

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

**Warwick, Rhode Island
July 22, 2010**

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1. **Approval of Agenda by consent** (Page 1).
2. **Move that the terms of reference be drafted for review at the Summer ASMFC Meeting, one, specify that the review be of the April 2010 recruitment failure report and the related assigned technical tasks assigned by the board; two, identify specifically in list form the findings, conclusions and recommendations of that report; three, evaluate the stock projection model, methods and results; provide suggestions for improvement, if possible; and comment on the reliability of the projections for use in Southern New England lobster stock management; four, add data tables to the document supporting the figures that are provided; five, comment on the applicability of inshore recruitment conclusions to the offshore resource; six, include a review of the natural mortality or M sensitivity analysis of the model that indicated a higher M as suggested in the recruitment failure projections** (Page 19). Motion by David Simpson; second by Pat Augustine. Motion carried (Page 23).
3. **Move that the board task the technical committee with evaluating the impacts on landings of; one, a closed season by state LMA and time period (one-month time intervals); two, closed areas evaluated by state LMA and/or statistical area; three, quota-based output controls based on landings by state and LMA; four, evaluate trap limits as an input control and determine percent landings' reduction associated with levels of trap reductions; five, a male-only/V-notch program; and, six, modifications to the minimum and maximum gauge size** (Page 40). Motion by David Simpson; second by Brian Culhane. Motion carried (Page 46).
4. **Move that the range of alternatives for fishing mortality rates in the addendum would be; one, a 75 percent reduction in F; two, a 50 percent reduction in F; and, three, status quo** (Page 47). Motion by Doug Grout; second by David Simpson. Motion carried (Page 49).
5. **MOTION ON PAGE 40 REWORDED ON PAGE 49: Motion that the PDT evaluate three options for reductions in exploitation; one, a 75 percent reduction in F; two, a 50 percent reduction in F; and, three, a status quo option.** Motion carried (Page 49).
6. **Adjourn by consent** (Page 51).

ATTENDANCE

Board Members

George Lapointe, ME (AA)	William McElroy, RI (GA)
Terry Stockwell, ME (Administrative Proxy)	Seth Macinko, RI, proxy for Sen. Sosnowski (LA)
Pat White, ME (GA)	David Simpson, CT (AA)
Sen. Dennis Damon, ME (LA)	Lance Stewart, CT (GA)
G. Ritchie White, NH (GA)	Rep. Craig Miner, CT (LA)
Douglas Grout, NH (AA)	James Gilmore, NY (AA)
Rep. Dennis Abbott, NH (LA)	Pat Augustine, NY (GA)
William Adler, MA (GA)	Brian Culhane, NY, proxy for Sen. Foley (LA)
Paul Diodati, MA (AA)	Peter Himchak, NJ DFW, proxy for D. Chanda (AA)
Dan McKiernan, MA (Administrative Proxy)	Carrie Kennedy, MD, proxy for T. O'Connell (AA)
Ben Martens, MA, proxy for Rep. Peake (LA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Mark Gibson, RI (Administrative Proxy)	Bob Ross, NMFS
Robert Ballou, RI (AA)	

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

Ex-Officio Members

Carl Wilson, Technical Committee Chair

Staff

Robert Beal

Toni Kerns

Guests

Rep. Peter Martin, RI	Bob Glenn, MA DMF
W. Michael Sullivan, RI DEM	Colleen Giannini, CT DEP
Sarah Towne, NMFS	Mark Alexander, CT DEP
Bart Mansi, CCLA	Rich Gambardella, New Haven, CT
Jim Henderson, SMLA	Peter Consiglio, East Haven, CT
Mary Griffin, MA DFG	David Borden, MA DMF
John German, LISLA	Peter Burns, NMFS
Rep. Elissa Wright, CT	John Whittaker, ASMFC Lobster AP
Jerry Carvalho, RIFA	Jim Henderson, SMLA
Penny Howell, CT DEP	Frank Chase, Little Compton, RI
Bill Hyatt, CT DEP	Coty Durfee, Tiverton, RI
Peter Lord, Providence Journal	Mary Clark, Kennebunk, ME
Kyle Overturf, CT DEP	Nick Crismale, CCLA
Albert Christopher, RILA	John Swoboda, Jr., W. Kingston, RI
Gary Powers, RI DEM	Louis A. Fusco, W. Kingston, RI
Larry Mouradjian, RI DEM	Matthew Demaula, Mattituck, NY
Scott Olszewski, RI DEM	Kevin Mello, Westport, MA
Matt Griffin, RI DEM	David Grace, Westport, MA
Jonathan Peros, RI DEM	William Mulvey, Narragansett, RI
Kim McKown, NY DEC	Diana Pulliston, Narragansett, RI
Bill Purrell, Marion, MA	Mabel Bates, Narragansett, RI

Guests (Continued)

Liza Bates, Narragansett, RI
E. Scott, Warren, RI
Colleen Coyne, Hope Valley, RI
Richard Dodson, Narragansett, RI
Wes Brighton, Chilmark, MA
Shelly Edmundsen, Chilmark, MA
Len Bergurgsen, Peace Dale, RI
Kathy Castro Kingston, RI
Stan Cobb, Kingston, RI
W.T. Butler, Stonington, CT
George Main, Noank, CT
George Main II, Noank, CT
John Garvey, Wakefield, RI
Gary Mataronas, Sr., Little Compton, RI
Gary Mataronas, Jr. Little Compton, RI
Greg Mataronas, Little Compton, RI
Jarrett Drake, Marion, MA
Amy Renczkowski, The Day Newspaper
Adam Sweeting, Somerville, MA
John Fraenza, Jr. New Haven, CT
Mark Troiano, E. Haven, CT
John Fish, Pt. Judith, RI
Matt Fish, Pt. Judith, RI
Michael L. Marchetti, Pt. Judith, RI
Elizabeth Kordowski, Pt. Judith, RI
Brad Towson, Hartford, CT
Steven Smith, Westerly, RI
Dan Savitt, E. Greenwich, RI
Jim Knott, Sr. Northbridge, MA
Betty Knott, Gloucester, MA

Roy Campanale, Narragansett, RI
Roy Campanale, Jr. , Narragansett, RI
Peter Spong, Westerly, RI
Timothy Field, Westport, MA
William Cowles, Albany, NY
Bonnie Brady, Montauk, NY
Robert Campanale, Naragansett, RI
Tom Geary, Wakefield, RI
Mike Theiler, CCLA
Tina Jackson, Pt. Judith, RI
Al Shaffer, E. Hampton, NY
Jim King, Mattituck, NY
Diane Cotugno, Mattituck, NY
Teresa Tanzi, Wakefield, RI
Larry Dellinar, RILA
Peter Broderick, RI
Tom Biesiadecki, Pt. Pleasant, NJ
Edward Davis, Brick, NJ
Joseph Horvath, Howell, NJ
D.J. King, Branford, CT
Mark Troiano, East Haven, CT
John Peabody, Wakefield, RI
Patrick McLaran, Kennebunk, ME
Edwin Wheeler, Warwick, RI
Jeff Mulligan, Warwick RI
Paul McDonald, West Tisbury, MA
Mark Mooney, Truro, MA
David Young, Eastham, MA
Albert Crosina, Jr., Rochester Westport, MA

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Plaza Ballroom of the Crowne Plaza Hotel at the Crossings, Warwick, Rhode Island, July 22, 2010, and was called to order at 10:00 o'clock a.m. by Chairman Mark Gibson.

CALL TO ORDER

CHAIRMAN MARK GIBSON: Welcome to Warwick. I'm going to call this meeting to order. My name is Mark Gibson. I'm with the Rhode Island Division of Fish and Wildlife and I'm Chair of the Atlantic States Marine Fisheries Commission Lobster Board. I appreciate the turnout today of this special meetings of the Lobster Board.

As you know, this meeting was specifically requested to be held in the center of the Southern New England Lobster Stock Area because of its importance to industry and all the Southern New England states economy in general. Thanks to the commission for hosting this and thank you all for coming. I just wanted to make a few introductory comments about the process.

Given the big turnout, I want everybody to know this is not a public hearing. It's not a listening session or a round table. It's a meeting of the Lobster Board, a working meeting of the board to generate intermediary work products relative to the issues on the agenda. There are not going to be final decisions made here today, so there will be limited opportunities for public comment.

We simply don't have the time and the ability to have a wide-ranging discussion and back and forth with the audience, but there will be opportunities for comment specifically on the agenda. Under Item 3, which comes after board consent, there is an opportunity for individuals to speak to issues not on the agenda today.

I have some that have signed up for both extraneous issues as well as the issue at hand today; so you should remember that when I call for a comment the first period, that's only for issues that are not related to the agenda today. At other points in the meeting there will be opportunity for public input on issues that the board is dealing with today; and that will come in the form of when there is a motion on the table relative to one of these agenda items and it seems the board has concluded their discussion, then I will go to some members of the audience for positions pro and con on it.

I may not get to everybody but I'll try to endeavor to get the flavor of the audience's opinion on a

particular issue. If there is a board discussion that doesn't necessarily lead to a motion but appears to be going towards a consensus point, I may stop the board at that point and ask for some public comment on that particular issue.

I wanted to make sure you understand that this is not a public hearing and that there will be public hearings. If we get to the point where the board develops and authorizes an addendum in response to this issue, there will be public hearings all along the coast in all the affected states, and that's where we would allow for extensive comment from the public on the range of management alternatives.

APPROVAL OF AGENDA

So with that, the first agenda item is the agenda itself, so I would ask the board if there any issues that they would like to see added to the agenda. The only item I have under other business is the August board and whether that is needed or not. I know some board members who don't have to be in Alexandria for the entire week; but for the Lobster Board I have a question about that, so I think at the end of this meeting we'll have some sense as to whether that Lobster Board is required or not.

The other thought I had was about our technical committee reporting and process. It may be a policy board issue so I'll just throw it out there; and if anybody from the board wants to pick up on it under other business, they can. I had at least a thought process about when there was a – technical committees are obligated to give us reports on a regular basis, and we usually do those and we receive those.

However, I thought about when there is a report that embodies in it such a dramatic conclusion as for recruitment failure, for example, and it's paired with a monumental recommendation for a moratorium and those reports end up on our CD documents and they end up on the agenda at the next board, I was wondering if a decision or information with that much consequence, whether there needs to be any additional vetting within the commission, perhaps the Management and Science Committee, before that information comes to the board where we have to respond to it.

Frankly, I was caught off guard by that report. I mean I knew about it before the May meeting, but it is a monumental one, and you can see this special meeting we have and the audience attendance

because of that. I just throw that out there as a thought under other business. Any board comments on the agenda? Pat Augustine.

MR. PAT AUGUSTINE: To that point, Mr. Chairman, there is no question we were all caught off guard for that white paper and the direction it looked like it was going. I think the general public, particular the lobstermen that would be affected, immediately said, "Oh, my God, here goes my livelihood."

I do believe in a case like that your point is well taken that either it has to be elevated to the next level at the commission or there has got to be further simplistic language to say why we are there and how we got there. The document as a white paper went out and in most people's minds is that's it, here we are, it's over. I do think maybe a next level at the board would be to go from the board to our next level, and that's where it should go.

CHAIRMAN GIBSON: Pat, why don't we – if you have some other thoughts on that, that at the end of the day we can decide how we want to proceed. It may be a recommendation to the policy board or no recommendation; let the reports fly as they fly. I'll take that as a yes, that we ought to have some additional discussion on that. Anything else from the board on the agenda? Is there any opposition to approving the agenda as we discussed? Seeing none, the agenda is approved as modified.

PUBLIC COMMENT

The next item on the agenda is the open period for public comment. Again, what I'm asking for here is those who would like to address this board on issues not related to the Area 2 Technical Committee Moratorium Report. This is an opportunity for individuals to bring information to the attention of the board. I'm going to be strict on that. If I think that you're talking about the issues that are going to flow through this agenda, I'm probably going to need to cut you off and go to the next speaker. I had written down David Young on the topic of meetings.

MR. DAVID YOUNG: My name is David Young, Outer Cape LCMT Chair. The issue I'd like to bring up today is just better communication. Recently we had a situation in our area where some of the guys are federal permit holders or dual permit holders. As you all know from the previous meeting there was some discussion on things. The main point is basically that there was a meeting for the federal permit holders

only, and I thought that would be perfect opportunity where the LCMT could have been involved in that discussion.

Some of the guys that were also dual permit holders were notified. However, they assumed that the whole group was notified; therefore, the Chair was notified, myself, which I was not because I'm a state-only permit holder. I would hope in the future that the board can make a motion or kind of tweak things where they could notify the affected OC area or any other area when the feds come in and address certain situations that affect the larger area, that the LCMT could be notified and be a participant in the discussion.

Other than that, the only other thing I would like to mention going forward that the OC area has increased its sea-sampling work with Bob Ross and Bob Glenn. In the future I would encourage the Southern New England guys really step up their efforts and participate in that aspect of things, because it really gives them access to the information; and through the information you can really see what is going on the industry and make plans for yourself. It has been a very good, positive experience in our area, and I hope in the future the same for their area.

CHAIRMAN GIBSON: Thank you, David. I was just having a sidebar with Toni. I think we can work on or examine the communication notification loop and see what could be done to improve the flow of information to the LCMTs. I next had Albert Rosinha.

MR. ALBERT ROSINHA: I'm an offshore lobsterman that has fished in Area 3 for the last approximately 30 years. Basically commenting for the local boats from Westport and myself, we have seen an abundance of small lobsters and recruitment into the fishery in the last three or four years with all the changes that we have made in gauge increases, vent increases. We're pouring anywhere from a thousand to 1,500 pounds of lobsters just under the gauge a day back over the side in the height of the season.

CHAIRMAN GIBSON: Albert, this is related to the issue on the agenda. This is the stock status in the Southern New England stock area, so I have to move on to the next speaker.

MR. ROSINHA: I'm trying to bring you up on the stock status.

CHAIRMAN GIBSON: I can't public comment on that issue at this point in the meeting. Roy, do you want to speak about the same thing? You'll have to wait until another part of the meeting. Everyone else that I see listed on this agenda has issues relative to Management Area 2 or the Southern New England stock area, so I'm going to hold off and see if anybody in the audience has issues other than Southern New England Area 2 and Area 3? Seeing none, I'm going to move on to the next item on the agenda, and that is the discussion of federal disaster declaration process.

DISCUSSION OF FEDERAL DISASTER DECLARATION PROCESS

This board has been interested in the process by which federal fishery disasters are made, what the implications of those are, what the role if any the commission has in it, what the burden of proof and demonstration is so I will ask Harry Mears to speak to that and maybe we'll have some questions for Harry.

MR. HARRY MEARS: I know time is limited. I will form my presentation to briefly describe the available authorities relative to determination of commercial fishery failures due to fishery resource disasters, give a brief overview of the logistics involved and then I'll some time for questions. There are two primary legislative authorities for determination of a fishery resource disaster in the Department of Commerce.

The first comes under Section 308.B of the Interjurisdictional Fisheries Act, which authorizes the Secretary of Commerce to provide grants or cooperative financial assistance to states determined to have been affected by a commercial fishery failure or serious disruption affecting future production to a fishery resource disaster.

Under this authority the federal share of cost cannot exceed 75 percent. Compared to other authorities, the type of activities authorized to be conducted once the congressional appropriates have been made available are restricted to those activities which would restore the resource affected by the disaster. I just want to stress that there are no base annual congressional appropriations for fishery resource disasters; that essentially these occur on a case-by-case basis either at the beginning of the fiscal year or through a supplemental congressional appropriation. The second legislative authority for determination of a fishery resource disaster is under the Magnuson-Stevens Act, Section 312, which allows the Secretary

of Commerce to review information submitted by a governor of a state; again to determine whether or not there is a commercial fishery failure due to a fishery resource disaster.

In both cases, under the Interjurisdictional Fisheries Act and the Magnuson Act, the cause of the fishery resource disaster can be due to either natural or undetermined causes. The key difference between the two legislative authorities is that under the Magnuson Act there is a third category that can be used as a basis for determination of a resource disaster, and that is manmade causes beyond the ability of fishery managers to mitigate through conservation and management measures.

In terms of definitions, a fishery resource disaster is defined as a sudden circumstance which greatly affects or materially damages a fishery resource. Again, this is determined on a case-by-case basis and cannot be defined universally a reasonably predictable, foreseeable and recurrent fishery resource cycle of variations. For example, species abundance is not used to constitute a fishery resource disaster.

Oftentimes when a request is made by a governor of a state, it is accompanied by the most recently peer-reviewed stock assessment that would demonstrate both the severity of the decline in abundance and also provide any available information on the possible causes for the decline in abundance of the resource. That is the definition of a fishery resource disaster. The other key definition is for a commercial fishery failure, and essentially this is defined as when revenues from commerce in the fishery materially decreases was markedly weakened in a way that can be logically traced to a fishery resource disaster, such that those engaged in the fishery can be show that there is severe economic hardship.

Again, this would be demonstrated by a comparison of revenues, for example, in the year that the fishery resource disaster occurred compared to the previous three-year or five-year period to demonstrate the fluctuations in income resulting from the commercial fishery. In terms of previous examples that are most closely related to the future discussions during this board meeting, there was the fishery resource disaster declared in the year 2000 that was associated with unexplained losses due to lobster mortality in Long Island Sound.

At that time congress made available \$13.9 million. \$7.3 million evenly split between the states of Connecticut and New York for alleviating the

economic impacts associated with the disaster, and \$6.9 million was made available for a joint collaborative research program to understand the continuing status of the lobster resource and to further understand the reasons for the decline.

One thing I did not mention but I should in terms of how funds can be used, a determination under the Interjurisdictional Fisheries Act can only be used to restore the commercial fishery. One example would be in the mid-1980s there were fishery resource disaster funds made available for oyster commercial fishery failures in the Mid-Atlantic. At that time the funds were used to plant oyster cultch to enhance subsequent recruitment. That is using available technology to restore the commercial fishery.

In contrast a determination under the Magnuson-Stevens Act is much more liberal. It would allow activities not only to further understand the causes of the decline but for activities to alleviate the economic harm caused by the commercial fishery failure. In that event, as in the lobster determination in the year 2000, as an example, the funds that were made available to the states of New York and Connecticut were used for such activities as training lobstermen for alternative livelihoods, loan programs, trap buyback initiatives, et cetera.

