second right now? It does. **Okay, I'd offer a substitute motion** that is very much related to this one and what the maker is trying to get at, and that is that we change the objective – **we modify the objective of this addendum to reduce exploitation in the Southern New England stock by 10 percent in each affected LMA to initiate rebuilding of the Southern New England stock and enable each jurisdiction to prepare their fishing industries for more substantive reductions to be achieved in a subsequent addendum.**

CHAIRMAN GROUT: Seconded by Bill McElroy. Discussion on the motion?

MR. SIMPSON: I spent several minutes talking about earlier the struggle that the board has had and then the PDT with addressing this need to reduce exploitation in Southern New England to try to preserve a fishery and an industry. I think we got ahead of ourselves a little bit. I know in my own case

I did not appreciate that the NOAA Fisheries had not finalized – and I should have, but I didn't appreciate that they hadn't finalized LAPPs in Area 2 or finalized transferability rules in Area 2 and 3.

I also have a greater appreciation from all the debate that each jurisdiction, their fishery is simply not prepared at this time to take such large cuts and they need more time than this addendum would allow to do that. I think right now what we need to do is make some start at it; and by retaining that objective of reducing exploitation by a certain percentage, I think that will give each jurisdiction some focus on how they're going to do that. It's going to require a reduction in landings and there are going to be some changes that are required in their fleets. Each jurisdiction also needs that ability to reshape their fleet in the image that makes sense to them.

MR. GIBSON: Mr. Chairman, thank you for chairing this meeting at very important juncture. I support this substitution completely. I think Dave has well articulated a need, and I'll just add to it that we need a two-stage action. We need to do something in this Addendum XVII which adheres to our appreciation for the status of the stock and make some measurable cut in exploitation.

But at the same time we need a secondary action in Addendum XVIII that wraps their arms all of these industry consolidation, latent trap elimination, latent effort elimination, trap reductions to give industry the tools to downsize to the productivity of the resource, which has not yet been determined and won't be until we have an updated stock assessment.

I think we did get way out ahead of ourselves relative to the magnitude of the exploitation cuts we were asking for absent any tools for industry to respond in a rational manner. We forgot about our federal partners and the slow pace that they are on to try to catch up with our transferability and exploitation reduction measures. I strongly support this motion. Thank you.

REPRESENTATIVE PEAKE: Mr. Chairman, if I could first ask a question for clarification in my own mind and then reserve my right to be able to make a comment on the motion; I just want to be clear on what they're doing. We would still be ultimately – when we vote some time soon or later to move this forward, would we still be releasing an addendum for public comment; and if so, what would it look like? Would it have Option 1, status quo; Option 2, basically the words of the motion; or would it still

have all of the options that are set forth in the paperwork before us?

CHAIRMAN GROUT: I guess I'd ask the maker of the motion; is your intent, in addition to changing the objective of it – once we change the objective. instead of looking for a 50 or 75 percent, we're looking for 10 percent with the exact same suite of management measures we have in there other than the other exception you have in there is that you can do it by LCMAs?

MR. SIMPSON: Right, thanks, for the opportunity to clarify. A fair amount of work has already been done on the sort of crude tools that we have available at this point, and that is a gauge size and closed season. The intent of my motion was that those be the two mechanisms that each jurisdiction use, some combination of gauge and closed season to achieve the 10 percent reduction in exploitation.

Since there has been no information coming forward from the technical committee that would allow us to convert trap reductions to a reduction in exploitation, I would say we don't have that tool in our toolbox just yet. That's one of the fundamental issues that we're struggling and each jurisdiction will have to go back and try to get a little more clever in how they manage their fisheries so that we can use more refined tools than just gauge size, which makes the fishery inefficient and increases predation losses, increases exposure to the temperature, through the water column, all the things the technical committee and the peer reviewers have said is not good for this industry. We don't want to go down a path of doing more of that, so hopefully that's clear enough.

MR. R. WHITE: Mr. Chairman, I'd like to ask Carl Wilson – I don't believe the motion is factual; and if it is not, I would like to see the words changed, because I do not believe a 10 percent reduction will initiate rebuilding. If that's not the case, then I'd like to see that changed.

MR. WILSON: You are correct; that's not the case.

MR. R. WHITE: So I think we need to call what we're doing what we're doing and that's allowing the continued overfishing of a collapsed stock. If we're going to go down that road, that's fine but let's call it that.

REPRESENTATIVE PEAKE: Mr. Chairman, since we have a fresh motion before us, I would not be out of order in putting forward an amendment to that amended motion and that is –

CHAIRMAN GROUT: Sarah, I've got to tell you we're getting deep. We've got a motion, we've got an amendment to the motion, we've got a substitute to the amendment, and now you're going for an amendment to the substitute.

REPRESENTATIVE PEAKE: I'm a legislator; I love this stuff; what can I tell you!

CHAIRMAN GROUT: And what I would like to see is if this substitute motion passes, then make your amendment to the substitute just because we're so far down the list here. We have a main motion, an amendment and then a substitute to the amendment, and the substitute is somewhat related to the amendment.

REPRESENTATIVE PEAKE: I'm fine with that, Mr. Chairman, thank you.

CHAIRMAN GROUT: So with that, I next have Dan on the list.

MR. McKIERNAN: I have a question to David Simpson. If the goal is a 10 percent reduction in exploitation and one LMA's fishery declines by 10 percent over some base period for whatever reason, have we accomplished it? If we have a reduction in landings of 10 percent, are we free and clear?

MR. SIMPSON: This motion isn't any different than the motion before in that respect or any other action the commission has ever taken. There are the proposals that are forwarded to the technical committee that pass muster or don't and we move forward. I don't anticipate that the scenario you're concerned about where a jurisdiction can do nothing and achieve their specified reduction will occur. This is no different than any other thing the commission does.

MR. HIMCHAK: Mr. Chairman, I support the substitute motion. In fact, in our New Jersey Proposal we had offered up a 10 percent reduction either based on a quota or a seasonal closure, and again it's an attempt to hold the line on exploitation and drop back a little bit. We have all the at-sea sampling data that have incorporated into the stock assessment. We have ventless trap surveys being planned. I support the substitute motion.

MS. KERNS: Dave, in the draft addendum all of the reductions in exploitation are based on the years 2007-2009; would that remain the same?

MR. SIMPSON: That was my intent, yes.

MR. STOCKWELL: Mr. Chairman, I certainly understand the severity of the measures of the original motion and its impacts on the fisheries and the communities in Southern New England, but this motion to substitute, my understand is according to Carl it's going to do nothing for rebuilding, so I'm leaning towards not supporting it because we're going to do nothing we might as well do nothing and put our energy and efforts into another addendum that has all the measures that will. This is just going to take staff time, industry emotion, a lot of commission time and sidetrack us on where we need to go.

MR. BOB ROSS: I, too, am having some concern over the substitute motion. I think a brief history here was initiation of a five-year moratorium that then ratcheted down to a 50 to 75 percent cut. I was one of the three board members on the PDT. I thought that the original document had the intent to a two-phase approach.

The first phase was as spelled out in this addendum and then the second phase would be to morph into development of an addendum as was discussed here that would allow an analysis or review of all the abilities of all jurisdictions to, say, go their own way with quota management or gauge decreases, increases or whatever.

Now we've gone from our board guidance of 50 to 75 percent and this one is proposing down to 10 percent. It clearly does not help the resource at all. I also am concerned that as a management of this resource we were moving towards consistent regulations across jurisdictions. I think you'll hear that more and more from the federal government the theme now is to simplify and standardize rather than move forward with multiple differential measures across jurisdictions. I would not support the motion to substitute. Thank you.

MR. McELROY: Mr. Chairman, I'm speaking in support of the motion. I understand its limitations. I understand the disappointment of some members here at the board that we're not able to take a bigger bite at the apple right out of the gate, but as Ritchie White has pointed out very correctly on many occasions we don't seem to be able to get the first step to get us out of the gate.

I do believe while this motion doesn't satisfy all of the interests that I have or represent I think it is a good step in the right direction. It gets us started. It's my understanding that we have some initiative here for a very fast-track follow-on Addendum XVIII

that might try to bring a little more teeth into the motion – or not that motion but into the process.