Once again, the types of activities are widely different in terms of which authority the determination is requested under. In terms of a summary, just to put this in perspective, to date since – actually the resource disaster legislations go back to the mid-1960s. To date approximately \$140 million has been provided for 55 different state projects. In terms of the logistics to request stems from a letter from the governor of the affected state to the secretary requesting the determination accompanied ideally with existing available information that would document, for example, the status of the resource itself that would, for example, be accompanied by a recent peer-reviewed stock assessment report and also accompanied with economic figures to demonstrate what the income from that commercial fishery has been over a three- to five-year period.

The information provided then is subjected by the federal government that is vested in the National Marine Fisheries Service under the Department of Commerce, and essentially it is a three-pronged test. One would be did a fishery resource disaster occur. If yes, the next prong would be if a disaster occurred, has it been due to an eligible cause as defined by the legislation. Once again, under the Interjurisdictional Fisheries Act it would need to be due to natural or

undetermined causes, and under the Magnuson Act that is expanded to be not only natural or undetermined causes but also manmade factors beyond the ability of fishery managers to mitigate through conservation and management measures. That concludes my presentation, and I would be pleased to respond to any questions there might be.

CHAIRMAN GIBSON: Thank you, Harry. What we need to get to on this is questions for Harry and then some discussion and a decision by the board as to how to proceed on this issue.

MR. PATTEN D. WHITE: So, Harry, as I understand from what you're just presented, really none of this can be even begun until some determination is made as to the cause of what is causing this situation, because the Interjurisdictional Fisheries Act, if it is an act that can be – it must be an act that can be restored; and under Magnuson-Stevens it can't be a reoccurring act.

MR. MEARS: Yes and no. The causes can be unknown as was the case with the Long Island Sound request back in the early 2000s. It was thought to be due to a combination of environmental factors, and part of the research dollars that were made available at that time was in fact to further explore what suite of environmental factors there may be.

One thing I didn't mention in terms of reoccurring events, under the Magnuson Act there is also recently amended into the legislation an ability to determine a resource disaster on the basis of fishery closures, which have been implemented to protect public health. For example, under that basis in the mid-2000s, I believe 2005/2008, that resource disasters were declared stemming from red tide closures in New England.

MR. WILLIAM A. ADLER: Harry, does it matter – you mentioned the two Acts. The Interjurisdictional, I presume that's the Atlantic Coastal Act that lobster is managed under versus Magnuson?

CHAIRMAN GIBSON: No, I think he's talking about Interjurisdictional Fisheries Act, right?

MR. MEARS: They're separate, Bill. There is the Interjurisdictional Fisheries Act; there is the Atlantic Coastal Fisheries Conservation and Management Act and there is the Magnuson Act. The Atlantic Coastal Act does not have a disaster provision but is carried forward under the Interjurisdictional Fisheries Act, which essentially is a carry forward of the older

Commercial Fisheries Research and Development Act that was in place back until 1986.

MR. ADLER: Okay, so, in other words, since lobsters are not managed under Magnuson, does it lose or would it lose those properties that the Magnuson Act could give you. Since it's not there, the Magnuson Act doesn't –

MR. MEARS: It does not. The Magnuson Act disaster provisions are generic to whatever legislation or authorities the resource is managed under so it need not be a Magnuson Act species.

MR. JAMES GILMORE: Just a quick question and a clarification, Harry; you said that there was no annual appropriation under Section 308. Was that the same for Magnuson, that there is no – so essentially the money would be coming at some point down the road after the budget cycle that congress would look at whatever the disaster was?

MR. MEARS: That's correct; there has never been, for example, a standing pot of money for resource disasters, and it is always associated with targeted congressional appropriations responding to that ad hoc purpose.

MR. PETER HIMCHAK: A comment for Mr. Mears or a question; Harry, I'm trying to envision how this would unfold time-wise. In other words, if the addendum developed by the board requires a 90 percent reduction in fishing mortality, is it at that point or after the fishing year when the new regulations are imposed that we start documenting economic impact for financial disaster funding or can you forecast the impact economically so that there isn't – we reduce fishing mortality by 90 percent and then nobody sees a dime for like three years.

MR. MEARS: As indicated in my remarks, it is difficult to come up with a universal definition of the conditions under which various resource disaster requests have been made both in the past and I expect will be made into the future. Put quite simply, they're often made on the basis of the best scientific and economic information available.

When I indicated previously on the basis of, for example, a peer-reviewed stock assessment, that is ideal, but it occurs at the point during which there is a reasonable amount of information that would essentially provide the basis for a determination that, yes, there has been a sudden serious deterioration of the fishery resource as well as the economic landings stemming from that resource.

REPRESENTATIVE CRAIG A. MINER: Mr. Chairman, I guess my question would be more directly posed to you in terms of the action that you're hoping we will come to with regard to this issue. It seems to me if we're going to develop a plan in terms of disaster recovery, then we have de facto made a decision about a moratorium or something like a moratorium.

I don't know whether you can get to a disaster absent an actual failure if the industry is actually functioning. Maybe I'm wrong. I'm not saying that you wouldn't ultimately get there. If you have a recruitment issue that is leading you down that path and you don't address it, you will ultimately get there; but unless we took some action to actually pull the plug on it, how do you get there this year?

CHAIRMAN GIBSON: To your first question, what I'm trying to get to is hopefully a statement from this board as to how they want to proceed relative to a disaster declaration. It is my understanding that the commission didn't have a lot of role in the Long Island Sound disaster, per se. That was at the state level.

I wasn't on the Lobster Board at that time so I don't have any institutional memory in that. That's what I think we need to get to today is what role does this board want to take at this point, so I think we're kind of in an information-finding role right now with Harry as to what we could do or not do, what the implications there are of going on record and stating we believe there is a fishery disaster absent the information that you've just talked about.

MR. GEORGE D. LAPOINTE: Mr. Chairman, the state of Maine has requested disaster declarations a couple of times under Magnuson. My recommendation is do it under Magnuson because Harry used the word "flexibility", and it is more flexible under Magnuson. It takes a long time.

The other important thing he said was that the request has to come from your governor, so it strikes me that it's not a board function of requesting a disaster declaration. It is a function of the individual states coming up with information. Again, our experience with red tide is ask early because it is going to take time.

What we have done with Harry in the past is we write down the information we think justifies the disaster, and in the case of red tide it wasn't a complete fishery failure, but it was a very significant economic

impact on our fishermen. We send the information and then Harry's folks review it and they come back. It's usually an iterative process of asking for more information so they can understand what is going on.

CHAIRMAN GIBSON: George, would it be your understanding that the role of this board, other than expressing interest, would be through the staff and provision of information for the record, that is more of what you view our role as? All right, thank you. Dave Simpson.

MR. DAVID SIMPSON: Yes, I think it can be approached different ways with or without fishery management involvement. The commission was pretty heavily involved, actually, in assisting the states of Connecticut and New York in the 2000 disaster declaration. The way I see it at this particular time because we are considering taking some substantial action in terms of fishery management is I would like to see how much we're going to try to accomplish in rebuilding the stock through fishery management.

Once we've made that decision, we'll have a better idea of how to flesh out the economic impact data that Harry mentioned would be required. I do think in this case the commission can at least be the coordinator or this board could be the coordinator of the governors of each of the affected states to say, yes, you know, letters from the six or eight affected states, whatever it is.

Then the supporting information is largely compiled, the peer-reviewed stock assessment, the finger pointing towards some of the potential major causes that are not fishery related. Then, as I said, we need to work up the economic data. I think we've gotten some good input on what is the approach, what are the requirements. I would like to wait until we decide personally how far we're going to go in the management and then pursue a disaster declaration if we believe it is appropriate at that point.

MR. WILLIAM A. McELROY: Mr. Chairman, I have a question for Harry. You spoke about the need for a sudden problem in the fishery. In this lobster situation it looks like we've had a slow-motion disaster if you're going to call it a disaster. It's incremental; it hasn't happened overnight. Does that disqualify consideration here or is that something that could be worked around?

MR. MEARS: There is really no one word that would disqualify consideration or review of a determination. The word "sudden" appears in

essentially policy and regulations that have been developed as the result of requests received under the Magnuson Act to kind of demonstrate that a fishery resource disaster essentially can't be or shouldn't be predicated on the type of decrease in abundance that's habitually noticed in the past where a stock has fluctuations up and down.

It should be sudden and drastic in terms of essentially providing concrete criteria that a resource disaster has occurred. So, again, no, there is not any one situation that would out of hand disqualify a request. But, again, a request that is predicated on a type of fluctuation that would otherwise be reasonably expected would probably have a much less chance of being defined as a fishery resource disaster.

MR. McELROY: You also talked about a three- to five-year timeframe for looking at things. Now, in that three- to five-year timeframe, again, it is just a slow incremental thing and you're not going to be able to show a huge change on an overnight basis. Does that reflect on this?

MR. MEARS: Again, my comments were predicated on my experience in terms of what previous disaster requests have provided in terms of documentation. The most routinely measurement used would be to use the most recent data record that is available, which is, for example, quite often the landings' figure compiled on Fisheries of the U.S. data that is collected under the Atlantic Coastal Statistics Program, as an example, to compare with the previous three-year period.

There is so much variation in terms of when a resource disaster has occurred and what type and extent of the commercial fishery failure has occurred that it's hard again to give a universal response to a question such as that. Oftentimes in the economic documentation, that is as difficult if not more in a case like lobster or shellfish because the data is often only available in annual incremental periods and is often in more localized jurisdictions where the federal government might not, for example, be able to complement whatever data is submitted by federal records because it is incomplete.

CHAIRMAN GIBSON: I'm running up against a time limit on this particular agenda item. I'm going to go to Dan McKiernan, and then I think the board needs to come to a position of where we need to be.

MR. DAN McKIERNAN: To George Lapointe's point that he made and to Harry's, what is challenging about is that there is a strong linkage

between the state water's situation but the fishery is essentially federal, so the technical committee has documented the signs of recruitment failure primarily in the state water's portion of the stock, but most of the landings are federal.

For us to do anything about controlling fishing mortality, we've got to address the federal portion of the fishery, so the analogy to the red tide disaster isn't quite perfect because that's clearly a nearshore state issue. Management action that is going to have to be taken is going to have to cut across all jurisdictions fishing in the federal zone, so it really does speak to the need for the federal government to see the same things that the states are seeing.

MR. BEN MARTENS: One quick question is when the secretary is making his decision as to whether it should be called a disaster, the actions of our board; are those weighed by him; so if we don't do anything, is that something that he would take into consideration as to whether it was declared a disaster? I'm just trying to figure out how throughout today and then potentially the first week of August what do our decisions – how are those weighed in any further decisions on this?

MR. MEARS: Again, it would be part of the information base based upon what fishery management actions have been determined to be necessary, which ones have been implemented, which ones have not. Again, part of the information would be can it be reasonably expected the fishery action would respond to what is being seen as a decline in the resource and the deterioration of the commercial fishery. I hope that helps. It is not directly answering your question, but what this board might do, for example, is just considered as part of the information base upon which the determination would be reviewed and evaluated.

MR. BOB ROSS: Harry, just to clarify, I heard under the Interjurisdictional Act that the federal funding will go up to 75 percent. Is that true under Magnuson, also? Is it a maximum 75 percent?

MR. MEARS: It is true under Section 312 of the Act. There is also a recent new provision the last time the Magnuson Act was amended. I believe it's Section 315 that speaks to regional catastrophic regional resource disasters where, for example, two governors could come in together that would waive the 25 percent match requirement on parts of the state.

I would have to double-check that, but there is a new provision, and to my knowledge it has never been utilized, that speaks to regional catastrophic – regional fishery resource disaster determination requests where if they're approved, it does have an impact on reducing the cost match essentially to zero for those type requests. But then, again, it is a more complicated type of request where it would be two or more jurisdictions making that request.

CHAIRMAN GIBSON: Thanks, Harry. Okay, where I think we're at is this board certainly is interested and wants to understand more about the process and the implications. It seems at least to me that the role of the commission would be as a clearing house and assembling the information necessary to provide to the governors of the states, that perhaps they could provide a joint communiqué and request on this matter.

I thought I heard from Dave Simpson that we're not ready to begin that process right now; that we have a management action to work our way through. It is my sense – and anybody from the board can correct me – that you would like to continue to see this option developed relative to the states' role, the information we'll need, the appropriate authority to request it and so on. Have I got the sense of the board that you'd like to continue to see development of this? Are there any staff tasking issues that need to be done or have I not captured the sense of where we are with this? George.

MR. LAPOINTE: I think, again, because of the sensitivity of going through the governor's office, it might put the staff in a tough spot because the justification that Connecticut might use might be different and the way it's written and the way it's justified might be different than New York or Rhode Island. I think that's a tough spot to put the commission staff in. Information, certainly, but different governors – my governor likes to operate a certain way so the idea that the commission would be put somewhere in between me and the governor I think is an awkward spot that we should consider.

CHAIRMAN GIBSON: I guess maybe joint communiqué wasn't the way I wanted to speak, but we act at commission level as an assembly group for the information and make it available to the state agencies and they could draft their own communications as they deem appropriate and customize for their particular area. What I'm trying to get at now is this board is not in the position of wanting to start that process at this time. We understand we're going to continue – so I guess the

staff role here is to continue and perhaps summarize the different authorities that a disaster declaration can fall under with assistance from Harry and/or the federal staff and perhaps provide that summarized information at a future board meeting. Rob O'Reilly.

MR. ROB O'REILLY: I know that within the last couple of years when the Chesapeake Bay petitioned the National Marine Fisheries Service for a fishery disaster for blue crab, the National Marine Fisheries staff was very helpful and representatives from the states went and met the National Marine Fisheries staff to help guide the process of documentation.

It is a substantial amount of documentation, a lot of it is already present, but at the same time it did help both states. We did do a joint proposal or a joint request, but that was a key part of it. When you were talking about staff here participating, probably it would be better that the states avail themselves of getting some assistance from the National Marine Fisheries Service.

CHAIRMAN GIBSON: Thanks, Rob. At this point I think the board is getting close to where they want to be on this. I'm going to ask if there's anybody from the audience who wishes to comment on the issue of the fishery disaster declaration. Yes, sir.

MR. YOUNG: I've actually been involved in the shellfish aspect. I haven't personally got any relief money from the red tide situation, but it has been my experience that at a minimum it's two to three years before you see any relief. If I'm not mistaken, basically the technical committee has drawn a pretty clear picture of what the stock looks like.

Whether the board here is ready to proceed on that or act or call it whatever you want, I would hope that there are some steps or some ball start rolling now. The last time I checked our mortgage payments are due at the first of the month. These people are looking at a grim picture either way they want to look at the information here, and I think it would be wise for us to start some sort of information gathering and put it together. There are enough smart people in this room here where they know who they need to talk to and what to put together for the right people. I would really urge them to start that now.

CHAIRMAN GIBSON: Thank you, Dave. Anything else from the board on this issue? What we'll be doing between now and the next board meeting is to sort of assemble a summary of what we discussed today, the different authorities and latitude within those authorities under which disaster

declarations can be made, what the role of the commission would be in terms of assembling information, that sort of thing. Is everyone comfortable with that?

DISCUSSION OF CIE REVIEW PROCESS AND TIMELINE

Our next agenda item is the CIE Review Process. I will just say that I had a discussion with Director Thompson at the Science Center over this offer. They are quite interested not only because it is a very timely management issue for the commission, and they would like to provide what support they can there. They had a representative on the technical committee. It is of great scientific interest to them.

They have a whole unit down there that is studying the issue of climate change as it relates to fishery production, so they have a large interest in that. I just wanted to relate that they were supportive of this whole concept. Bob.

MR. ROBERT E. BEAL: I'll give a couple points of background and then I'll get into a description of where we are with the CIE Review. As the board will remember, the most recent benchmark stock assessment for American lobsters was conducted and completed in March of 2009. Those results were then presented to the board in May of 2009. The results of that stock assessment highlighted a lot of the concerns that initiated the discussions we're having here today on Southern New England.

Following the May 2009 meeting, the technical committee conducted some additional work, compiling additional information and came up with the technical committee document on the Southern New England recruitment failure that was presented to the board and has been discussed at length and will be discussed here later today.

After the last board meeting in May, there was some discussion on what is the standing of that document? It is from the technical committee but it really hasn't been peer reviewed. As Mark mentioned at the outset of this meeting, there are some fairly substantial recommendations in that document, including the moratorium for the Southern New England area.

There were ongoing discussions of board members. Based on that discussion, the chairman of the board, Mark Gibson, sent a letter to the National Marine Fisheries Service requesting a peer review of that Southern New England document. The letter

essentially requested that the National Marine Fisheries Service, the Northeast Fisheries Science Center conduct that review.

A response was sent back from the Northeast Fisheries Science Center to Mark indicated that they didn't feel it was really appropriate for the National Marine Fisheries Service to conduct that review. Given that there was one member of the technical committee that is from the National Marine Fisheries Service, they felt that it may be viewed as not a completely independent review.

What they have suggested is that a CIE Review be conducted. The CIE is the Center for Independent Experts. This is the same pool of scientists that are used to essentially review all federal stock assessments. It is through the SAW/SARC process at the Northeast Science Center, the SEDAR process and the South Atlantic. The same pool of individuals will be made available by the National Marine Fisheries Service to conduct the review of the Southern New England document.

The National Marine Fisheries Service has volunteered graciously to provide all the financial resources that are needed to conduct this review. The format that they're considering is to have the CIE process select three reviewers. Those reviewers would conduct what is called a desk review, which is actually distributing the papers to the reviewers as well as some background information. They would review that information independently essentially back in their own offices.

There would not be a face-to-face peer review as we do with full benchmark assessments and other major documents like that. The offer from the National Marine Fisheries Service was somewhat limited in scope to the Southern New England document. It wasn't and I don't believe it should be a re-review of the 2009 stock assessment that the technical committee put together.

The idea is really to look at the new information that was developed subsequent to the 2009 stock assessment and answer some of the questions that the management board has and verify the information that is included in that Southern New England document. In talking with Nancy Thompson and some of the other National Marine Fisheries Service representatives, this review would probably take on the order of two to three months to complete.

The first step is the next agenda item, which is approving the terms of reference. Those are essentially what questions does this board want the

peer reviewers to look at as they're reviewing the Southern New England document. The two-to-three month timeline puts us up maybe at the annual meeting and maybe not. It depends on how efficiently the CIE process is able to select the reviewers and what their availability is to conduct their desk review of this document and those sorts of things.

Even now we're right on the edge of maybe having that information at the annual meeting the second week of November and maybe not. I guess the moral of the story is the sooner we're able to get the terms of reference over to the National Marine Fisheries Service the quicker they'll be able to select the reviewers and get the review started if that's what this board would like to do. That's a quick summary and I can answer any questions if you have any, Mr. Chairman.

CHAIRMAN GIBSON: I wanted to go back to what you said about the narrowness of the offer, and I think it's an important issue for some at the board and I know it's an important issue to some of those in the audience given that they have different views of the lobster stock. I would just like maybe if you could specify a little more what you think is within their offer to examine. Obviously, they can't go back and look at the stock assessments and all the information although I'm sure there are some that would like that to be done.

MR. BEAL: I don't have the letter in front of me, but my recollection is that the response letter from Nancy Thompson to the chairman of the board indicated that it was a review of the Southern New England Recruitment Failure Report from the technical committee. In talking with the National Marine Fisheries Service staff, they were open to expanding the review a little bit beyond that.

We were talking about the projection work that has been recently conducted by the technical committee, and they felt that it would probably be appropriate to include those projections as well in the review. There is not real black and what of what can be in and what cannot be in. I think the idea is to keep the review in fairly limited scope so that a packet of information can be supplied to the reviewers and there doesn't have to be extensive presentations and extensive translation of information to the reviewers for them to be able to independently and thoroughly review what they're being asked; in other words, for them to fulfill the terms of reference.

I think the sideboards of that review is something that the board is going to have to discuss, but keep in mind that it is somewhat limited scope and it's not going to be a traditional peer review where we get together for a three-day-long or five-day-long review with presentations to the reviewers and a question-and-answer period and interaction along those lines, and at times they ask for subsequent analyses and all these things.

It will be whatever packet of information that the management board supplies to these individuals will be what they review, and that's all the information going to have. There is not going to be a lot of interaction with the reviewers other than mail them some information and they'll mail back their response.

CHAIRMAN GIBSON: The terms of reference are our next topic. To the extent that we deal with those today, is there another level of review and approval of those that will go on at the Science Center given that they're paying the bill and procuring the services or are they coming out of this shop?

MR. BEAL: Traditionally for ASMFC assessments that go through the SARC process or the SEDAR process, something along those lines, the National Marine Fisheries Service in the past has essentially accepted what the boards have requested of them. They have not indicated that they want to see our terms of reference and may or may not accept them. My last discussion with them was whenever the board is able to come up with those terms of reference please send them over and we'll start asking the CIE folks to find appropriate reviewers.

CHAIRMAN GIBSON: Thanks, Bob. Before we get into the terms of reference, is there anybody on the board that objects to proceeding with an independent Center review on this matter? I'll ask in the audience if there is anybody who is opposed to an additional review by the Center of Independent Experts. Yes, sir.

MR. BIESIADECKI: Tom Biesiadecki from New Jersey. My question is you're saying about consolidating the information to give to the review board. In the matter of people's lives, do you really want to take the easy way out, so to speak, and not review all the information that is available to you to make that decision? Do you just want to shortcut it and possibly make the wrong decision? That's my question. Thank you.

CHAIRMAN GIBSON: Well, I'm taking that the board didn't rise to the bait of my last question and that they're all supportive of an independent review

on this matter. It is narrower than what you're suggesting because we've already had a very large peer review of a full stock assessment.

I'm mindful of that and I think the board is recognizing that and that they're not going to plow that ground over again until it's time for the next benchmark stock assessment to come to the fore. It's my understanding that this board is very interested in this offer and it's up for us in this next time block to decide what those terms of reference ought to be, how broadly we can expand those and how narrow we have to keep them. That's the sense of the board and there is no one objecting to proceeding with this, so I think we need to go to the next step of developing the terms of reference. I'll take one more comment from this gentleman in the audience on the Center of Independent Experts Review.

MR. NICK CRISMALE: My name is Nick Crismale, president of Connecticut Lobstermen's Association. I was a member of that Lobster Die-off Committee that studied the lobster. We've been through a lot of peer review groups. We had \$7.5 million designated to numerous studies, which were peer reviewed and then peer reviewed. My only concern is in this additional review who would be the people composed of this peer review group.

I think we need to be cautious that these people are mindful of the catastrophic situation that we're in. This is almost biblical about what you're proposing here, to put an industry out for a moratorium for five years, so I think it's very important that we know who these people are and that the industry is told who is on this peer review board.

CHAIRMAN GIBSON: I can't tell you right at this time who they are going to be. I can only say that this board very clearly wants the Science Center to pick a set of qualified individuals. There is no question about that. What role we can have in that selection, I'm not sure. They pay the bill, but we certainly will take your comments to heart that we need good people. We always need that in a peer review.

MR. CRISMALE: Well, I'm not suggesting that they would not be good people, but since this board is making some huge management decisions here I think it's very instrumental that this board be cognizant of the fact that we need the most qualified people from wherever they come from to peer review this thing as it impacts numerous lives.

There are a lot of guys out here today who appeared here, have given up a day's fishing, and they're not being compensated. There are a lot of people here, who are sitting here in this board right now, that are being compensated. It's in our best interest and I'm sure your best interest to make sure that we have the most qualified people. I've seen so many peer review boards, I just at this juncture would like to –

CHAIRMAN GIBSON: I agree entirely; I don't think anybody at this board disagrees that we want a top-flight review in this matter, so thank you for your opinion on that. I'm going to go to Carl Wilson on the terms of reference. Craig, do you have a question before I go to the technical committee chair?

REPRESENTATIVE MINER: Mr. Chairman, I just wanted to direct a question to the gentleman that just spoke. I have to tell you in the last two or three weeks of having public meetings in Connecticut these are sentiments that I've heard from a number of people. I don't want to make a determination on their merits at this point, but I did have a question because I think it's important for us to know what level of this peer review is going to get people to a comfort level and what level of a peer review isn't going to get people to a comfort level.

If we have a limited peer review – and if I understood your question about where we were as a board correctly, it was are we interested in a peer review, and I support a peer review. I don't think your question was what level of a peer review – and I think that is the reference point question that we're going get to.

CHAIRMAN GIBSON: That's the next agenda item so that's what I'd like to get to.

REPRESENTATIVE MINER: But my question to the gentleman would have been – or will they be allowed to come back up and speak after we get to the peer review point? I understand you want to keep the meeting moving along but –

CHAIRMAN GIBSON: There may be other points in the agenda where I would like to call for other people on a list who want to speak, including Albert who I had to cut off, who want to speak directly about information that's available, observations they're making and so on, and we're going to have to decide how to incorporate that or not in a peer review process.

I suspect the answer is no peer review is satisfactory to some people; I mean, no level of it. People always disagree with the stock assessments based on what

they see each day fishing. I'm not going to pass that question back to the speaker at this point. I would like to move on to the terms of reference. Let's see what we have and then have a board discussion as to whether we're comfortable with that or not.

DISCUSSION OF TECHNICAL COMMITTEE REPORT

MR. WILSON: We have a one-page document, "Review of TC Report: Recruitment Failure in the Southern New England Lobster Stock", and then "Terms of Reference for Peer Review Panel". The technical committee had a conference call yesterday where we put forward a series of proposals for the terms of reference.

Essentially, the technical committee was tasked by the board to identify and what our most recent reports are addressing the issues impeding stock rebuilding in Southern New England; developing a suite a measures to begin rebuilding in Southern New England; and then most recently developing deterministic projections of stock abundance using different projection scenarios, looking at natural and fishing mortality and then lower declining recruitment and some sort of stock-recruitment relationship.

It is with that context that we thought or assumed that the review would follow. Just as additional background, the fishery-independent and dependent data used in the technical committee's report up until today were peer reviewed and accepted during the most recent 2009 assessment, and so it was not our expectations that already peer-reviewed document would be up for a new review.

We would welcome the review of the temperature data and information on the redistribution of spawning stock within Southern New England, which was new information that was not put forward in the last assessment. We're proposing five terms of reference. The first one is evaluate the quality and completeness of the data gathered since the assessment; if inadequate, specify additional data or techniques that should have been considered.

Determine the appropriateness of conclusions by the technical committee report; if deemed inappropriate, provide an alternative conclusion with justification. Determine the appropriateness of recommended action, the five-year moratorium; if deemed inappropriate, provide an alternative conclusion with justification.

Evaluate the projection scenarios conducted to complete the task as outlined by the board; and, finally, to determine the appropriateness of the conclusions derived from the projections; if deemed inappropriate, provide an alternative conclusion with justification. I think just to add a bit more commentary on how we were hoping the review would be kind of a constructive review in that if the reviewers are in disagreement, that the additions of “with justification” would be in a way to try to bring back a dynamic so we can benefit from any review that does occur. Those are our proposed terms of reference.

CHAIRMAN GIBSON: Thank you, Carl. I’m going to go with board questions, and I’ll start off. Under Item 1, completeness of data gathered since the assessment, I’m assuming that is what came in the presentation of the technical committee report to the board. We’re not expecting the peer review to go hunting for other sources of information.

It would be up to the commission, the center, whomever to supply a packet of information to this peer review panel for their utilization. My point is – and I suspect it’s going to be made by other board members – there are other pieces of information, ongoing surveys, what have you, fishermen’s catch rates that exist but are not in the latest technical committee report. Is that your position, that whatever package of information we provide to them, that would be the body of information that is being spoken of in Item 1?

MR. WILSON: Yes, but I would say in the other items that say if you have an alternative conclusion, please provide some justification; and if there were additional data streams that the technical committee hasn’t had available for our conversations that paint a different picture, then I think that’s something that we should be looking at.

MR. AUGUSTINE: My concern is in reviewing the background documentation, you’ve indicated that it appears a recent increase in the water temperature and information indicating increased predator abundance support the hypothesis of increased M, but in none of the documentation I could pick out a rough percentage that you have allocated as a part of the natural mortality and having a major effect upon small lobsters.

As you’re all aware, with single-species management we’ve got very many species of fish that have come back in leaps and bounds, particularly striped bass, porgies and black sea bass, including black fish that

although their stock hasn’t rebounded they are predators. It seems to me that without having a document to look at, knowing full well that lobstermen historically find all of these species of fish in their pots eating legs and so on, lobsters, that a document that more clearly shows what effect the overabundance of those species – and I’m not against striped bass but here is a stock that has a spawning stock biomass of 183 percent above the target.

Porgies have come back 230 percent above the target. The fish have to eat something. We can admit that there is a definite relationship between predator/prey, but I’m just wondering what the number was or percentage was that was allocated, in the technical committee’s opinion, as to what amount of lobsters in this case they’re taking out of the population. I’m not sure you have that, Carl, but is there somewhere we can look for that information or come up with a number?

CHAIRMAN GIBSON: Pat, are you suggesting that the terms of reference ought to – the technical committee report has a whole section on impediments to rebuilding and they talk to some degree about predators, temperature, reduced spawning biomass. Are you suggesting that this should be a TOR directly to evaluate those impediments to rebuilding –

MR. AUGUSTINE: Yes, I do think that should be a consideration.

CHAIRMAN GIBSON: – and not necessarily only restricted to predators, but the technical committee identified a series of them, and so that’s how I’m kind of morphing your recommendation to be a TOR directly related to impediments to rebuilding and then parenthetically predators, water temperature, low SSB or whatever it is.

MR. AUGUSTINE: Very clearly stated, Mr. Chairman; yes, that is my point.

MS. TONI KERNS: One of the terms of reference is to determine the appropriateness of the conclusions drawn in the technical report and that is going to include your recruitment failure, your impediments to rebuilding, so your temperature information and your predator/prey information, so do you want us to specify that terms of reference more specifically or does that term of reference capture that information as it is?

MR. AUGUSTINE: In answer to the question, Mr. Chairman, I say yes only because with single-species management it appears that we as board members are not taking into consideration that once our specie has

been rebuilt, the spawning stock biomass is above the target, those animals have to eat something.

Without indicating this may be one of the major impediments to rebuilding this particular stock, sooner or later in the next few ASMFC meetings I plan on introducing possibly an addendum or an amendment where we take a look at setting a limit above a target as to how far we allow a specie to rebuild.

We can't control cormorants, we can't control seals, and in this case we can't control predators on lobsters; and I do think unless we have way of measuring, we're in a dead loop. Nothing is going to change other than stocks are going to continue to build and develop above and beyond the target at the expense of some species that they're feeding. The answer is yes, Toni.

MR. DOUGLAS GROUT: Mr. Chairman, my question is related to this because one of the items that the technical committee mentioned in their projection estimates is that the sensitivity analysis that they did with the existing model suggested that M was higher than what was originally used in the assessment.

This is a rather important conclusion in some of the decisions that I'm going to make concerning this addendum, and I wanted to make sure that having that sensitivity analysis and the methods used for it is included in the peer review. I would like to ask under which of these does the technical committee chair feel that is specifically included in one of these terms of reference; and if not, can we have a sixth term of reference that asks for that?

MR. WILSON: Yes, we agree and we discussed having that as an addition to the projection scenarios, the projection document, so it is going to be an appendix that would be added.

MR. GROUT: It would be another term of reference is what you're saying or do you think it's –

MR. WILSON: Well, that's for you to decide, but we thought it would be captured under Number 4.

MR. GROUT: Okay, as long as the peer review panel knows that is captured under four, I'm fine with that, if it's clear that they will address that because sometimes you have to be very specific with these things.

CHAIRMAN GIBSON: Doug, I think we can include just some wording on sensitivities in Item 4 that will capture what you're looking for.

MR. GROUT: And if you want some help with that, I've already written some.

CHAIRMAN GIBSON: Thank you. What I think we'll do is get some ideas for adjustments, refinements, additions and then try to distill that down for a motion. Rob O'Reilly next.

MR. O'REILLY: My comment is that Bob Beal mentioned that this was going to be a desktop review. I know you covered the CIE; but if this is a two-to-three month process, the idea that after that process is over a laundry list may come back specifying additional data or techniques that should have been considered, the way to get this process closer to a stock assessment review committee process or a SAW would be if there was some interaction between the CIE Panel and perhaps commission staff.

The commission staff could poll technical committee members. No matter how expert they are, they're going to have some questions and things are going to come up. And you know, Mr. Chairman, the benefit of the SARC process is that when these extra elements come up from a panel, there is time during that three, four or five-day process that you can accommodate those extra parts that they come up with.

It would be a shame to go through a two- and three-month process and then get back and do some more work to address their concerns. If that could be done somewhat interactively, that might be a very good benefit. I don't know how the commission is set up to do that.

CHAIRMAN GIBSON: Thanks, Rob. They're being asked to evaluate the completeness of the data. I think that presumes that we're going to supply them a complete package, what we regard as a complete package, so I don't think they're going to go hunting around on their own given the sideboards that have been put on this. I think it's essential that we determine what that complete package is; and as you suggest have staff make sure that they have that when this panel convenes.

MR. O'REILLY: If that were the case, then the term of reference to specify additional data or techniques that should have been considered wouldn't be part of this term of reference. What I'm suggesting is that it always is the case that there are going to be some

elements that are offered by the experts; and if that timeline of response through the ASMFC can be done within the process of two to three months, that affords a better product at the end. It's just a suggestion.

MR. BEAL: I'm not familiar with all the details of what a desk review through the CIE process is, but I'll try to make some phone calls here in the next few minutes and find out if there is the opportunity for interaction between the reviewers and staff or the technical committee chair, something along those lines.

We asked the National Marine Fisheries Service representatives to come here today and be able to answer these types of questions, but they had conflicts. It was short notice on our part, but I will see what I can track down in the next little while.

MR. McELROY: Mr. Chairman, I'm a little bit confused as I look at these terms of reference because they don't really say anything very specific. One of the first questions that I had – and I have a handout that went out today of a graph of abundance going back to a longer timeframe than the technical committee report here. It begins in 1982 or '83 and move forward.

Mark, you gave me a copy of a graduate school at URI abundance chart which goes back to 1959. When I look at that chart, it shows that there were many times previous to 1982 where abundance was as low or lower than it is now, but yet the fishery managed to recover with less management actions on the fishery than what we currently have. What I would like to see if some way that things like that get put into the frame of reference so that we're sure that this body is looking at a longer timeframe.

If you take that chart that I've had passed out and you take those two yellow lines and red lines and plot it on that, you'd find that because of so many years prior to 1983 being a lower abundance, that kind of lowers the bell curve and we're not as in drastic condition at least in parts of the Southern New England area. Now, are we going to be able to have specific things like that added on to this and considered or is it some other fashion?

CHAIRMAN GIBSON: What I'm trying to do is go around the table and get comments about the adequacy or lack thereof of these TOR; and I've got you listed down for the timeframe of the assessment is the window of time that has been examined during

the assessment and in the years that have just been added; is that adequate.

As we go around here, it is maybe going to become apparent that we're not ready to adopt a set of TOR today and that we may send them back to the drawing board depending on where the board discussion goes. I think there are going to be plenty of opportunities to get them modified or perfected. Dave Simpson.

MR. SIMPSON: I think we could do a couple of things to help clarify what we're asking for in the review. One I think for my clarification is to state explicitly that what we're requesting is a review of the April 2010 recruitment failure paper and the related conclusions and so forth, which it does not say here.

Two, I think what we need to do is develop a list. If the technical committee, the authors of the report, could go through and provide a list of specifically the findings and conclusions and ultimately the recommendation that the report presents. I think there are multiple conclusions throughout the document and I think we need to develop a list to facilitate this review.

Third, I just want to underscore the importance that we need to evaluate the stock projection model, including both the methods used and the results obtained and provide suggestions for improvement, if possible, as well as to get a comment on the reliability of projections for the Southern New England stock for South New England stock management.

And then a couple of other things I just want to underline – in particular some of the conclusions about temperature, predation and distributional shifts I would want in particular, and I think we will get them if they list their findings and conclusions; some review of those conclusions and the relative importance of recent increases in temperature versus increases in the predator field and finally the shift in distribution that they mention.

And again to help facilitate review of this document, I think we need to add the data tables that go with the figures, which is handy, a very figure-intensive document; but I think if they're going to do a review, they're going to need the data that is used in this report. That's my view on what we need to do here. I'm not ready to make that a motion, but just to further discussion on the TORs.

MR. McKIERNAN: Mark, one of the things that I think need to be examined is the appropriateness of

the young-of-the-year index to forecast the recruitment index. In other words – and maybe Carl could help me with this – as I understand it, in the model and in the assessment that has been peer reviewed recruitment was always defined as the number of lobsters just prior to minimum size, but in this case the folks who do lobster biology in Southern New England have worked very hard to establish some data that suggests that each year there is a varying level of the young of the year.

In other words, we've got newborns that are being used to forecast the future of the number of adolescents; and so if we can get some feedback from the review as to how reliable it will be to use this annual index of newborns to forecast the future. I think that is new about this report. This was very revealing.