I really think that we need to start somewhere and the 50 and 75 percent, while it might be laudable in terms of saving the resource, it doesn't leave any industry to have a saved resource to harvest. I think we have to be practical. I think all of the states are struggling with trying to figure out how to implement it.

I know in my state I'm the governor's representative. He has already called me and says, oh, you've got to find something a little less harsh that doesn't automatically put everybody in the state of Rhode Island out of the lobster business. We have a terrible economy. We're losing jobs like crazy. I think my role in here as a governor's appointee is to think about social, economic and biological and try to find a blend of the three. It's a very difficult task.

As I said, I'm not satisfied. This isn't the motion that I would make, but I think it's a great start. It gets us off the schneide and we can begin to do something; and then if we fast track an Addendum XVIII with some effort control measures, we'll actually get somewhere. Otherwise, we're just going to stay bogged down forever. If we don't do this now today, when are we going to do it? We've got to start somewhere and I think this is a good place. Thank you.

CHAIRMAN GROUT: I've got Pat and then Jim. I just want the members of the public to understand that once we're finished debating here I am going to give members of the public a chance to comment on this substitute motion. There have been many people that have raising their hand throughout our debate for the various amendments and main motions, and I want to give them a chance. Pat.

MR. AUGUSTINE: Mr. Chairman, with the exception of Mr. Gilmore who would like to make some comments on the issue, I would move to call the question as quickly as he is completed so the public can weigh in and we can move forward. It sounds like we're saying the same thing over and over again. We said it when we talked about a different number, so let's move forward. I agree with Mr. White and Mr. McElroy.

CHAIRMAN GROUT: He must be in your same state delegation, "with the exception of Jim Gilmore". It doesn't say with the exception of somebody else. Go ahead, Jim.

MR. JAMES GILMORE: Mr. Chairman, this is a question for Dave. At the last meeting when we went over it again we tried for a 25 percent reduction and we couldn't get one vote on that. The 10 percent right now seemed a little arbitrary so I'm just trying to think maybe the rationale behind why it was 20 percent or if we couldn't get 25 percent why we're going down to 10 percent. At least my thinking was, when we talked about 25 percent was weren't going to achieve anything with that, so this seems to be less than that.

CHAIRMAN GROUT: Would the maker of the motion like to respond?

MR. SIMPSON: Yes, I think at the time that motion was made the board's mindset was still we're trying to send a message to the public for comment that shows our intent and a direction and magnitude of the action proposed instead of we're going to propose to do something between zero and a hundred, anything in between is fair game.

I think with the passage of time and the deliberations that happened within state and among states, it has become clear that the foundation isn't there for an action larger than getting started with a new kind of management in lobster, and 10 percent is a way to make that transition and make that start, again with the intention that we try to quickly follow up with a subsequent addendum to make more substantive adjustments to the exploitation rate.

CHAIRMAN GROUT: Okay, I am going to the audience right now and then I'll come back to the board. Is there anybody from the public that would like to make comment on this substitute motion here? Bonnie.

MS. SPINAZZOLA: Carl, just a question; does the technical committee have the information necessary to determine the Southern New England stock area exploitation amount or whatever of the stock separately from the rest of Area 3? In other words, do you have the information and the statistical areas and everything you need to determine the difference of the Southern New England stock area within Area 3 rather than the rest of Area 3? Can you look at the Area 3 Southern New England stock to determine what 10 percent would be?

MR. WILSON: Are you asking within the LMA 3, if 10 percent were passed or whatever –

MS. SPINAZZOLA: Right, whatever percent it would be.

MR. WILSON: – moves forward we would be able to recommend to LMA 3 to say these measures within Southern New England need to be done separately from the rest of Area 3?

MS. SPINAZZOLA: Or if we were to come up with measures; say the LCMTs were tasked to come up with measures; would you be able to know whether or not it would be – could you determine whether it would be a reduction in exploitation within Southern New England in Area 3 – Southern New England alone rather than the entire of Area 3?

MR. WILSON: We don't look at Area 3; we look at Southern New England and so the question is kind of coming at –

MS. SPINAZZOLA: Well, in other words, if each LMA – in other words, New York knows what to do, New Jersey, Massachusetts, Rhode Island, whatever. Area 3 is like none of those. We're the square tag in the round hole.