There was an analysis as to why there appears to be a declining number of newborn lobsters in this area. I know you all think that's real and you think that some of the future stock declines will be inevitable. If you could get some kind of comment from this board on that because I don't think your young-of-the-year numbers are necessarily built into your stock assessment that was peer reviewed because your young-of-the-year numbers are so specific as to where they're being collected.

MR. HIMCHAK: Mr. Chairman, I would like to bring up a couple of quick issues from the New Jersey point of view. I guess it was Addendum XI a few years ago that put some rather serious monitoring requirements on states that were non-de minimis, which included New Jersey. For the first time we started an at-sea sampling program.

The stock assessment includes all data through 2007, and our sea-sampling program started in 2008, and it's very aggressive. It, for the first time, has at-sea sampling for LCMA 5, which would include everybody from New Jersey down to North Carolina. I guess under the topic of new data, I think these data are pretty critical insofar as what we're trying to demonstrate insofar as – you know, you talk about low recruitment.

In the nearshore survey, we have in effect no nearshore fishery. We're out 20 or 36 miles, 140 or 180 feet of depth. Really, all areas of Southern New England are not created equal. I guess that's what I'm getting at. Maybe that's part of what I'm trying to bring up under the recruitment – the conclusions drawn from the nearshore recruitment surveys are – you know, how applicable are they?

That is what I would ask the CIE; how applicable are they to extending them out to, say, the mudhole where our fishery is prosecuted? We are trying to get CPUE data from the commercial fishery generated. This was not in the stock assessment, unfortunately. Some other states I know have come up with CPUE data on their landings just within the last couple of years.

What mechanism – we won't just start mailing a bunch of the stuff to the CIE people and how are they going to cohesively put this together. I guess that's my next question is how do we get new information that we feel is very critical to the recruitment failure issue? How do we get that compiled?

CHAIRMAN GIBSON: I'm not prepared to answer that yet, but I'm developing some thoughts as to where we need to go. Bill Adler.

MR. ADLER: I don't know whether it falls into any one of these terms of references, but we already talked about the idea of water temperature and we already talked about the predation. The word young of the year sprung up again, which was a concern that they couldn't find many or any or whatever close to shore. I know that these things aren't the major factors, but the water quality issues from discharges of clean water, like a pool, and many fishermen had indicated that it is almost like a moonscape, and this is where apparently the young of the year also congregate and also the mosquito thing, which would be along the shore where the young of the year would be.

I don't know whether the peer review group would care to comment that these could be not the cause but these could contribute to the reason why we don't have anything close to shore, which is very troubling to me. I don't know that there could be anything added to any one of these five that would at least say do you think that this is a cause as well.

DR. SETH MACINKO: I guess I want to shift a little bit and look at this proposed term of reference number three. Even the use of the word "appropriateness" there, in listening to the conversation it's one thing to have a peer review trained on the question of do we have a recruitment failure.

It's another to have the review trained on the question, well, what do we do about it and specifically under these environmental conditions what is the likelihood that management actions, any

management actions can have a positive effect and at what cost, and I don't know if this is even possible under the usual CIE framework. I certainly haven't seen it in my experience with them. Usually these folks are biologists.

This question of what is the likely benefit-cost ratio of that policy prescription that is mentioned there in number three; I mean, I think that's a hugely important question, and I don't know if you'll get any comment on that from a team of biologists, but I think the people out in the audience are certainly sensitive to that.

DR. LANCE STEWART: Mr. Chairman, I have a couple of comments. One on water temperature that the technical committee hasn't really presented is the thermocline stratification or the particular large area of the habitat of lobster that seasonal temperatures would show – I know that the National Marine Fisheries Service has several profiles all out to the edge of the Atlantic Shelf.

Now, we might have a slight increase in inshore water, but in my studies in Long Island Sound for lobster larval reproduction and larval distribution the high water temperatures in Long Island Sound were beneficial, and they've only increased half a degree. Many of the larval distribution studies that we did in the seventies show that lobsters were in gyres in deeper water on the fourth stage, which would indicate that the majority of their settlement – because that's when they settle. They molt to the fifth stage and then they go benthic – is in deeper water, so that leads me to the question about what these juvenile indices really mean.

I've always thought – we spent three years diving studies throughout Long Island Sound trying to locate juvenile lobsters of one or two years, very unsuccessfully. When we did find them, they were in patterns contagiously distributed so that any of these indices in a pinpoint sort of graphing I don't think apply.

Another opinion I have about lobster life history is that the window of survival on the lobster larvae is at the second or third year. It is not on larval production. We often get extreme larval surplus production, I believe, up and down the coast. Their window of survival for recruitment, like Dan mentioned, pre-recruitment to the legal capture size is at the three to four-year intervals. That is when they're most vulnerable to predation as Pat suggested, that we have our equilibrium equation of the species in the ocean out of balance.

We have predators that we're protecting on American lobster. I'd give more attention to your water column profile temperatures and that is not this catch-all the world is ending, the water temperatures are increasing problem related to low recruitment; and, finally, give the V-notch program, especially Rhode Island's which occurred in 2005 and Connecticut's time to take effect.

I think we've already done major management issues with the V-notching program. We have protected a large number of females for two or three years of spawning potential. I think we're really, really out of bounds suggesting a moratorium given these things that we don't know and things that we have done that need to have time to take effect.

CHAIRMAN GIBSON: Thanks, Lance. Dave Simpson and then I'm going to take some people from the audience off my list.

MR. SIMPSON: I do think we need to make progress on these terms of reference. We've talked earlier about not losing time. I also don't think we're going to be ready today to actually approve a set of terms of reference. I had the benefit of seeing them last night because as I was getting ready for this I said, "Hey, where are the terms of reference; did I miss them?" I got a copy of them, an early copy at 4:30 last night.

The rest of you have only saw them this morning presumably. What I would suggest is we do have a meeting in two weeks. We could approve the terms of reference then with the guidance that has been provided around the table this morning. If it helps in terms of a charge to the technical committee, I can repeat the kind of things that I wanted to see fleshed, and Pete made a comment about the conclusions about recruitment drawn inshore, how applicable they are to the offshore waters was the gist of the comment. I think that's going to be important in our decisions down the road. Either we could go off the record that has already been collected or do you want me to start and repeat clearly here in a – do you want it in the form of a motion?

CHAIRMAN GIBSON: Dave, I think you and I are thinking the same thing. These terms of reference are not ready for prime time. We're going to need to see another iteration of them based on the board discussions today. I do want to get a couple of comments from the audience. I'm going to do that, but I keep being reminded that the terms of reference

are supposed to be applicable to the task that we gave to the technical committee.

We need to keep some narrowness sideboards on them. They're going all over the place right now, and I'm sure they're going to go even further when I get some audience comments. That would be my intent was to get a reformulated version of these TOR at our August meeting and grapple with them again.

MR. SIMPSON: Okay, to that, would it be helpful for me to go through and identify specifically what we need to see fleshed out? I see Toni nodding so I'm going to move that the terms of reference be drafted for review at the August meeting to specifically identify that the review is of the April 2010 recruitment failure report and the associated assigned tasks to the technical committee listed at the top of the page; that the technical committee identify specifically in list form the findings of this report, the conclusions of this report and the recommendation or recommendations of this report; that one of the TORs specifically needs to be to evaluate the stock projection model methods and results, provide suggestions for improvement if possible; and comment on the reliability of these projections for the Southern New England stock for Southern New England lobster stock management; to add data tables to document the data that is referred to largely in figures and in text; and in particular to Pete's concern that a draft TOR be included by the technical committee that asks the appropriateness of the applicability of requirement conclusions in the offshore waters that have been drawn.

CHAIRMAN GIBSON: Do you have that all written down?

MR. BEAL: He made that in the form of a motion, and I think you were intending to go to some of the audience now, so maybe we can get his notes and craft that while the audience is commenting.

CHAIRMAN GIBSON: Pat, are you seconding?

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

CHAIRMAN GIBSON: Okay, and while we get something on the board, what I would like to do is, now that we have a board motion, I cut off Albert earlier. I would like Albert to come back up and speak to the issue of the terms of reference, the independent review and the information that industry feels is so important for this board to be aware of. I'm going to take somebody from Area 2 after that.

MR. ROSINHA: Albert Rosinha. The boat's name is Rebecca, Ann and Naomi. I fish out of Westport, Massachusetts. I've been fishing for approximately 32 years. I started in 1972 in Area 3. I read all your information and all your data, and I'm seeing a totally different picture in my traps. I don't feel that there is enough on-board reporting to the technical committee's and peer reviews that you're getting an accurate sample of actually what is going on in the offshore waters.

In the last four years we've increased our vent size, our gauge has gone up five or six times. We no longer can catch a pound and a quarter lobster because it doesn't exist. Out of 3,000 pounds last year I had 30 pounds of pound and a quarters. My trip consists of about 50 percent of pound and a half, which is up by about 30 percent from past years where we were catching chickens, pound and a quarters.

We have gone up from a lot of culls to mostly two quarter lobsters, and we're seeing all positive effects of all the different changes that have been and come about in the last few years. We're throwing between a thousand and 1,500 pounds of lobsters just under the gauge over the side in the height of the season. I don't see any of this reported in any of your data.

If you asked most of the guys that fish offshore or at least along the edge of the bank from 60 to 150 fathoms, they're seeing a lot of the same things at least in Southern New England. As far as your reporting and what is going on, I think you need more on-board reporting and actual visual – somebody who is involved in the scientific part of it visualizing what is going on aboard a boat. How that comes about, I don't know the answer to that or where the financing comes. It certainly can't come from the fishermen because between price, fuel, whale rope and everything else, we're pretty much at our extent.

If you reduce our gear efforts further or put a moratorium on us, just in my port alone there is at least five or six boats you're going to put out of business. I put my whole life into it. I don't feel like I should have to buy back into it or give anymore than I have given. I would like you to let your science take place and actually take effect and give it a chance to work. I can see the effects of it. I just don't think that you're seeing it as of yet. Nearshore reports certainly aren't seeing what we're seeing outside of a hundred fathoms. That's pretty much all I have to say. Thank you.

CHAIRMAN GIBSON: Thank you, Albert. I would like to go to Joe Horvath from Area 4.

MR. JOE HORVATH: Joe Horvath, Area 4, New Jersey. Basically the same thing he is saying. I don't know how we all got painted into this picture of doom and gloom. I've been fishing for 40 years. I've been there when it was rape and plunder to what you do today. I don't see any crash of any fishery. We're doing well. We had a good recruitment.

They said about a ventless trap survey and I said, "Fine, that's works in New England; that works up on the rocks up Maine," I said, "but it won't work where we are." I said, "You wouldn't sit on a basket of crabs; a lobster won't come in a pot that's full of crabs; and if he does, he don't want to sit down." Our lobsters that we catch, we're doing fine.

We have plenty of recruitment. I guess you don't want to catch them an inch long; do you? I mean, would a junior high school kid be ready for 18 years old to get drafted? This is what I'm saying. You're looking for the little guys. You should look for the Boy Scouts that are coming up to build the fishery. We definitely have a good fishery there.

Everybody that fishes there catches quite a few lobsters, and we're doing okay. We got painted into a picture that, granted, there is a terrible thing up in Long Island Sound. I envied them guys. They had tremendous big boats and little water, you know, and they caught thousands of pounds, and I was jealous, but something happened up there, and I think it's beyond overfishing and all of that stuff.

I think it's a whole thing with the chemicals. I don't know today if it's still being used in Connecticut someplace because it should have gotten a little bit better. It has certainly taken a lot of time. We shouldn't have to pay for a fishery that's collapsed up here and shut us down, also, for five years.

CHAIRMAN GIBSON: Thank you, Joe. I'm going to move on to Peter Broder for Area 2. I'm just going down the list here; I'm not picking people out of the audience.

MR. PETER BRODER: Peter Broder, Area 2 fisherman, past president of the Lobstermen's Association both in the eighties and the nineties; former chairman of the advisory panel to the state from Rhode Island; currently on that panel and a member of the TRT. I want to mostly address the peer review process that you have been discussing. It is my opinion that a peer review usually happens, if I'm not mistaken, when a document is produced and is handed over and then it is reviewed. Bob Beal, you've got a name like a lot of boat builders and

fishermen up in Maine, so you're probably cut out right for the job. I understand somewhat of the process, but in the spirit of transparency, which I believe this board is trying to present, a lot of the fishermen are nervous over the last time we had recommended a peer review.

That peer review happened in 2009. The decision from that peer review came back to us as the fishery wasn't overfished, but the problem wasn't identified. When that was stated it seemed like the knee-jerk from the technical committee and the Lobster Board was to somehow or other dilute that decision and reclassify us as being overfished. That made a lot of the fishermen not trusting what was the whole process as it was done.

When I was involved in the eighties, I was one of those who suggested if you're nervous request a peer review. Bob, you weren't involved with that last one; I understand that. I only hope this one is done above board and honestly and you listen to the fishermen as well as this board. I would like to have the opportunity to have the fishermen be somehow more involved and go back even to the last group that was involved in the peer review and ask what their concerns were so as to better understand why the decisions were made to have that peer review changed. Thank you for allowing me the time to speak.

CHAIRMAN GIBSON: Thank you, Peter. I'm going to go to the board now for the motion. I'm not done with the audience comment yet. There will be more opportunities, but I have to see this motion and try to make some movement on it. They're still working so I'm going to take one more audience comment. I have Steven Smith, lobsterman, Area 2.

MR. STEVEN SMITH: Good morning, everyone. Steve Smith, Area 2 fisherman, for Watch Hill. I think it's a pretty situation to look at all the lobstermen in this room. I see no one under the age of 30. What are you going to do with this fishery if there is no one to come back to it after you close it? I've been in it for 40 years myself. Several of these guys I know here have, too. The area I'm fishing right now, there is a large recruitment of lobsters.

It has gotten better since the year of 2003-4, which you chose to give us a trap limit on, which was the worst years we had had in years. I totally disagree with this whole situation and it's really going to put a big kibosh to a lot of my friends here and myself. Thank you.

CHAIRMAN GIBSON: I want to hear from someone from Area 6. Yes, sir; I didn't have a six on my list, but for completeness.

MR. BART MANSEY: Thank you, Mr. Chairman. My name is Bart Mansey. I fish out of Guilford, Connecticut. I am an officer of the CCLA, a member of the LREC team and a member of the Lobster Committee Management Team. In 1999 I witnessed a disaster. What we have now, there is no disaster. The board is making a disaster. We've just V-notched 100,000 lobsters.

We have went through two gauge increases in six months. We're witnessing and catch more lobsters and we should actually be catching 46 percent less than what we are catching. A 16th of an inch increase in six months is a 46 percent reduction. We're actually catching more and seeing more lobsters. Can anybody comment on why we're catching more with a big two-inch vent and a bigger gauge size? Dave.

CHAIRMAN GIBSON: I'm not going to have the board answer questions. I'm just taking testimony from the public. Thank you. Are you ready, Toni? I'm going to go back to the board motion now. Thank you for your comments and there may be other opportunities as we progress through the rest of the agenda. We have a motion by Dave Simpson and seconded by Pat Augustine. I hope you'll like it, Pat, once it gets up there. Dave, would you read that right into the record, please.

MR. SIMPSON: **Okay, move that the terms of reference be drafted for review at the Summer ASMFC Meeting, one, specify that the review be of the April 2010 recruitment failure report and the related assigned technical tasks assigned by the board; two, identify specifically in list form the findings, conclusions and recommendations of that report; three, evaluate the stock projection model, methods and results; provide suggestions for improvement, if possible; and comment on the reliability of the projections for use in Southern New England lobster stock management; four, add data tables to the document supporting the figures that are provided; five, comment on the applicability of inshore recruitment conclusions to the offshore resource; six, include a review of the natural mortality or M sensitivity analysis of the model that indicated a higher M as suggested in the recruitment failure report. – projections.**

CHAIRMAN GIBSON: Thank you, Dave; and you're okay with the second, Pat?

MR. AUGUSTINE: I'm okay, Mr. Chairman, but I don't see the word "predation" in there, and it is inferred, I believe, but somewhere I want to elevate the word and get it in there. It could be covered under include a review of the M sensitivity analysis of the model that indicated a higher M as suggested, but that doesn't tell me anything. I would say "with specific emphasis on or including predation". I don't know if Mr. Simpson would go along with that or could we reword it.

CHAIRMAN GIBSON: Dave, did you want speak to your intentions regarding elevated natural mortality?

MR. SIMPSON: Right. The first time I spoke I mentioned that in particular among the conclusions I wanted a review of conclusions related to temperature, predation and the shift to females in deeper water, but I think that will come out in their list of conclusions. I will say in support of what Pat is saying that I think predation was discussed less and was presented less prominently in the report than I think a lot of us believe in terms of the relative role it is playing, so we do want to underline a review of conclusions about the role of predation in stock decline.

CHAIRMAN GIBSON: I think the record supports, Pat, what you have been talking about and let's see what we get back in August in terms of final adoption and refinement. Carl Wilson, do you want to speak to the motion?

MR. WILSON: Just a minor question, David; number six, include a review of the M sensitivity analysis suggested in the – I think you mean assessment; is that correct, that were used for the projections.

MR. GROUT: I took this out of your projections here in the report; the Southern New England lobster stock projection estimates, and in that particular document it indicates that assessment – "and recent exploratory analysis found the model fit observed data better using higher rates of M." That's the report I'm talking and I assume you must have done those.

MR. WILSON: I'm just saying it is suggested in the last assessment, but the work that we've done since then – the projection document has levels of M that are higher than were used in the last assessment because of the analysis.

MR. GROUT: Okay, as opposed to the last assessment.

MR. WILSON: Right.

MR. McKIERNAN: To David's point number five, I'm concerned that I want this broadened because I'd like to see the applicability of the inshore recruitment conclusions to the inshore resource. In other words, does the young-of-the-year recruitment index; is that a reliable forecaster of recruitment to the fishery even on the inshore/nearshore resource; and then you could take a step further and say do these trends also support the trends in abundance in the offshore resource.

The way it reads here it is as if the inshore recruitment, which is being measured by, I'm not sure what, young of the year – and then Mr. Rosinha challenges the current wisdom saying that things are better offshore, so there are two separate issues. There is an issue of the inshore recruitment to the inshore abundance years later and then there is an issue of what is going on in the offshore fishery, which isn't well documented.

CHAIRMAN GIBSON: Dave, do you have any issues with that? I think I understand what Dan is saying that we've got inshore recruitment failure conclusions. We would like a term of reference dealing with those, the appropriateness of that and then a secondary one – not secondary but an additional one as to how well those conclusions apply in the offshore area.

I don't know that we need to go through this motion again because I think our intent here is to bring back another set of terms of reference under the guidance that we're giving out now which will be embedded in the record; and if we want to polish them up some more in August, well, that's what we'll do.