MR. WILSON: I think the PDT document deals with this. In respect to if you were to split Area 3 or somehow do differential management within Area 3, the PDT document speaks to the problems associated with that and –

MS. SPINAZZOLA: I realize that there are problems, but what I'm saying is would we be able to get direction to know – in other words, if we came up with some measures, could you tell us whether or not it would work, whether or not they would suffice as you could tell everyone else?

MR. WILSON: Well, I don't think, again, we're looking at the Southern New England stock, and we haven't been asked if every LMA comes up with a different plan to –

MS. SPINAZZOLA: In other words, the motion says that the exploitation in the Southern New England stock by 10 percent in each LMA to initiate rebuilding; would Area 3 be able to get any direction from the technical committee for that our Southern New England stock area within Area 3?

MS. KERNS: If we have a hundred percent reporting from all Area 3 fishermen, we may be able to do that.

MS. SPINAZZOLA: Okay, because that would be necessary.

MS. KERNS: I think so.

MS. SPINAZZOLA: Okay, and just one other quick thing is as Toni mentioned the conundrum within Area 3; we do have a mechanism within our Area 3 Plan that we have submitted to make it quite simple to manage the stock separately.

MS. KERNS: There are implications in terms of enforcement of that which some states may find a little more difficult to implement.

MR. WILSON: If I could add just a general statement; if the motion is essentially saying that each LMA will manage separately to the same goal by different measures, that goes against what the technical committee has consistently recommended is that when you have management measures that can compete with each other among adjacent LMAs, then they have the ability to erode one plan versus another plan. This motion is moving away from what the technical committee has been trying to help move forward with as far as rebuilding Southern New England.

MS. SPINAZZOLA: I do realize that and actually the Area 3 Plan has been synchronized with Bill McElroy's plan so that Area 2 and Area 3 have basically synchronized transferability plans, which is where we're trying to go because we understood where everyone was trying to go. While I'm not saying that this is good or bad or indifferent, I'm just asking if it's possible, and that's my concern.

One other quick thing is when the technical committee came up with the 3 percent for Area 3 as far as the rebuilding, or the 3.5 percent, did that take into consideration what the effect was of the 3-1/2 inch gauge to Area 3 when they implemented it four years ago, because that is a Southern New England fishery and it's a chicken fishery.

We don't have to go into it now; I'm just saying that I think we need to look – Area 3 has been proactive and they've done things ahead of a lot of the areas in many different ways, and it's very, very difficult to try and sync all of that together because in many ways I think we've already reached our 10 percent possibly. Thank you.

MR. JOHN HOLLAY: Thank you, Mr. Chairman, and thank you, members of the board. I'd like to extend a sincere appreciation for the Connecticut delegation that is represented here and would like to strongly support the motion that Mr. Simpson has made from Connecticut. Congressman Courtney, who I represent here today, is the member of congress representing the Second Congressional

District of Connecticut, which is home to ten communities along Long Island Sound and home to numerous lobstermen, including one who is here with me today.

Congressman Courtney has been engaged in this process in quite a number of ways over the past two years, since the five-year moratorium was first considered in the summer of last year. We have raised a number of concerns with the proposal that is underway and believe that in particular the lack of focus on the economic impact; on our lobstermen, on our communities that the congressman represents is deeply troubling to us.

I'd like to read back a statement that was made earlier by Toni when asked about the economic impact on communities in the industry, and she said, "We don't have the information to do the analysis." To take such dramatic steps as are being considered by this board today – and I understand that a lot of work has gone into that – is deeply troubling. It's an issue where we need to figure out what happens to these fishermen, these lobstermen, these communities? There is no federal funding that is available at this time, and I think everyone knows that given the current fiscal situation, to assist these lobstermen should dramatic actions be taken.

The Trade Adjustment Assistance for Farmers Program which has provided funding for lobstermen in the past, that money is gone; and while there is consideration is renew it, the fight for appropriations as I think you all know at the federal level is a very difficult one at this time. There is no emergency funding available and there is none on the horizon.