DR. MACINKO: Well, Mr. Chairman, you may have clarified it, but could you scroll the screen up. I was just confused because the first sentence starts out by saying you're going to set these terms of reference at the summer meeting, and then subsequently presented an itemized or enumerated list of six that look like that's a head start on the terms of reference. Either we're setting the terms of reference or we're not.

CHAIRMAN GIBSON: I don't think we're setting the terms of reference. I think we're going to get a set drafted for review at the summer meeting. We're going to take a look at those and look under the hood and kick the tire on them again. I think that's where we're going to end up.

DR. MACINKO: Well, on number two, that just seems to me to say identify and list, and I did like the sense of it was vague, but the sense of number three that was in the list that Carl ran through, which was an assessment of the appropriateness of the policy recommendation in the technical report, I don't see that being addressed in this list.

CHAIRMAN GIBSON: Dave, do you want to speak to that?

MR. SIMPSON: I think, again, this is really – this motion is about tasking the technical committee to refine the TOR so that we can review them in August, so it is a little bit of a combination of could you provide additional information, could you present in a slightly different way, and there are a couple of personal favorites they want to make sure don't get missed. Certainly, if we need to, for clarity in our charge to the technical committee, add or modify this, that is fine with me. This isn't my draft terms of reference. It is a charge to the technical committee.

DR. STEWART: To be specific, one of the things I think we really should have in response to the industry comments on this list is the conclusions of the ventless trap surveys. That I think is the most reliable indicator of pre-recruits in the population no matter where it is. There are some good maps or charts that show that ventless traps have occurred throughout Southern New England, but I don't see any conclusions, numbers, or real valuable statistics that we can use.

Another thing is we should really be paying attention to CPUE. CPUE is an index of fishing capability. If you're above one pound a pot, you're doing well; if you're below it, you're not. Regional differences could be gauged with an accurate CPUE. I know they're on file. Rhode Island has been collecting them for a long time.

I adjudicated the North Cape Oil Spill Project for the fishing industry. That was the common denominator that we used for the pre-spill status of the population and the efficiency of the fishermen to the post spill causes in the reduction. The third thing is sea sampling. This fishery is one of the most important we have on the coast, but we have not had a good sea-sampling effort.

We do it for dogfish, we do it for fluke, we do it for the trawl fishery, but it should be instituted for the lobster fishermen and especially to prove their point, their observations that they are catching well. One

comment to end, that 1999 kill in Western and all of Long Island Sound was an instrumental event to stop the larval production flowing out of Long Island Sound as a major recruitment entity for Southern England.

It is going to take time for that population in Long Island Sound with their genetic characteristics – they're much different than offshore stocks or even into Buzzards Bay. They overwinter; they go through a stream of temperature differences. They don't all fly to the 50 degree isotherm like Gulf of Maine lobsters or offshore lobsters. We have a different generic stock and all those things contributed. I'm looking at three things; ventless traps, CPUE and sea sampling.

CHAIRMAN GIBSON: I don't think any of those are mentioned in the report that David has identified in this motion. I'll just say that, they're not included in the technical committee report, ventless trap surveys aren't, fisheries CPUE. We have heard from the audience on those and I'm sure we will hear more on that. I'm going to take the two more board listed on this motion and then I think we need to dispense with the motion and probably break for lunch before Carl goes through his projections. Craig Miner.

REPRESENTATIVE MINER: Mr. Chairman, it seems to me that if we're interested in making sure that our outcome includes any conceivable possibility, then this review has to include to an equal degree some of the comments that have been made here today, whether the young surveys have the same value as some of the other surveys that have been done in the past, whether predation has the same or equal or greater value in terms of what our take at the end of the food chain is.

I guess I'm a little concerned if it is numbered, someone is going to interpret that as having some value and some level of importance; and if it is not valued, just as it wasn't included in a prior survey or prior set of data, it will somehow be less relevant. The outcome of this review isn't really going to change much unless there is some catastrophic flaw within the data that we're reviewing.

The only way you're going to get a different outcome is by considering other items; and if we don't include them as a bullet or a number, why would anyone think they have a different level of importance than they would have thought predators, for instance, initially. The questions that I have asked because the public has asked me questions about predators have

kind of been dealt with in that, well, we don't really have that level of detail.

We don't know what percentage of the equation they may be responsible for. I guess I'm just concerned that in an effort to try and get some document and reach some decision, which I understand is important – I guess I may not be in the camp of doing nothing is going to be fine, but doing the wrong thing isn't necessarily going to be fine either.

CHAIRMAN GIBSON: I just would point out for those that don't already see this, this tasking has significant sideboards on it right now relative to the narrowness. Dave's motion is focusing on the recruitment failure report and the information contained therein. If the board is not comfortable with that and wants to see this expanded to a large suite of information, you will probably be unsatisfied with what you see in August, but I think Dave has made an attempt to put reasonable sideboards on this and narrow it so it's a doable task between now and August. I just point that out. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, I think we've worked this over quite well. I am concerned that the technical committee has a clear understanding now as to what we're asking for more clarity on and that if the technical committee has any questions as to what we're asking for. I know you are going to reword it and we may end up with only three items or four items and cover all of these, but do you have any concerns about what we're asking for at this point in time?

MR. WILSON: I think certainly we can have the discussion and you will have another set of proposed terms of reference that again you guys can bat around and see if you want to accept them. But, no, I think we can bat them around internally within the technical committee.

I think the idea – I mean, we really have to be careful about putting additional analysis on the technical committee between now and in two weeks. I think if we're keeping the scope of the terms of reference and then a review to the tasks that the board has assigned the technical committee over the last six months, then we're happy with that.

MR. McELROY: Mr. Chairman, I'm a little bit concerned about worrying about getting information together in a two-week timeframe. I think this is a very critical issue. I think some of the audience has spoken very eloquently about the overall impact; and if it takes a little bit longer than two weeks to get it

right, I think we should be trying to get it right. I think it would be a colossal error to rush to judgment.

We seem to have a timeframe I believe to the year 2022 to solve this problem; and to shorten up a timeframe just to be accommodating for our August meeting I think is giving short shrift to the seriousness of this issue. Personally, this is my first look at this frame of reference and it is considerably different than what I anticipated it to be.

At this point I'm at a little bit of a loss as to how to formulate it, and I think it's important to have the time to be able to go back. I don't have a staff like many of you people. I'm a fisherman and I need to go back and review this and try to make sense of it and make certain that the frames of reference that we're talking about are germane. If it takes longer than two weeks, I think we need to give it longer than two weeks. Thank you.

CHAIRMAN GIBSON: It's certainly not my intent that we have to adopt them in two weeks. I think the two weeks that we're suggesting for – it says review. I am sure we will have this same discussion in two weeks. I think where the rub is here is this board needs to find a comfort zone with this. We have tasked the technical committee.

We have gotten some draft terms of reference and a review, and this motion pertains to improving and refining the terms of reference as it relates to the tasks they have already done. That is what we've going to get back at the next meeting. I think we said in advance there is no way that we can task them either in two weeks or in two months, frankly, for grabbing all this information that is floating around there and doing something with it. Dave's motion is fairly narrow right now, and I think that will be reflected in the terms of reference that come forward. We're not obligated to adopt those. We can have another kick-the-tire session on them at that point.

MR. McELROY: The other thing that needs to be said is in a two-week timeframe I don't see how we're going to be able to get the LCMTs to weigh in on this. I think it's absolutely critical that the LCMTs be given an opportunity to put their two cents worth in. I can't see how we can do that in two weeks' time and get it back to the board for serious consideration. I think we're getting too far ahead of ourselves. I think the technical committee, to some extent, got out ahead of themselves; and now to some extent we're trying to figure out how to put the genie back in the bottle. Thank you.

MR. BEAL: Mr. Chairman, I wanted to follow up on a question that was raised earlier about the ability of the potential CIE reviewers to interact with staff and/or some of the technical representatives. As I mentioned, I called the National Marine Fisheries Service folks and they indicated that there definitely is the opportunity for the CIE folks to call or e-mail a finite list of points of contact, either at staff or technical committee chair or a subset of the technical committee folks with specific questions.

There is that iterative process that can occur in this even with a desk review, as they're calling it. I just wanted to follow up on that. While I have the mike, one thing that was stressed to me during the call with the National Marine Fisheries Service is keep in mind these reviewers are just that. They're peer reviewers; they're not analysts, so you can't – it is not appropriate to ask them to come up with different analyses or different projections or anything of that sort.

The purpose of this is to put scientific work in front of them and ask them is this correct and/or appropriate and was the right information and models and techniques used rather than say, well, we did a projection this way, if you don't like it, maybe you can do some other ones and give back some better ones to us. It was stressed a couple of times during the call I just had to keep in mind these folks are reviewers rather than analysts.

CHAIRMAN GIBSON: Thanks, Bob. Is the board ready to deal with this issue, recognizing we're not deciding that we're going to adopt terms of reference necessarily at the August board meeting. We're going to see another turn of the crank on these, have another bite into them, and make a decision at that time. Craig, last comment and then I'm going to caucus.

REPRESENTATIVE MINER: Mr. Chairman, to the extent that the motion includes making recommendations, I think we're already running afoul of the information that he just gave us, which was they're not going to make any other recommendations; so to me the question that we have to make is, is this going to be a desktop review of a decision that was made or recommendation that was made, looking down that very narrow corridor; or are there enough members of the board that feel expanding our vision is the more appropriate task to take.

Now, I don't expect that any other finding is going to come out of this peer review based on what I just

heard. I just don't see how it is going to come to a different conclusion. Maybe there is somebody here that could explain to me how that will happen, but absent some material flaw in the process you're going to come out through the same doorway. If that's where we want to be headed, then that's where we want to be headed.

CHAIRMAN GIBSON: I'm not going to prejudge what the Center for Independent Experts will say because I'm not sure yet what we're going to ask them, but I think I'll know better in August what we're going to ask them when we see the next iteration of this. If at that time this board is not comfortable with the sideboards that are apparent at that time, then somebody is going to have to make a motion at that time and try to go a different direction, but that's where you'll be left. Dave.

MR. SIMPSON: I think we just need to be clear in our minds here that this is a motion regarding terms of reference to review work that has already been completed. If the board wants to pursue new work, charge the technical committee with new work, that's a different question. I just think it's important to make that distinction.

This can be done I think with – I mean, you're even under the gun doing this in two weeks, but to start new work is completely impossible. I would say that we handle this motion here; and if there really is new fundamental basic work that the board wants the technical committee to do, that's a different question.

MR. LAPOINTE: My comment was going to be similar. What these terms of reference and the Center for Independent Experts is going to do is essentially do an independent gut-check on the technical committee's recommendations. Clearly, the board has the prerogative and the responsibility to deal with that information. We can reject it. If they say that the technical committee was way off base, then that changes fundamentally how we might view this.

Again, what this is, is allowing the board to get a gut-check on those recommendations. As Dave said, we can say we're so uncomfortable with it that we want to do a whole suite of new things. How we pay for that and all that kind of stuff comes later. We can say that there may be some alternative on taking action, but all this is really doing is saying we want to use the CIE to say is this sound enough to take action on? Then, again, we've got a bucketload of work; the question Seth talked about, cost benefit, is it worth taking action – those are separate from this. I think

those are some of the discussions we'll have this afternoon.

CHAIRMAN GIBSON: Okay, I'm going to go to a caucus for voting purposes.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, we're going to call the board back to order. Okay, we have a motion on the table; it has been read into the record, and I'm going to call for a vote on that. All in favor of the motion please raise your right hand; any opposed, no opposed; abstentions, no abstentions; null votes, no null votes. **The motion carries.** We're going to break for lunch at this point and then we'll have Carl Wilson take us through the projections.

(Whereupon, the meeting was recessed at 12:20 o'clock p.m., July 22, 2010.)

AFTERNOON SESSION

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission reconvened in the Plaza Ballroom of the Crowne Plaza Hotel at the Crossings, Warwick, Rhode Island, July 22, 2010, and was called to order at 1:40 o'clock p.m. by Chairman Mark Gibson.

CHAIRMAN GIBSON: We're going to call this meeting back to order. The next issue on the agenda is the technical committee review of projections. Carl Wilson, please.

TECHNICAL COMMITTEE REVIEW OF PROJECTIONS

MR. WILSON: Okay, this presentation is a rerun of the stock recruitment failure document that the technical committee presented to the board in May and then an introduction and discussion about the projection document, the ten-year projections that is new for the board review today as well. I think it's important to remind, at least from the technical committee's standpoint, is that we are trying to respond to tasks that were assigned to us from the board.

The first group or first two tasks developed in November of 2009, the first being identifying issues impeding stock rebuilding in Southern New England;

develop a suite of measures to begin stock rebuilding in Southern New England. This is where the recruitment failure document has come about and was presented in May.

In that document what I'll be going over is a status of the stock impediments which we are feel are significant impediments to rebuilding and our proposed management response, which is obviously why a lot of people are here today and why we're having this board meeting. The second set was assigned in May; develop deterministic projections of stock abundance using the University of Maine Model that assume both status quo and reduced fishing mortality scenarios; status quo recruitment; low or declining recent recruitment; and a stock-recruitment relationship. This was as of May 2010.

For this we provide ten-year stock projections, looking at different levels of natural mortality; a spawner-recruit feedback referred to as Beverton-Holt; low recruitment potentially suppressed by the environment; and uncertainties. I think anytime that we consider projections I think the number one thing that the audience and the board should remember is that every year that our projection moves away from the last year of data our estimates are that much more uncertain.

It is a first attempt at projections for the Southern New England stock using the University of Maine Model. Again, we want to emphasize that there is uncertainty in our estimates. First of all, the area for consideration is the Southern New England stock area essentially from the southern tip of Cape Code; west and south including Rhode Island, Connecticut, New York, New Jersey and south as well. This is the context of what areas we are talking about.

Following the 2009 assessment and what our white paper is responding to was the determination that the Southern New England stock is below the limit, but overfishing is not occurring as measured by abundance, so the abundance is below the lower limit, but the exploitation is in a favorable condition.

I want to draw some emphasis to the median or the 50th percentile indicated by the yellow line here is now the target. The board has adopted the 50th percentile of the reference period as the target for management; and the lower red line, the 25 percent is the limit reference point that we are trying to get above and work towards.

We characterize recruitment failure as the point where environmental conditions and/or fishing have

resulted in successive years of poor recruitment. Ultimately when the parent stock is small, the likelihood of favorable recruitment regardless of environmental conditions is greatly reduced. The decline in adult spawning stock size is only exacerbated by continued fishing.

We feel that there is evidence of recruitment failure based on our estimates of the spawning stock biomass, recruitment indices not only of young-of-the-year lobsters but also juvenile lobsters and those that are just advance of the fishery. We feel that there has been a redistribution of spawning females in the Southern New England stock. We feel that trawl surveys and changes in the Southern New England fishery also reflect their current condition. Our document goes into much more detail than I'm going to kind of try to quickly get through. Again, this is a repeat for the board. Essentially our indices of spawning stock biomass are at or below the 25th percentile; the lower limit for the last several years. Recruitment indices – this I believe is the Rhode Island young-of-the-year settlement survey – are all down, at, or below the 25th percentile.

We looked at two larval surveys, Millstone, which is low; Connecticut DEP is low since 1999; and the young-of-the-year surveys from Rhode Island and Massachusetts are also below with the Massachusetts DMF survey essentially declining or approximately equal. In the document we also discuss how the distribution of spawning females has changed. This is an example where the fishery has followed lobsters and that largely targets females in this case.

The Massachusetts Buzzards Bay Fishery I think is targeting something like 80 percent female lobsters. For our trawl survey indices we looked at information from Massachusetts, Rhode Island, Connecticut and New Jersey; and for the offshore waters the Northeast Fisheries Science Center trawl survey as well. All surveys are showing decline in recent years.

On this slide there is mention of the V-notch program under the Rhode Island DEM and that is an acknowledgement that we did see some impact of the V-notch program that was conducted in Rhode Island and had a positive effect, but that positive effect seems to have left the system at this point. The other acknowledgement is that our Northeast Fisheries Science Center is our only fishery-independent survey for the offshore waters.

Landings and changes to the Southern New England Fishery; this is a figure of overall landings in

Southern New England with the most recent years below the 25th percentile for the time period. If we look at landings broken out by the National Marine Fisheries Service statistical areas, all areas are showing similar trends, but there are timing differences in exactly when those decline start and how low they go.

The document which is probably the most extensive look that the technical committee has tried to look at factors outside of just landings and surveys, we strongly feel that there are significant impediments to rebuilding, and these would be but not limited to increased water temperature, shell disease, predators and commercial exploitation.

The increase in water temperature we think has impacted major life history processes in lobsters. There is good evidence that since 1999 stock-wide the temperatures that are faced by lobsters are providing or are under significant physiological stress. Not only can this be an act of mortality but we also feel that it is has contributed to some of the redistribution of lobsters away from inshore areas for some lobsters and concentration in other areas.

Shell disease is another significant impact, and we have observed that it is of high prevalence in Eastern Long Island Sound and Block Island Sound. In a recent paper that looked at Rhode Island's settlement survey and shell disease, essentially shell disease was able to explain the linkages between settlement and recruitment to the fishery and that shell disease inserted a mortality agent that helped explain the patterns that we saw or that were observed.

Commercial exploitation; we have observed a spatial shift in effort where the fishery was prosecuting lobsters before is not necessarily the same areas where they are chasing lobsters today. We feel that there is a high percentage of females; and that with catch, those lobsters that are removed from the system are loss of egg production and so the loss of egg production with the legal catch.

In our document we talk about the management response and future advice. I'm going to talk about the five-year moratorium. I'm not going to talk about prior recommendations or the case studies. Moratorium recommendations; as a consensus within the technical committee, we recommended five years for the entire Southern New England stock. We feel that there is evidence for systematic recruitment failure; and that given our task of how do we start to rebuild the Southern New England stock, we think a moratorium would have the highest likelihood to

rebuild in what are significant impediments to rebuilding.

When you have a resource that is depressed below its limit, continued fishing reduces the ability to take advantage of fall recruitment essentially. If there was a moratorium – and we have seen in recent years very low larval and settlement surveys – that if conditions were to change allowing for an increased survival of larvae and post larvae settling to the bottom, then in the absence of fishing you would have a much higher – you would be able to take advantage of any kind of favorable conditions that would help to push the resource forward.

We fully acknowledge that the odds are stacked against the Southern New England stock and that the impediments are significant. Our recommendation for a five-year moratorium is based on allowing essentially a generation of lobsters to have the ability to have a successful recruitment period, but it is likely to take longer than five years. It is hoped that if there was a moratorium you would be looking for favorable results at that point.

To shift gears a little bit to our Southern New England lobster stock projection estimates; essentially following our presentation of the recruitment failure document and the May meeting, we were tasked with coming up with projections of what would the impacts of the moratorium be on the resource. What started as a rather small and simple exercise has turned into a very large exercise and a lot of work largely taken up by ASMFC staff, which the technical committee is extremely thankful for.

Essentially we are looking at modeling the effects of changing fishing mortality, meaning catch, from recent average levels, 50 percent reductions, 25 percent of what current catch is or a zero catch moratorium. We have also looked at different levels of mortality from 1997 forward; what we used to assume 0.15, which we feel is optimistic, 0.225 and 0.285.

We also looked at a spawner-recruit – what we're calling Beverton-Holt feedback to the model, so if a moratorium or reduced catch allows more adult lobsters to reproduce, then there should be a positive feedback to future recruitment. We also looked at low recruitment scenario and essentially this is saying if recruitment is out of the control of how many spawners are out there and for whatever reasons larval success has greatly declined, what is that impact on the resource going forward.

We were also asked to look into the impact of a V-notch program similar to what was done in Rhode Island recently, how that would impact the resource. Again, to re-emphasize anytime we're talking about projections, our uncertainty increases as you move away from the real data. Natural mortality; we feel that there is evidence of increase in the last ten years as we've talked about the impediments to rebuilding, and any estimates in our projections are very sensitive to a level of natural mortality chosen.

There was some sensitive analysis looking at varying levels of natural mortality and which fit the data the best, and so that's why we're kind of suggesting that natural mortality is higher than was presented in the last stock assessment. To go into our projections on what our estimates would be for the future, this scenario is not – the lower line is not in the document. Doug Grout asked us to include this scenario.

The lower gray square box is – so this is a scenario of high natural mortality, 0.285; average fishing and no fishing, and so essentially our projection estimates are starting when our data ends in 2007, what would our estimates be given no fishing under high natural mortality conditions. In that condition, which is the circle here, the resource would recover slightly above the threshold but then would even off or level off below the threshold.

If the status quo scenario – and this is the scenario that Doug was looking for was let's continue fishing at average levels at average rates of the last three years, what would the estimates be; and in this case we would predict or project that the resource would – abundance would decline and level off at a very low level.

If we take a slightly more optimistic view of what natural mortality is and natural mortality is considered to be moderate at 0.225 and we look at that positive feedback from a spawner-recruit relationship, then we see that at different levels of catch – so we take our last three years of catch and say we're going to half that or we're going to only allow 25 percent of the catch or no catch, then there are differences in how the resource would respond.

At half catch we would expect that the resource would increase above the threshold and then level to approximately a threshold over time; and a quarter of the F, or catch, that the resource would rebuild above the target; and that with the no fishing moratorium scenario, that the resource would increase above the target as well.

Another scenario would look at again moderate natural mortality – and I think at this point I probably should have said this in the first figure, that if we assume that natural mortality is very high, almost under any scenario tested we're unable to rebuild the resource within the projections. The scenarios presented are trying to be optimistic on what the impacts would be to changes, and so that's why the decision to use – or the decision to show a moderate M of 0.225.

In this scenario, this is moderate M with low recruitment, so this was recruitment based on the last I believe three to five years of settlement and recruitment into the surveys, what we think how – if that was held constant, what we think would happen with average catch, no fishing and a quarter of the catch. With average F, again, the resource would decline and level out low.

With one quarter fishing, we would expect the resource to recover above the target and then decline again because essentially there is a small recruitment pulse. I think the 2005 year class essentially would work through and then it would be low recruitment from there. And then under no fishing mortality; again, you would have a stock recovery above the target and then a decline because the recruitment scenarios were so low in this scenario.

Another projection based again on moderate M, using stock recruitment or low recruitment, and this time a constant catch and a V-notch program, so this would be something like the Rhode Island V-notch program where 25 to 50 percent of what would be currently legal lobsters would be protected – legal female lobsters would be protected, and a catch and a quota or a total allowable catch be placed at the levels of the last three years of fishing.

If that makes sense; so, total allowable catch would be placed and an additional portion of lobsters would be released; and then essentially under these conditions, if there was low recruitment, the lower line here, we'd see an initial recovery above the threshold and then a decline. If there was a positive – again, this Beverton-Holt which is a spawner-recruit; so if you increase the spawners, then in theory the recruits will increase; then a constant catch and a Rhode Island V-notch style program could recover the population above the threshold exceed the target.

Our conclusions for the projections – and this was again a relatively hasty analysis, but we definitely feel that projections are extremely sensitive to natural mortality and future recruitment. We do feel strong

evidence of increased natural mortality. Exactly how high is unclear. We feel that with natural mortality, if poor conditions continue only current levels of abundance could be maintained with no fishing. If conditions were to improve, the stock could maintain or improve above the threshold with greatly reduced fishing; zero, 25 percent or 50 percent of recent years within the next ten years. That's it.

CHAIRMAN GIBSON: Thanks, Carl. Board questions for Carl. Bill McElroy.

MR. McELROY: Thank you, Carl. My concern at this point is I've heard reference to the North Cape V-Notch Program in Rhode Island, and I would like to comment on that a little bit. It's true that with that program a lot of legal lobster females were put back over side. It was 1.28 million lobsters, and I think that represented something like 26 billion eggs I think was the calculation, somewhere in that amount.

When you look at the results that came through there, there was a temporary decrease in the fishing mortality rate because the lobsters obviously were put back over the side, so that looked to be somewhat of a success there. But, when we tracked the settler index, which is what seems to be driving the show here today, the settler index did not respond in equal fashion.

It came up a very little bit but nowhere near to be the expected amount. It seemed like we had a nice model to test things out. We decreased the fishing mortality, we increased the spawners, but yet we didn't see much of a response with the settlers. Then with the projections that you've shown here you're saying that there is virtually no scenario other than a significant reduction in catch that is going to have a chance to boost things up to the point where the technical committee might be happy. It seems like we already ran the experiment of what happens under that scenario and we didn't get a particularly good response. Do you have any insight into that?

MR. WILSON: Well, two points. The first is the fact that those lobsters lingered in the system for several years with the presence of V-notch and contributed to an increase in egg production gives insight to us and hope that it is not all natural mortality; that those lobsters that were notched returned and they didn't all instantly die; that they stayed in the system for a couple of years. That is one indicator to us that all hope is not lost.

The second point of your question was, okay, we had increased egg production, but our settlement didn't

increase, and that is a fundamental stock-recruitment relationship that more eggs should produce more settlers. For all lobster stocks we have a poor relationship between the numbers of eggs produced and the successful settlement on the bottom.

That is for the Gulf of Maine or anywhere that you want to look at this information. We will say that if you're – and this is the literature that we tried to review in our impediments to rebuilding and failure document was to say if you have many impediments to rebuilding and you have a significantly depressed spawning stock, then your likelihood of a successful recruitment event is that much lower. That's all what we're trying to say.

MR. G. RITCHIE WHITE: Carl, could you put up the analysis that Doug Grout asked for. Okay, I just want to be clear if natural mortality continues at the assumed rate and harvest continues at its existing effort level, within four years, within three years harvest would drop by two-thirds; is that something like that?

MR. WILSON: Sure.

MR. R. WHITE: So if we do nothing and the existing harvest continues, two-thirds of the fishery is going to go away?

MR. WILSON: Well, based on our recruitment estimates or recent recruitment estimates, yes.

SENATOR DENNIS DAMON: Carl, a question that I had – and I think it's going to tie into what Mr. McElroy was asking as well with regards to the natural mortality – you had mentioned that there is evidence of increase of natural mortality during the last ten years. Were you able to identify any of the reasons for those increases; and, if that is the case and we put more female-breeding lobsters overboard because of the V-notch program, yet we didn't see the recruitment or the settlement of those; is that tied into some of these factors which you either have identified or we should be concerned about because we're not getting the settlement and the recruitment that we would like to have? What are the barriers to the reasons for this natural mortality?

MR. WILSON: Well, I think that's characterized in a lot of the impediment section of the document, so the increase in water temperature, increased physiological stress on lobsters that may have caused migration out of areas that were positively contributing to recruitment in inshore areas, and maybe those lobsters – if a body of lobsters are

moved further offshore, their larvae may not get inshore as they once did.

If you look at shell disease having an impact – Mark Gibson’s paper was I think the best attempt of looking at the explanation of the Rhode Island settlement survey relating to how that is explained and shell disease is a factor identified for that. So, yes, we think that natural mortality has increased, but we also – again, if you’re able to – there are still survivors in the Southern New England lobster resource.

Fishermen are still fishing. The emphasis that we’re trying to place is on those lobsters that have figured out a way to survive in these conditions, and those are your investments for the future and working with those.

SENATOR DAMON: And I guess this goes back to what Pat Augustine said this morning or asked about, and is natural predation identified as one of these causes for the increase in the natural mortality?

MR. WILSON: It is mentioned in our document, yes. Personally, I think I can talk the least authoritatively about predation.

MR. SIMPSON: In the discussion of the projections the technical committee indicates that they believe that the higher natural mortality rate, the higher M is more representative of current conditions.

I didn’t see where they made a judgment on recruitment which is more representative of current conditions; that is, the two ways they were modeled, recent recruitment versus the Beverton-Holt Model. Does the technical committee believe that one or the other projections of recruitment is more representative of current conditions; what we can expect in the next five to ten years?

MR. WILSON: Well, again, our data ends in 2007. Obviously, we have collected more data since 2007. Looking at the recruitment, young-of-the-year larval surveys are lower than what we were observing in 2007, at or lower, so our immediate projections, based on the recent years, are not good. The Beverton-Holt I think is an attempt to be optimistic that if you’re stockpiling lobsters, then there should be a positive impact to that, and so a positive feedback into the system. Having said that, the stock and recruitment relationship for lobsters is poor.

MR. SIMPSON: If you could elaborate a little bit and describe just how poor and then maybe talk a

little bit about -- really the most realistic scenario, it sounds like, which is high current M and low current recruitment, has not been presented here in a projection. It is more some combination of partially optimistic and very optimistic.

MR. WILSON: Yes, I mean, high M/low recruitment, it’s low. We did do the scenarios. We did over 60 scenarios. What we were originally tasked with was project low, medium, high levels of catch, and through the conversations we had to cut off what we could do.

MR. SIMPSON: So, the question about reliability of the Beverton-Holt; what percentage of the variability in recruitment would you say is explained by the parent stock size?

MR. WILSON: I wouldn’t have that answer right now.

MR. SIMPSON: That wasn’t done as part of this projection? I mean it is used in the model; we must have some sense of that? No?

MR. WILSON: There are other members of the technical committee. I have been gone for the last month on leave. It’s not in the report.

CHAIRMAN GIBSON: Dave, I think we can get to that information. I think the point is we don’t have a strong relationship between recruits and parental generations. Some of those projections where the stock goes above where it has ever been seen before, you can draw your conclusions from that. I don’t think we need to debate that on the record.

MR. SIMPSON: No, I think it would be useful for the meeting in two meetings to include one of their projections that shows what sounds like the most likely near-term forecast which is under a high M low recruitment scenario just so we have an appreciation for what we’re against here.

CHAIRMAN GIBSON: Dave, we want to keep that in mind for the tasking that we have to do.

MR. ADLER: Carl, a couple of questions. First of all, I was looking at the piece of paper that was passed out showing the abundance from 1959 to 2009. We can see that it was very low and then shot up and then went back down and up and down, and it’s actually higher than it was in the past. I don’t know – was it just because there was a good recruitment at a certain time that caused these spikes

up in abundance when they were so low before, and they didn't have the rules that they had.

That was one question and I'll put all three. The second question was did you notice or everything seemed to change in the – I'm going to say 1997 to 2003. Temperature was up, catches went down, this went up. Everything just sort of happened at that one time, and I'm wondering what it did have. Was it just that the temperature went crazy at that point in time. I noticed everything bad happened when some of these other things happened.

The last question was in your projections for the abundance levels; do you have something showing the outside part of the Southern New England stock area and has the abundance out there increased because the abundance supposedly inside didn't. In other words, is the mother herd out there now, but they're still around but they're just outside?

MR. WILSON: I'll start with your third question and go back to your first one. Our only estimate of abundance, fishery-independent estimates is from the federal trawl survey, and that shows similar declines to what the inshore surveys do. The first question I think was referring to the URI survey that we have considered for previous assessments, before the 2009.

We haven't used it because of the small sample size and that is why it hasn't been used in past assessments. It obviously is a longer time period than we're constrained by for our assessment period in Southern New England, 1984-2007. All we can speak to for our recent history of what we're using for our assessment, prior to the stock increase in the early 1980s, some of the same indicators that we are looking and warning of in our recent documents were much more favorable than they are today.

I can't really speak to what happened over the last 50 years, but we were asked at the last board meeting why did it recover here, you know, were our indicators in 1985 poor, prior to a stock increase, and they were not. Our indicators are poor now – 1997.

MR. ADLER: Okay, is it in your belief that this big change that came right along in the 1998-2003 where you see all the things crashing here and temperature going up there, and then we rules put on the fishermen; is it just the temperature and the water quality issues that I'm keep on hitting everybody with, the sewer treatment plants and the clean water that they put out and those types of things as well as the predation – I can't leave Pat out of this – the predation issue that caused that big swish in the

charts; would you say it's a combination of all that rather than fishing at that point?

MR. WILSON: Well, as in our document, we say there are significant impediments to the resource, including temperature, shell disease, predation, et cetera, et cetera, so, yes, we think that natural mortality has increased significantly, and so we have to readjust the whole system accordingly.

MR. McKIERNAN: I'm curious M and the trends in M and whether or not there can be some subtle changes in M by affecting fishing? What I mean by that is I assume your estimates of F come exclusively from harvest. Back a year ago the technical committee first floated the idea of an August through October closure and described the benefits that such a closure would have on survival of lobsters that might be subjected to I guess being brought to the surface, being caught in traps. I wonder does the technical committee feel that if you control fishing in some way you can actually improve natural mortality.

MR. WILSON: I know looking at some of the Maine data, looking at – this is just an example because I don't think the technical committee has directly, you know, besides saying, yes, if you had a closed season during the summer or during the spawning season and you're not handling lobsters and you're not losing eggs, you're not subjecting to high surface temperature waters – beyond that discussion, in some of our Maine data we can track quite well that longer soak times contribute to higher mortality in the traps, for example.

You could have subtle, you know, hard to track on a stock-wide basis, but you could have probably common sense positive impacts to the resource with a closure that would reduce handling the lobsters during a critical time period in the life history, sure.

MR. AUGUSTINE: I'm back to predation. I want to follow up with Senator Damon's comment. It just seems to me one of the major species that we haven't mentioned – and I've tried to stay away from it because I don't want to put too much emphasis on predation, but the fact of the matter is it was during that 2000-2001 period of time as you all may recall, we had been harvesting something to the tune of 50 millions pounds of spiny dogfish, and it was declared overfished and overfishing was occurring.

There followed a reduction down to 2 million pounds, then to 4 million pounds, and now this past year we were up to 12 million pounds and next year it will be – I guess this coming year it will be 15

million pounds. I don't know how you would do it, but it would just seem to me that if you overlay what the harvest has been of spiny dogfish and as I had indicated the other species of fish, higher-skilled predators, if you will, and how those all go along with the temperature problem and so on, it wouldn't surprise me to find that – for those folks who were involved with spiny dogfish, there was a period of time when large spiny dogfish were being caught closer inshore for some reason – and Captain Jimmy Ruhle as one of the guys on the Mid-Atlantic said they were catching spiny dogfish at a thousand foot of water, little guys.

For some reason the little ones went offshore and the big ones were inshore; and now that is reversed from what I understand and the big ones are more out and the young ones are in, but now the spiny dogfish has been declared rebuilt. I just think that we've got to take a real hard look, before we blame it all on temperature change, and look hard at what does M really represent. I think that's another case where maybe not this go-round with the technical committee but the follow-on go-round with the technical committee, look at their true value, as close to the true value as we can, is how much impact are animals such as spiny dogfish having on this population.

I don't see anything happening now in terms of how much clearer you can get on what M represents with predation is concerned, but there is no question in my mind with the number of those animals in the water that we have, including the other species of fish that are built well beyond the target, that in itself could account for a very, very large portion of our problem. I would just leave it at that; and good report, Carl, thank you.

MR. MARTENS: I have just one quick question, and I think it comes from the data that Doug Grout asked to look at. Most of the predictions are coming out of data that's three years old at this point; and if we follow the trend that current fishing effort is supposed to have us at, we're almost at the bottom of that curve in 2010; is that correct? You said you had been seeing some new data coming in. Does that data track the rest of those data points, then?

MR. WILSON: That's a good question. I think we have compiled – we have got estimates for landings through 2009.

MR. MARTENS: And while you're looking that up; what would that do to the rest of these graphs when we're looking at – you know, if we're much lower

there than where we initially think we might be; what might that potentially do to a timeframe?

MR. WILSON: Again, just quick interpretations of 2008 and 2009 landings, they're the lowest in the 1984 to the present time period, so they've continued to decline in the last two years. The most recent estimates of recruitment, whether it be from the trawl surveys or from the young-of-the-year surveys, are that they're low as well.

MR. MARTENS: That's a pretty steep drop that you have there; is that what we're seeing?

MR. WILSON: Based on the landings, no, we're not seeing that steep of a drop as compared to the abundance projection.

MR. R. WHITE: In thinking about this predation issue, areas farther to the north have seen the same increase in striped bass, have seen the same increase in dogfish, and also have a larger increase in groundfish, and they have not seen the problems that we're seeing here. Can you comment on how predation could be a major part of this problem if we're not seeing it cause a problem farther to the north?

MR. WILSON: Well, I don't feel comfortable talking too much about predation because I think it's a lot of time, space, when and where those fish are and when and where lobsters are. Personally, I wouldn't feel comfortable. I don't think we have included that – I don't think we discussed predation at that level in our documents.

REPRESENTATIVE DENNIS ABBOTT: I think related to Ben Martens question, I was wondering – knowing, first of all, that you used data up to the year 2007 for your assessments and you've received in the interim information about 2008 and 2009; has that information on those following years served to validate the projections that you made in your assessment?

MR. WILSON: In part they could. I think when we compile data for the assessments it is more than just raw landings. It is also where the landings came from, what the size of those landings were, where they surveys were collected, et cetera, et cetera, so, yes; on a coarse level, yes, the recent information would be able to help, but we could not go into the detail that we do within the assessment framework.