We have strong concerns, frankly, about what is happening here today and which is why I certainly welcome the proposal that Mr. Simpson has made. I know that each of you have worked very hard on this and we understand that something needs to be done, but I think it would be very helpful and certainly a request of the congressman to have more consideration of the proposals put forth by the industry – that's something I think that we definitely need to see happen.

Finally, I will say this, is that congress provides a lot of the funding that goes to the Atlantic States Marine Fisheries Commission. That funding is fought for each and every year. I can tell you that Congressman Courtney was among the members who signed a letter to the Appropriations Committee of the House of Representatives urging for more funding to make sure that you do have the tools and resources that you

need; but if such a dramatic step is taken to reduce the take by 50 to 75 percent, Congressman Courtney and his colleagues who he has already spoken to in the House will push to hold back funds to implement these regulations. Thank you.

MR. JOHN GERMAN: Mr. Chairman and Board Members, my name is John German. I'm the Long Island Sound Lobstermen's Association President and fisherman in Area 6. I would like to see in all of these discussions here to completely take gauge increases off the table. I see there are some proposals in there for a 3-1/2 inch gauge.

Every time we've raised the gauge from 3-3/16 and some states even lower or with our present 3-3/8, I think there has been a stock decrease at every stage. There is something apparently wrong with this. We keep raising the gauge and stocks keep going down. The states that have not raised the gauge seem to be doing fairly well, so I would like to see gauge increases off the table as a time-proven failure in all future addendums or proposals. Thank you very much.

CHAIRMAN GROUT: Okay, back to the board; is there anymore discussion from people who haven't spoken before? Representative Watters.

REPRESENTATIVE DAVID H. WATTERS: Mr. Chairman, my comment has to do with the wording of this amendment and I think in a way our creditability here in that I think that phrase "to initiate rebuilding of the Southern New England stock and" needs to go, and I hope that David would consider that.

Since it says if we initiate rebuilding but then we're going to have to cut more later, it suggests that the rebuilding simply isn't working. I think at worse it makes us look confused and at best inconsistent. I really fear that we will look foolish if this kind of language that says it's a cut to initiate rebuilding but then goes on in the same motion to say that then we're going to cut more later because this never worked. It's very hard for me to judge this on its merits with that inconsistency of language. Thank you.

MR. SIMPSON: I appreciate that could be a perspective. To me initiate means start and certainly this is consistent with everything we do. We're going to try to do conservation and we're going to try to provide the fishery the opportunity to adapt and ultimately thrive. I mean, these are common goals

not necessarily in conflict. I don't have a problem with it.

I've looked at the stock assessments as much as anyone and the stock projections as much as anyone. I think that this action by introducing for the lobster time in lobster management an exploitation target and a reduction, an actual direct – you know, moving toward directly addressing the exploitation rate, it's a first for lobster and it's basically the last species that we have that we don't do that on. I think this is a big step.

Yes, there is more follow but there always is more work to do, and frankly I'm more comfortable now than I was even ten minutes ago after listening to Bonnie and having her remind me that we don't even have complete reporting in some of this area; so to take tremendous reductions from an unknown current level of landings is even more problematic and all the more reason to start with something modest, make a beginning, initiate some new level of management, inspire the need for full reporting in federal waters, and all the other things that need to fall into place before we can really bring that exploitation rate down to what we think makes sense for the current lobster stock in Southern New England.

MR. THOMAS O'CONNELL: I have been mostly observing and listening. Maryland's fishery is pretty small and taking such an action is not going to impact us much, but we'd also benefit from rebuilding of the stock. I come to these meetings each week excited about accomplishing actions that will lead us towards our vision which is all of our managed species well on their way to rebuilding by 2015.

I think the science is pretty clear that we need to take more action than what this motion is suggesting. I hear the words we will file this expeditiously. Well, it will be almost three years by the time this action is implemented and by the time that we heard about the science to take action. I'm just really wondering how expeditiously we will move forward with subsequent actions and doubt that we will be able to demonstrate to the public that this stock is well on its way to rebuilding by 2015. I'm opposed to the motion.

CHAIRMAN GROUT: Anybody that hasn't spoken to this motion? Okay, I'm going to call the question. Do you need time to caucus? Okay, a minute to caucus, please.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: While you're caucusing, I'm going to read the motion into the record. This is move to substitute that we change the objective to be reduce exploitation in the Southern New England stock by 10 percent in each LCMA to initiate rebuilding of the Southern New England stock and enable each jurisdiction to prepare their fishing industries for more substantive reductions in a subsequent addendum. Motion by Mr. Simpson; seconded by Mr. McElroy.

MR. NOWALSKY: Point or order, Mr. Chairman; request a roll call vote on this.

CHAIRMAN GROUT: Okay, we're going to take a roll call vote. Toni.

MS. KERNS: State of Maine.

MAINE: No.

MS. KERNS: New Hampshire.

NEW HAMPSHIRE: No.

MS. KERNS: Massachusetts.

MASSACHUSETTS: Yes.

MS. KERNS: Rhode Island.

RHODE ISLAND: Yes.

MS. KERNS: Connecticut.

CONNECTICUT: Yes.

MS. KERNS: New York.

NEW YORK: Null.

MS. KERNS: New Jersey.

NEW JERSEY: Yes.

MS. KERNS: Delaware.

DELAWARE: Yes.

MS. KERNS: Maryland.

MARYLAND: No.

MS. KERNS: Virginia.

VIRGINIA: Abstain.

MS. KERNS: North Carolina.

NORTH CAROLINA: Abstain.

MS. KERNS: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

CHAIRMAN GROUT: The motion carries five, four, two, one – five for, four no's, two abstentions and one null. All right, this now makes it the amended motion. Sarah, at this point I'll entertain your amendment to the new amendment.

REPRESENTATIVE PEAKE: Mr. Chairman, I know we've run past our allotted time, but I think in the spirit of the amended motion that just **carried I would move to remove from the options, under Option 3, Subsection 3, what is then called Option 1, begins with the words "closed season for all of SNE" and ends with the words "without recoupment", to remove that paragraph in its entirety.**

CHAIRMAN GROUT: Is there a second to that motion? Dave Simpson. I'm just going to make sure we get this straight before we have debate on it, and I'll give you chance to speak to the motion.

MS. KERNS: Sarah, you would like me to remove Option 1?

REPRESENTATIVE PEAKE: Correct, Option 1 under Option 3.

MS. KERNS: Option 1 under closed seasons?

REPRESENTATIVE PEAKE: Correct.

MS. KERNS: Just so everybody understands, on Page 24 remove the last paragraph of the document so that the only choice for closed seasons would be each LCMA would choose the closed season of the 10 percent reduction if they aren't using size limits.

CHAIRMAN GROUT: Sarah, why don't you speak to this while we're getting this up on the board. It was seconded by Dave Simpson.

REPRESENTATIVE PEAKE: Mr. Chairman, I think especially in light of the discussion that we just completed and the empowerment that were given to the LCMAs, the reduced – well, a couple of things. One is the reduction to 10 percent of the harvest reduction that we have just agreed to, even if it was a

close vote, the power that we're appropriately putting in my mind the LCMAs to determine how they will reach that target, I think that Option 1 is a broad-based across all of the LCMAs.

A moratorium from fishing from June 1st through September 30th, there is little flexibility there. I don't believe it's in keeping within the spirit of what we just voted. Furthermore, I think all of you have in front of you a letter today signed by basically the Cape and Islands state legislative delegation as well as by Senator Kerry and Congressman Keating who represents the Cape Islands Area.

I did not sign it because I assured them that I would have a seat at the table so I wouldn't need to sign that letter. The effect that this would have in that fishery that they are talking about would be a far greater reduction than even the 50 percent arguably; certainly greater than the 10 percent target that we have just set. This is the season during which they fish, so I'm asking for support of this motion so that we can allow the LCMAs to work out on their own how they're going to achieve this new target goal; and while we're doing that, not to put them out of business.

If they can't fish for the months of June, July, August and September, we might as well just close the fishery completely. I know we're only putting the document out for public comment, and the public can comment that they don't like this section, but if there is something in the document you don't like I think we need to take it out now as opposed to waiting until after the public has had the opportunity to comment. Thank you.