REPRESENTATIVE ABBOTT: I think my question was more pointed at has it validated your projections?

MR. WILSON: The last two years of landings have declined.

REPRESENTATIVE ABBOTT: As you predicted?

MR. WILSON: As these projections suggest.

MR. HIMCHAK: I would just like to put a little attention on the shell disease issue in the white paper as far as a contributor both to an increase in natural mortality and perhaps impacted successful recruitment; and in the document you talk about the incidents of shell disease in Narragansett Bay, Long Island Sound, Rhode Island Sound, Long Island Sound, Buzzards Bay and Vineyard Sound, and then you jump to the conclusion that it is probably prevalent in 15 percent of the population. Again, this is based on the prevalence in the harvest. Is this just the harvest in those inshore areas? Then I have a second question.

MR. WILSON: I think those estimates come from fishery-dependent and independent measures from trawl surveys and the landings. At-sea sampling data is the primary data collection for shell disease, I would say.

MR. HIMCHAK: Okay, because then my next question would be what the prevalence of shell disease would be in lobsters taken during the NMFS trawl survey, which would cover the offshore waters where our fishery is prosecuted? In other words, I'm trying to get a concept of this 15 percent. Can you paint the whole Southern New England area with such a broad brush?

MR. WILSON: Well, I think there are definitely areas within Southern New England at higher than 15 percent of shell disease and there are areas that have lower. The painting of the broad brush point taken, but I think the majority of landings in Southern New England are coming from Rhode Island, Connecticut and Massachusetts and portions of those areas have a high degree of shell disease.

DR. STEWART: Just, again, a comment about our drastic temperature increases and how it affects lobster populations; I have a hard time seeing it as affecting habitat distributional exclusion because lobsters are very dynamic with different fluxes in and offshore. They seasonally select an environment. If

the environment spoils, they leave it, they migrate away from it.

The temperature profile is extremely important where those thermoclines hit the contour of the bottom. We may have had a slight offshore shift, but I can't see it causing any decline in recruitment. If anything, the temperatures in Southern New England enhance the population's capability to grow. They go through two molts.

Gulf of Maine lobsters and offshore lobsters do not have two molts. They molt in October and in June when the water temperature is at 53 degrees. A population actively moves inshore in the fall to get that thermocline. Thirty percent of the population molt and mate, reproducing. It gives the population a boost up in the winter. They often stay inshore in the winter.

It would be important to do abundance studies inshore in the winter to find out what our inshore populations really are doing. In the spring, as the water temperatures warm, those animals that are inshore in shallow water go through another molt; not the ones in the fall but the other 30 percent. You have twice the growth rate, twice the ability of the Southern New England population to respond to recruitment failures or to rebound.

Those are just two takes on temperature, molting and growth for the Southern New England population. I think it is much more resilient than some of the offshore species. About shell disease, 15 percent is not bad. Usually it is on adults. It is on those animals that don't molt. Usually it's not extreme, it's not critical or chronic. It doesn't interfere with reproduction. It just looks bad for the marketplace. Younger lobsters are not prone to shell disease because they're molting more and more times, six or seven times, so they shed the shell disease.

MR. O'REILLY: Carl, I guess you a couple of times told us to be cautious about interpreting the projections, especially as you move away from current years; but when I looked at the various figures, most of the uncertainty that I saw initially is with the different treatments that are here, whether it is with natural mortality, inclusion of Beverton-Holt, or the recruitment stream.

I wasn't sure but I know that Dave Simpson, in his questions, you responded there were about 60 runs and that you chose the ones that we see here. Is there some incentive on the part of the technical committee or the board that at the next meeting to have some

likely candidate put forward for natural mortality, recruitment, and inclusion or not inclusion of the Beverton-Holt. Is that something that has been thought about?

CHAIRMAN GIBSON: I think now that we have finished board input, we need to decide what you want to do with this report, whether you want refinements of it or some additional variations of it for the next board meeting. Dave Simpson.

MR. SIMPSON: To that, for now I think it would be in my view sufficient to have an additional run that would include both what I'm taking to be the most likely current conditions of high natural mortality and current low recruitment and project that under no fishing, 25 percent reduction, 50 percent reduction and status quo fishing rate so that we can see what that looks like. I have major questions about our ability to do projections, but I think the Center for Independent Experts is going to provide a much more technical review of that and I would leave it to them.

MS. KERNS: Dave, we already have that run and I can send it out to the board on Friday if I get back to the office in time. The technical committee went ahead and showed you and presented the Beverton-Holt runs because that was the direction that sort of we were given, to go ahead and show those runs over the other runs. We planned on providing the whole gamut of projections that we did to the CIE, not in graph form but just a quick table of all of the runs that they had done.

MR. WILSON: And the results are it is low.

MR. SIMPSON: And I know that and I think it's within the realm of realistic forecasting of what we're in for, and I just think everyone needs to be aware of that and not go home looking at these and saying, well, look at all these different alternatives, and they're not looking all that bad when in fact all but one of them uses a lower M than the technical committee thinks is the current case.

I think we need the one that we thought the technical committee had the most confidence in that current low recruitment probably is the best predictor of future recruitment, and current recruitment in general is probably the better predictor of future recruitment since there is no stock-recruitment relationship, and high M is what the technical committee suggests is the more likely case for the near future. We might as well see how bad it likely will be for us.

CHAIRMAN GIBSON: Just so I'm clear, Dave, are you suggesting a revisit to the projections at the next board meeting? Toni had suggested she could send them out, but do you want this on the agenda?

MR. SIMPSON: No, it doesn't need to be. I think we just need to have them; and if they could add it to this document with a little bit of text so that it doesn't end up to the side and forgotten.

CHAIRMAN GIBSON: Okay, I think we know where we're going now. George, you've got a bad face.

MR. LAPOINTE: If the board makes the decision that projections aren't useful, we shouldn't ask them to do new ones; should we, David?

MR. SIMPSON: I was going to leave that conclusion to the CIE. I've drawn my own conclusions about how much I believe in the projections, but I would like to leave it to the CIE to inform the board.

MR. LAPOINTE: Fair enough.

CHAIRMAN GIBSON: Okay, we're over a half hour behind. I wanted to step out of the projections and leave them where they are and the CIE will weigh in on those when they get them. I'm going to turn it over to Toni now for the Southern New England Rebuilding Decision White Paper.

REVIEW OF SOUTHERN NEW ENGLAND REBUILDING DECISION WHITE PAPER

MS. KERNS: On the materials that were sent to the board as well on the back table, there is a document that's called "Southern New England American Lobster Stock Rebuilding - A Decision Document", and that is the document that I'm going through to get some feedback from the board.

Carl already showed you guys the stock assessment area that looking at. It's the area in green for Southern New England. At the May 2010 Lobster Board Meeting, the board tasked the plan development team with initiating a draft addendum that would propose new management measures to improve the condition of the Southern New England stock that would include management options from do nothing to a five-year moratorium.

The PDT started to draft an addendum and found that there wasn't sufficient direction from the board to put together a meaningful document for your review. As the Plan Development Team Chair, I'm going to go

through a series of questions that I'm hoping that you give feedback that I can bring back to the plan development team so that we can continue to draft a document that will be meaningful for this board.

The first section that we're going to go through is the statement of the problem. What I would like to do is get your feedback on each section as we go through this document. Statement of the problem; what are the elements of the stock status that should be included in the statement of the problem for the document?

The board has been presented with a stock assessment from 2009 that gives us the current status of the stock, which says that we're not overfishing but the stock is overfished where the abundance and recruitment levels are at all-time lows. We set reference points at the last board meeting that indicate that. The reference points that were set were set at a lower standard than the other two management areas because of the environmental conditions that are in Southern New England.

There is that first piece of information that we have as well as the technical committee report that Carl has just gone through that indicates that the stock is suffering from a recruitment failure and that this is partially based on the adverse environmental conditions. Should the PDT include both elements of the stock status into the statement of the problem, and then what weight do you want us to put on these elements?

Is it a heavier weight on the assessment that has been peer reviewed or do you want a heavier weight on the technical committee report that talks about the impediments to rebuilding and that there is a recruitment failure? And then are there any other elements of the Southern New England fishery that you see as a problem that needs to be highlighted for this management document?

CHAIRMAN GIBSON: Toni, before I go around the board for input in this, what I would like you to be thinking about is we agreed before lunch that we're going to go a Center for Independent Experts and we're going to polish up some terms of reference and look at those again. Prior to this meeting, I have been anticipating and have been struggling to see how far into this white paper decision document we should penetrate prior to having that Center for Independent Experts advice in our hand.

I certainly haven't come to a conclusion on that and I'm hoping that the board has been thinking about

that as well in trying to work our way through this. Some of the terms of reference that I suspect we're going to ask the Center of Independent Experts bear on this first question about recruitment failure. I think we have already articulated some questions in that regard for polished terms of reference, but we're trying at the same time to provide Toni feedback. I just throw that out there. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, I think we've had a very lively discussion and debate and input today particularly as to what we think the terms of reference should be. I think as was pointed earlier – and you said it, Mr. Chairman, to move forward with going any further with this document without having the CIE report, I think it's kind of iffy.

While we could “what if”, if you would, I'm not sure it's going to accomplish anything. The real question is if we put down a statement of the problem as we believe it is and the CIE comes back and says, well, yeah, you're right, but – then we're at ground zero. Do we want to go through the exercise now; and the real question is what is to be gained at this point in time. I open that up to the other board members. In my personal opinion I think we should wait on this.

Albeit a matter of months by the time the CIE gets back, we might want to review the other elements in here that are more parochial that we would have to do later on. We might look at management options because that could be very expansive. But without having a full report from the CIE as to how accurate this report and recommendations we're asking to evaluate from us, I would be inclined to say, no, let's not go any further right now, Mr. Chairman.

MR. GROUT: Mr. Chairman, I have different viewpoint on that. Clearly, I think we'll put in the stock assessment which says that we're below the threshold and we're not overfishing in here. That is an important piece of information, but I think the information that has been brought forward by the technical committee does need to be put forward in here; and maybe at this point time, as the document is being developed, that we put it in with the assumption that at the board meeting we're going to send it to the CIE and say this is what the technical committee has come up with and it is in the process of being peer reviewed.

We can make a decision at the next board meeting whether we're comfortable or not moving forward with the addendum with or without this CIE review, but I think there is information in there and I think it should be put in as a statement of the problem and

state at this point it is pending peer review from the CIE.

MR. McKIERNAN: Unless the overfishing definition's abundance threshold is going to be replaced by this board by a future addendum, then I think we're safe using the peer-reviewed assessment that was presented to us last year, and we should proceed with an addendum to rebuild the stock by 2022.

I think the only thing that was going to be peer reviewed by the CIE is whether or not the findings of recruitment failure, which is kind of a qualitative description by the technical committee, were valid and whether or not we need to act further. We already have a mandate to recover the stock – or I should say increase the standing stock of adults by 73 percent by 2022, which gives us 12 years.

I would prefer that we commence an addendum, not in the next ten days but maybe over the next three months, and, of course, the peer review can be done simultaneously and we can change things at the last minute. If we wait three months or maybe even six months – let's face it, these regulations don't kick in until typically June or July; we're probably looking at postponing until 2012 any management measures, so I would prefer that we move forward.

MR. LAPOINTE: I agree with Dan. If I look at Toni's question about are there other elements, I don't see them. The stock assessment is the stock assessment, and we have the technical committee information. There may be some modification of how we describe the technical committee information; but in terms of other elements of data, I don't see it. I think with this section and again with the question Toni asked, I say we move ahead with this and go to question number two.

MR. SIMPSON: I'm trying to look through the transcript from our last meeting, but I thought we got a little further at that meeting, beginning with George's motion that we initiate an addendum to address the stock condition in Southern New England, and it would include a range a options from no action to a moratorium. We talked about short-term projections and my arguments for the use of the median and the quartile as limit reference points and target reference points.

There was a discussion about what can we hope to accomplish in the next five years. I think if we put off – you know, our target is not until 2022. We'll go to sleep for the five or ten years and we'll wake up a

few years out and then worry about it. I don't think that's the right thing to do, so I do think we need a little more focus than that.

We need this review from the CIE so that we understand our level of confidence in projections, how much confidence can we have in our ability to rebuild this resource, but I don't think we can just sort of paddle around here. I think we need to have some focus and be thinking about implementing something in about a year from now, June or July of 2011.

If the CIE review comes in within two or three months, I think we can still hold to that timetable and at least get something started. I think we would be doing ourselves a favor and the technical committee a favor to at least start a list of management approaches short of a moratorium that we want to consider so that they can begin to flesh out the details of that.

MR. McELROY: I don't know exactly how this relates, but in A here we're talking about the stock is not being overfished, but the second half of that statement says that abundance and recruitment levels are at all-time lows. Now, this chart that I passed out earlier today, certainly the board doesn't seem to have very much interest in, clearly shows that we're not at all-time lows in abundance and recruitment.

I'm a bit worried about leaving a statement like that that is certainly up for debate in the document; and then it goes down for that review panel and they read that and it says that it's an all-time low; and we have something else here that says it's not at an all-time low, I think that we need some time to bring that into the bill of particulars that we're trying to work up.

MR. WILSON: Bill, quickly, I think that just references the stock assessment period of 1984-2007. That's the all-time time series low for the assessment.

MR. McELROY: Right, I understand that, but the point I'm making is that it's not the all-time low. It is the all-time low in the window that the board has chosen to look at, but it's not the all-time low, and that's a huge difference there. We have been lower and recovered and then we went down again and we recovered and we went down again, and now we're saying we can't recover.

I look at a lot of this stuff and it is troubling, you know, because I am a simple man. I have a hard time understanding how we can say that it's an all-time low when it isn't. It is not setting up – it's like we're lobbing a softball to the review panel to make sure

that they endorse what we have here rather than properly question what we're doing.

CHAIRMAN GIBSON: I don't have anybody else on the list right now. What I'm hearing I think in terms of a majority opinion is that we need to move forward under the operational management program. We have the FMPs, the addendum, and the adoption of the reference points that we've done and the peer-reviewed stock assessment.

I think that's the signal I'm hearing coming back to you on that particular issue and that the new information that the technical committee developed, that's going to undergo its CIE review and we may react to it in whatever way we think we need to react to. I understand Bill's point and I think what should be said here, if this is retained, is that it is at the lowest point in the assessment period and identify that 1982-2007, whatever it is;

I don't know how at this point additional information that is outside of the peer-reviewed stock assessment gets brought to bear at this point unless there is a way – unless it happens at the August board that we adjust terms of reference somehow to broaden our reach. But that's what I'm hearing now from the majority of the board to proceed under the FMP that you have, its addendum, its reference points, peer-reviewed stock assessment. The CIE review will go on in parallel, but I would strongly recommend that you think about the polishing of the terms of reference for the next meeting and what information that can embrace and not embrace. George.

MR. LAPOINTE: To Bill's point, looking at one set of data isn't an assessment, Bill, and the assessment is built on data that is brought forward by the states and by the feds. There is probably a reason that some of this data hasn't been used. That's an entire population look and that's what we need to look at.

I seem to recall that Carl said that the sample sizes on this are low, and so it is the difference between one survey, which shows clearly what the results were, and the assessment which looks at all the surveys through the entire range of Southern New England in this case, and there is a fundamental difference between the two.

CHAIRMAN GIBSON: Okay, I guess we'll move on to the next issue.

MS. KERNS: The next section is looking at the purpose of the document. The board didn't give clear direction on what problems specifically that we're

trying to solve through the draft addendum. The PDT went through the goals of the management plan as well as the timeframe and outline that we've put together for rebuilding through other addendums in the plan.

The goal of the fishery management plan states that there should be a healthy resource and a management regime which provides for a sustained harvest, maintains appropriate opportunities for participation and provides for cooperative development of conservation measures by all stakeholders. The PDT is looking for board guidance on how to balance competing FMP goals.

Under the current stock conditions that we have seen through these new reference points, we do not have a healthy Southern New England resource. On that hand we are not meeting one of our goals of the FMP. On the other hand any dramatic management responses that would help rebuild the stock on a quick basis would not maintain opportunities for participation and could potentially put whole sectors of the industry out of business, which would undermine the ability for sustained harvest or sustained economic viability of the fishery currently.

The first objective in the FMP is to protect and increase and maintain the brood stock abundance at levels which would minimize the risk of stock depletion and recruitment failure. We are not currently meeting this goal. Then the addendum that set the reference point for the Southern New England stock says that we are overfished and we need to have a 73 percent increase to reach the target, and that should be achieved by 2022.

The PDT is looking for guidance on how to balance the goals of the FMP and whether or not the board is trying to rebuild the resource to the target by 2022. That addendum allows for a stepping stone approach to rebuilding where you can create a management plan. After five years when you have a new assessment you can re-evaluate that management plan.

If you're not seeing any positive feedback from the management measures, you can readjust and alter that management plan and then re-evaluate again in another five years. It does allow for some stepping stone approach in terms of the rebuilding to get that abundance level higher. So sort of two questions; how to balance and are we trying to rebuild to the target level?

CHAIRMAN GIBSON: Okay, I'll lead off here. It seems to me this is a pretty difficult task or feedback for the board. Given what we just talked about relative to projections, our lack of confidence in the projection exercise at this point and in fact our desire to have it reviewed at the Center of Independent Experts – I think given that, it makes it very difficult for us to evaluate the so-called one in the hand and two in the bush, which I think is what you're asking about, how do we balance the FMP goals, which is to maintain healthy fisheries – well, we certainly don't do that with a moratorium.

I don't know that we have the projection exercise in hand to tell us what the benefits of a moratorium or other management measures short of that to give us benefits down the road. That's my take on trying to give advice to you, but I would like to hear from other members of the board. Dan.

MR. McKIERNAN: My take on this is if five to ten years from now we learn that the habitat can't support lobsters in the way that the habitat supported it in the nineties when the overfishing definitions were established and the thresholds, then we're going to have to adjust that goal. Until we learn whether these trends are true, then I suggest that we move forward and try to stop the bleeding and work to reduce mortality by, say, 50 percent in the near term, over the next one to two years, and dismiss any future conversations of moratoriums because I don't think any of us want to see that and think that's a proper step in managing a fishery.

That's my suggestion, keep an open mind about the thresholds, whether the habitat can support it and work through the addendum to reduce mortality. I used word mortality carefully because certainly it's fishing mortality, but I think if there is anything we can to improve M, we should do that as well.