CHAIRMAN GROUT: Further discussion on this motion? Dan.

MR. McKIERNAN: Well, that makes perfect sense but there are other parts of the document as well that are sort of overreaching in terms of conservation if our goal is only 10 percent, so maybe Toni and the PDT could just scale back all those conservation measures. This is a 62 percent reduction and, of course, we don't need it. We don't need the gauge increase of 3-1/2. I think that would be Toni's job to try to match this up with the new goal.

CHAIRMAN GROUT: Any other discussion on this motion? No discussion; any discussion from the public? Seeing none, do you need a caucus on this? You have a minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Pete, is this a last-minute comment on this?

MR. HIMCHAK: It's a question actually. If we're left with Option 2 and it says a 25 percent reduction and Ms. Peake was rattling off four months, this is scaled down to a 10 percent; correct?

CHAIRMAN GROUT: It's suggested after we deal with this motion if you want to make further changes – all right, Toni, go ahead.

MS. KERNS: I was going to do this before you all voted on the final motion of what the document would look like. For the time being, with Sarah's motion on the table, this is how I see what the document looks like currently. The statement of the problem changes; it says that we are only reducing exploitation by 10 percent.

Then I take the options that are in the document right now and say that under Option 3 we'll have an increase in the minimum size and decrease in the maximum size that equates to a 10 percent change, and each LCMA would be able to determine their combination of measures. There would no longer be measures for all LCMAs to make a change.

Therefore, there would be a table in the document for size limit changes of minimum size, table in the document for size limit changes and maximum size and a table in the document for changes in seasons, and the LCMAs may choose between a combination of minimum size, maximum size and seasons to make changes in their landings – to reduce their average landings of 2007-2009.

No other management measures would be able to be used for this. These measures would have to be implemented by 2013 unless that changes and would be in place for two to four years until another addendum is put forward. Nothing else changes in the document so we still have the harvest moratorium option in there as well as status quo.

CHAIRMAN GROUT: **Okay, move to amend to remove Option 1 under Issue C, closed season, of Option 3, Page 24, the last paragraph.** Motion by Representative Peake, seconded by Mr. Simpson. Now given that timeframe, did you all have a chance to caucus? Okay, all favor of this motion raise your hand; all opposed; abstentions; null votes. **The motion passes six, four, with two abstentions.** Okay, now we have an amended motion as amended. Yes, David.

REPRESENTATIVE WATTERS: Mr. Chairman, I'd like to ask a question maybe of Toni. Since you stated earlier that as amended now this would not move towards rebuilding the stocks; would we now remove from the executive summary that this is initiating rebuilding in the Southern New England stock?

MS. KERNS: As Chair of the PDT, I would be in a position because my technical committee chair is telling me this does not initiate rebuilding, but my board member in his motion and my board is telling me it does initiate rebuilding.

MR. SIMPSON: Again, I don't know if I have to read Webster's definition of "initiate", but to me it means begin. If you remember the projections – and they're getting far enough back – a complete moratorium did not sustainably achieve our new lowered rebuilding target; do I remember that correctly?

There were a lot of recruitment assumptions and scenarios, but under the most likely scenario identified by the technical committee my recollection is even a complete moratorium would fail to achieve the 25 percent level. It would go up above it for a couple of years and then slide below it.

I believe firmly that this move toward direct management of exploitation in lobster certainly initiates rebuilding of this stock and moves us very positively in the direction of basically hanging on until recruitment improves. There has been no indication from the technical committee or their assessment that recruitment is parent stock driven. If I had seen that, if projections suggested anything different I might feel differently, but I feel very comfortable with the term "initiate" in this action.

REPRESENTATIVE WATTERS: If I may respond – and I don't mean to be in a colloquy with you over meanings of initiate or not and one can initiate almost anything because you never know where it's going to go. I do have trouble with the use of the word "rebuilding" because I do believe we are responsible on this board for understanding what depleted, rebuilding and sustainable means.

Those are things we have to hang our hats on for everything that we do, and I have a real difficulty – I mean, I know we're initiating something with this, we're initiating reducing some catch, but is not the same as initiating rebuilding because rebuilding is something that can be quantified and is our ultimate

responsibility to the fisheries is to try to rebuild towards sustainability.

I'm not just trying to quibble with you, but I do think this is an issue of our credibility and that's why I asked the question here because finally I do rely on our technical committee to indicate to us what depletion, rebuilding and sustainability means so we can make decisions based on the science. Thank you.

CHAIRMAN GROUT: Okay, we have to vote on this one more time to make it the main motion and then we'll have to vote on it again for final action. We have an amended motion as amended. Does anybody need to caucus on this? Okay, nobody needing to caucus, I'd like to take a vote. All those in favor of the **amended motion** as amended raise your hand; all those opposed; abstentions; null votes. **The motion carries six, four with two abstentions.** This is now the main motion. Any discussion? Okay, does anybody need to caucus? Yes, Bob.

MR. ROSS: I'm just curious at this point – and this is a question – at this point if this moves forward we've changed our target now to 10 from the 50 to 75; is there an expectation that this document moves back to the PDT prior – I mean, there are a lot of nuances in the document that would need some revisiting. My question is do we expect this to go back to the PDT prior to going out to the public?

CHAIRMAN GROUT: Toni, as PDT Chair, can you answer that?

MS. KERNS: I will make changes to the document as the board directed, and I can send it back out to the PDT for you guys to make sure that I've changed everything that needs to be changed as the board directed and then confer with the Board Chairs to make sure that I have in fact done what the board has directed and then it would be released for public comment.

MR. SIMPSON: I think as the maker of the motion is another board member and another PDT member, I don't see the need for the PDT to review this again. Basically what it calls for is the technical committee or the PDT to refine the minimum gauge tables so that there we'll find a resolution and they'll just start at 3-1/2 inches. The season work is already done.

I'll remind the board that I intentionally left in the option that would include a moratorium so the public has a chance to comment on the range of alternatives from no action, 10 percent and complete moratorium. There really is no more work for the plan

development team to do. We need some freshened and more complete tables, but otherwise it doesn't really require anymore work than Toni can do.

CHAIRMAN GROUT: Dan, are you raising your hand?

MR. McKIERNAN: Just a quick question; what is the scenario if this motion doesn't pass?

CHAIRMAN GROUT: If this motion doesn't pass, the main motion is still up there.

MR. McKIERNAN: Ritchie's motion?

CHAIRMAN GROUT: Yes. No, correct me.

MR. BEAL: No, I think the last vote that the board took was to amend the main motion so your main motion is now up on the board. If this fails the board does not have any motions before it.

CHAIRMAN GROUT: Correct, if this fails, it does not. Okay, any further discussion on this? Okay, do you need time to caucus? I don't see anybody shaking their head so I'm going to take the vote. All those in favor raise your hand; all those opposed; abstentions; any null votes. The motion passes seven to three with two abstentions.

MS. KERNS: May I please have those states that are interested in a public hearing raise your hand: Rhode Island, Massachusetts, New York, Connecticut, New Jersey. Thank you.

MR. SIMPSON: Toni, you were asking who would like to hold a hearing; do we need a motion to formally adopt the addendum for public hearing?

CHAIRMAN GROUT: Because the original motion said approve the addendum for public hearing and now you amended it to – Bill.

MR. ADLER: We talked about another addendum to start. Is this the time to say, yes, go ahead and do it or should we wait until the next meeting to do this Addendum XVIII or start it? What do we do?

CHAIRMAN GROUT: Well, my initial thought was that we should move forward with this and at the same time why don't you go back, if you've got an addendum in mind with some specific goals and objectives, to craft the goal and the purpose of the addendum and bring it to the next meeting. We have a time constraint here, Bill.

MR. ADLER: We had talked about doing that and I just wanted to make sure that those things included like the Area 3 Plan and maybe another trap thing. We say you're going to put that off to another one, and that's fine if that's how you want to do it and we come back next time and vote to have it.

ADJOURNMENT

CHAIRMAN GROUT: Yes, come forward with a proposal for an addendum with a clear purpose. Okay, is there any other business? Do we have a motion to adjourn? Thank you very much.

(Whereupon, the meeting was adjourned at 4:10 o'clock p.m., August 1, 2011.)