MR. LAPOINTE: I'm going to go backwards. Under D, the plan development team asks whether we want to increase stock abundance or ensure the stock can be rebuilt to the target level by 2022. I don't think we can guarantee that, so I would advocate a goal of significantly – you know, taking significant measures to increase stock conditions to maximize the chance of moving towards the goal. If we just say we want to increase abundance, I don't think that's specific enough to give it any clarity.

Then in terms of preserving the fishery, when you say one in the hand or two in the bush, if we don't have the bush we aren't going to have any birds out there either, so we're not going to have a healthy

fishery unless the stock increases as well. I don't see the two as being mutually exclusive.

MR. SIMPSON: I think the reference to the 2022 target for rebuilding goes back a couple of addendums and a couple of assessments ago, and I'm not sure it applies anymore. We have new reference points and a new assessment. I agree with Dan that I think what we need to do is focus on what is clearly an immediate need to try to rebuild this stock to a level that it can support a more viable fishery than it does now.

I mean, some areas are not doing that badly; other areas are doing very poorly. I think our focus today and in two weeks – and it's nice that we meet again in two weeks because it gives us a little bit of time to reflect, but it's not so far that we kind of get distracted again. I could fully support taking a moratorium off the table right now. I haven't suggested it before because I would like to hear what the CIE thinks, and I'll wait to hear that, but I haven't seen anything to date that would justify that dramatic an impact on this industry and any assurance that it would lead to substantial recovery in the near term.

Again, remember that we adopted those new reference points based on a new assessment as interim reference points, and there is reference to hopes that in five or more years we'll have biologically based reference points and not medians and quartiles and so forth. We have to remember these are not biologically based reference points.

I think in the near term we're dealing with high natural mortality, poor recruitment; what can we hope to accomplish in the next few years under those conditions? I think that's what we need to focus on in August and start developing that list of approaches short of a moratorium of how we're going to get there, and they are fishery management actions, unfortunately.

We can't address the temperature concern, but we can try to rebuild this stock a little bit so we have a more viable fishery sometime in the foreseeable future. In a previous document, July 23, 2009, the technical committee developed a list of management approaches, sort of the standard list of input and output controls.

Whether we refine that list today or in a couple of weeks, I could go either way. I have my ideas about the kinds of things that should be further developed, but I think I'll hold off on making those suggestions until I hear what others think about the timeframe

we're working under. I think that's the main point right now is are we looking to restore the stock by 12 years from now and most of us will be gone or are talking about what can we hope to accomplish in the near term. Should we get going on this? I would like more comment around the room on this idea of taking the very emotionally charged moratorium option off the table so that we can focus a little more seriously on management actions instead of dealing with media calls four hours a day.

MS. KERNS: Just to be clear, then the PDT is going to take off the table that we are trying to achieve the abundance target and that we are trying to just have a more viable fishery than current levels. We are taking off of the table to achieve the target – to put in place measures to achieve the target and replace that with a more viable fishery than current levels?

MR. SIMPSON: No, I think before we can do that we need to have a review of the projections so that we can understand what we're capable of accomplishing in the interim, which to me I have always thought in terms of five years. That's an interim period, and I would like to hear what the CIE says about these projections and how much we can rely on them in our planning.

MR. McELROY: Well, I agree with you a hundred percent that it is time to take the five-year moratorium off the table, but in addition to that I keep hearing that we're talking about the possibility of 25 percent remainder of the landings, a 50 percent remainder of the landings over what we've averaged for the last couple of years.

I can tell you as an industry member that virtually everyone will be instantly out of business if you said we can only have 25 percent of what we caught last year or the year before or the year before that. We'd equally be out of business if you told us that we could only have 50 percent of the landings of what we had in the past.

We have a terrible situation where the industry has given all that it is capable of giving; and if we insist on taking more, there won't be any industry left to come back to five years from now even if we made a huge improvement in the stock. I think the board needs to confront the reality of destroying the fishery to save the lobsters doesn't really do anybody any good. That is what it would boil down to. If you cut the landings in half, the industry is gone.

If you have a five-year moratorium, the industry is gone. We don't have those options. It might be easy

for people sitting around the table that are drawing a paycheck from the state to think, oh, well, you know, it's just five years and that's what we have to do. As a person who is sitting here having to make a living off of that, we've already given an awful lot.

We had that North Cape Program and that did a wonderful thing. It gave us some information. We've got other information that has come forward from 1996 or 1997 to now. In Area 2, for example, the effort has been reduced approximately 80 percent. Now, that is a pretty good experiment as to what will work and won't work.

We've taken 80 percent of the effort out of the water and it still hasn't helped. How in the world can any of us look in their hearts and say in any kind of confidence that, well, let's nibble around with the last 20 percent that is left and see what happens there. We're going to get the same results that we got when the first 80 left. That's all; thank you.

CHAIRMAN GIBSON: I think right now we're ahead of ourselves in these management options, and maybe that's where the board wants to go and deal with the gorilla we're talking about, but Toni is trying to get information on a statement of the problem. Do you want to ask the question again?

MS. KERNS: Well, it's the purpose of the document because in order for the plan development team to craft management options for this document, they need to know what the clear purpose of the document is. They want to give the board realistic – and to the degree of the information that the plan development team has in front of them, we want to give you realistic management options for whatever it is that you feel is the purpose of this document. If the purpose of the document is to rebuild the stock under the current conditions as it is, then we would be able to provide you with X options for that.

But if the purpose of the document is something else, then there might be a different set of options that we would provide you with. In order for us to provide you with management options that meets what you all want for this document, we need a clear purpose of the document. That's why I'm trying to get that as clear as possible because the plan development team vetted a purpose of the document to a subgroup of the commissioners and there was not agreement amongst those six individuals.

That was one of the main reasons why we went back to this white paper because we figured if six people couldn't agree to it, then the whole board would not

be able to agree to it. We're looking for very specific guidance here, and I just don't feel as though the plan development team has gotten much guidance on the purpose in that sense.

MR. AUGUSTINE: So, Toni, what you're saying if we really don't have an option and the board is forced to come up with an agreement of some rebuilt; that's what you're asking for?

MS. KERNS: It doesn't need to be a rebuilt date. I think that you have the flexibility to craft a purpose of the document as you wish. If you want to have the stock rebuilt by 2022, great; if you're trying to just achieve a rebuilt stock to the target, that's another direction that I guess you have opportunity to go through. If you're just trying to increase the abundance level so that you have a more viable fishery, that's another set of options that you can have.

I just need to know which one of those it is or if it's something entirely different that you're trying to achieve. Certain things are going to limit your scope of options under the information that the PDT has. If you want to rebuild to the target at current levels, none of the projections show that you can do that under the current conditions. Even a moratorium won't get you there because of natural mortality levels. The plan development team needs that guidance in order to craft something that is meaningful to you and to the public.

MR. AUGUSTINE: If I go to the next sentence, it says Addendum XI established that if no measurable progress is made after five years, then additional measures will have to be taken to rebuild the stock. Are you suggesting we're at five years right now?

MS. KERNS: When we redid the assessment in 2009, we were at five years from Addendum XI where we set this timeframe; and the stepping stone period, it was the 2003 assessment that --

MR. AUGUSTINE: And what would be the difficulty of re-establishing that five years to another five years? I'm going to ask a dumb question because I think I know the answer, but were this board to decide, based on the predation levels we believe are there -- and there may be change in that by increasing the harvest of some of those species that are doing considerable damage -- looking at the trend of temperature and so on; what if we, the board, made the assumption that, yes, there will be some changes made; would it take an addendum to change the five years in Addendum XI in order to go out

another five years? Is that clear or is that too convoluted.

MS. KERNS: If you want to change your final end date for your rebuilding timeframe, then you would have to do an addendum to change that. You have 12 years in there so you have some time and some flexibility in your stepping stone period where you can make changes. We put five years in place because of the life cycles that lobsters go through and you want to be able to allow those management measures to go through the resource and have some effect and to see that effect.

MR. AUGUSTINE: That's what I needed, Mr. Chairman, for my next point. That being the case -- and if you don't mind I'll take a leap of faith and move on to management options, the PDT indicated in order to achieve the significant reductions the PDT recommended the board consider output controls including quotas or seasons with a combination of trap reductions to significantly reduce exploitation, and we haven't got there yet.

If we adopt a rebuild schedule of 2022, I think we have shot ourselves in the foot before we look at the possible management options we could come up with during the next five years that we could put in place whether it's closed areas, whether you go to VMS, whether you have GRAs, whether you have trap limits, whether you have daily limits, whatever. We have not looked at any of those.

To take a leap of faith and say, well, 2022 is the deadline date, that's it, it's over, everything you have said so far, everything the technical committee presented, well, it's a done deal, we will eventually get to a moratorium. I think that's not where we want to go in one easy step. I would love to see us -- once you get over the statement of the problem, I surely would like to get into management options to see what we can do as a consideration. Thank you.

MR. GROUT: Clearly, Mr. Chairman, this is part of the statement of the problem. We have set targets and thresholds here for this stock that we've said we're going to rebuild to. However, the best advice we have right now from our technical committee is saying that even if we do have a complete moratorium for five years we're still not going to get there.

If we don't do anything, here is the other problem. We're talking about the -- the industry is talking about we can't live with a 50 percent reduction. Well, according to the best data, if we don't do

anything five years from now they're going to have to live with a 66 percent reduction in their landings because the abundance levels are down.

This is the toughest addendum or management action that ASMFC has ever undertaken right now because of the consequences of this and because of the recommendations we've had. I have to agree that what our target needs to be, what the goal of this addendum needs to be is to rebuild to our target by 2022. I think that's what we've got to look at right now, but based on the scientific data I don't know how we're going to do it right now, but I think that's what we need to put in our plan right now, the addendum.

MR. SIMPSON: We're having trouble because we don't know what we can hope to accomplish. In almost every other case I can think of where we've looked at rebuilding timelines, we had peer-reviewed approaches for doing stock projections. We had a deadline that we were trying to meet, and we worked around those points, and we don't have that here.

I don't want to just spin our wheels here forever. I don't want to just put this off to 2022. I think we need to be focused on what we can do in the next five years; and to get the technical committee going, just start developing a list of approaches to reducing fishing mortality that would be further developed by the technical committee. I'll start just to try to focus some discussion.

I would move that the technical committee evaluate the effectiveness of closed seasons evaluated by state lobster management area and time period. I would recommend a time period of a month, one-month-long intervals; closed areas evaluated the same way by state lobster management area and statistical area – and some of this is going to need refinement because there are limitations on what can be done and so forth, but I just want to get us started – quota-based management, output controls evaluated by state lobster management area; and trap limits as an input control.

That has been mentioned before in the technical committee, but I haven't seen the evaluation and the relationship between the number of traps fished and F. Certainly, it's not linear. There is general discussion of it should be reduced to the point where it becomes linear, but that hasn't been identified in anything I can read, so we need that evaluation.

Is it an 80 percent reduction in traps that is required to achieve a 50 percent reduction in fishing mortality

or what is it? I think if we develop that matrix of that series of tables we can then discuss how much we want to reduce. Normally you would start the other way, but I think you need to build those tables anyway.

To my mind and in my discussions with fishermen and others, all along I've had in mind something in the range of 50 to 75 percent to consider because I think it will require substantial action in the immediate future to have any hope of rebuilding this stock. Again, this will take us months to develop; it just will because of the complications.

This will happen in the context of closed areas. We know there are certain areas that are doing much more poorly than others. There are areas of Connecticut that landings have declined by 95 percent since the peak in 1998, so the threat of a 50 percent reduction means they'll be down 97.5 percent.

My hope is that we can rebuild some of those areas to where there is a more viable fishery again or we can just fish the last ones out. I think that's kind of our choice and I'm not willing to accept the latter. I have gone way beyond the motion statement, haven't I, and gotten into some of the explanation, but those are the alternatives I think need to be developed in addition to another that I heard which is along the lines of a V-notch program, and that would be a male-only fishery.

CHAIRMAN GIBSON: That was a motion, but do you have something written down. I know we struggled the last time with this. Toni.

MS. KERNS: I think I got the gist of most of it. The first one, David, is a closed season by state lobster management areas and statistical area; is that correct?

MR. SIMPSON: Closed seasons would be by state lobster management area and time period or month. Closed areas would be by state lobster management area and/or statistical area, whatever is possible, and the quota management would be by state and lobster management area.

MS. KERNS: And trap limits by?

MR. SIMPSON: Presumably broken down the same way so that we can combine and mix –

MS. KERNS: State and lobster management area?

MR. SIMPSON: Yes.

MS. KERNS: And then you want it to be a range of the reduction in F by 50 to 75 percent; if they showed you 50 percent and 75 percent, would that work, like show you the low and the high?

MR. SIMPSON: What I would like to see as a starter is just the tables that you would work off of. In other words, this would be just – a lot of it will be just an exercise of accumulating and presenting information they already have from the stock assessment. Just show us where the landings come from temporally and spatially. It is not a ton of new work, but it will be presented to the board in a way that we can begin to think about what would it mean to close from June to October. I mean, that has been thrown out but –

MS. KERNS: What type of reduction it is.

MR. SIMPSON: – but I don't know what percentage that is, so let's look at a table and –

MS. KERNS: Tables, okay.

CHAIRMAN GIBSON: David, what I would like to do is take a biological break here and get this motion written up and put on the board. Pat.

MR. AUGUSTINE: Mr. Chairman, I would ask the maker of the motion to actually follow the guidelines of the document which indicated in order to achieve a significant reduction, the PDT recommendation to the board is to consider output controls including quotas or seasons with a combination of trap reductions and then add to what you said about LMAs and so on.

But you also asked the PDT request the board to provide guidance in what types of fishery controls should be considered in a draft addendum if natural mortality were to drop. I think that's where you're getting to right now. But it's all right there and you might want to capture that and capture some of that. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: What I would like to do is get that written into a motion form and then we'll dispense with that; five-minute break.

(Whereupon, a recess was taken.)

CHAIRMAN GIBSON: Okay, I'll call the Lobster Management Board back into session. We have a motion we're ready to consider. Okay, we'll take a look at this motion and I think I still need to get a second on it. I would ask Dave to read this into the record.

MR. SIMPSON: Okay, I'll apologize again; I didn't know how much of this we would try to tackle today. I would have had it all written out, but I didn't we'd get this far. **Move that the board task the technical committee with evaluating the impacts on landings of; one, a closed season by state LMA and time period (one-month time intervals); two, closed areas evaluated by state LMA and/or statistical area; three, quota-based output controls based on landings by state and LMA; four, evaluate trap limits as an input control and determine percent landings' reduction associated with levels of trap reductions; and, five, a male-only/V-notch program.**

CHAIRMAN GIBSON: Thank you; is there a second to that? Seconded by Brian Culhane. During the break, Toni beat me up again for not having a clear purpose for the addendum here. It is my understanding what we're trying to do here is to develop some management alternatives that would begin the process of rebuilding to our Addendum XVI targets and thresholds and within the timeframe that is specified in the remainder of the management action, 2022; and until such time as we have this information it is going to be difficult for us to specify the purpose of the addendum further than that. Seth.

DR. MACINKO: Well, to that point, I guess I just wanted to ask to what end from the maker of the motion because it seems like we've just substituted a focus on landings – and I guess by landings what you really are targeting there is mortality – and Toni is asking us what about the goal of rebuilding. Those are different things.

You're not under an overfishing status, and yet it seems as if, well, we're fishery managers, that's what we do, we cut mortality. None of these options may get you to the rebuilding and are you just going to substitute cutting F because at least you can do that. I mean, you're not getting the answer you want, are you, Toni, in terms of the overall purpose?

MS. KERNS: In terms of the information that the PDT has, if you include what Mark just said within the timeframe of the rebuilding plan, 2022, then none of these – I mean, doing this would be a futile process because the information that we currently have, which I realize needs to go through the CIE peer review so maybe we'll have different information once that's over, but it says that it doesn't get you there.

That's sort of the thing that the plan development team is trying to get across to the board is that there

are some impediments here that we don't know how to get over – hurdles that we don't know how to get over and we need some other direction from the board there because we can't solve those problems on our own.

MR. LAPOINTE: Well, first, I agree that we still need to work on the goal, but I'm concerned that – I'm opposed to this motion because I think that we're asking the technical committee to evaluate things in a way that they won't be able to do. We've been struggling with the whole trap limit and what that does in Maine in terms of landings.

When the work was done around Monhegan, we went from 600 to 300 traps, but the information Carl had suggested that you would maintain your current level of landings until you got below a hundred traps. I think he might have said fifty. I think that what we're asking them to do, they can come up with some numbers and we will end up with a valuation similar to the evaluations we did when we ascribed reductions in mortality to our transferable trap tag programs and reductions in traps early with Amendment 3. We got numbers. The technical committee tried to meet the board's wishes and came up with qualitative assessments that really didn't help us. I think we're asking for the same thing here.

MR. WILSON: I think we can certainly generate landings by area, by LMA, by month in recent years. That's an exercise that has already been done. It's in the assessment; it's just pulling it out and displaying it in the context of this conversation. I understand that and we can certainly do that. To ask the technical committee to go and evaluate closed areas, closed seasons, trap reductions without a goal, kind of an open-ended percentage landings' reductions associated with levels of trap reductions – take our uncertainties about our projections' estimates from model and just multiply that. You know, it's an exercise and we can go through that exercise, but I think we're pushing for technical advice that may not be there.

SENATOR DAMON: The reading of the motion and the written words of the motion were slightly different, and so I want to ask the maker of the motion and the reader of the motion if in fact his intention was in number two where it says "closed areas"; in your reading you inserted after "areas" "evaluated by state", and so is that what the motion is intended to be stated as or as it is written?

MR. SIMPSON: Yes, it is intended to be evaluated by state; "evaluated" goes before "state", and I have

some responses to the other questions earlier when the time is right.

MR. P. WHITE: I appreciate where this is going, but I do think even with a goal in mind, a few of us went through this about 18 years ago with our F 10 percent and our little ladders, and we got 2 percent for this and 10 percent for that – and I see Billy smiling – and it was a very difficult ordeal to go through; and I think to do this without some specific goal – and I'm not bringing back the 10 percent – this is a very difficult thing to do and at this point I oppose it.

REPRESENTATIVE MINER: Mr. Chairman, I guess part of my concern here remains are we looking at this in a very closed, narrow focus, and in this case the stock itself, and not the impact – I guess as I read this name plaque, "working towards a healthy, self-sustaining population – to what end are we rebuilding what?

If in the process of rebuilding, in this case lobsters, any one of these, the economics – any one of these proposals, the economics of which are not viable in terms of the fishery, what does it get us? I don't know where this motion goes, but if it was to continue to succeed, I guess, and live, at what point do the economics of these models get played out? Is that something that the technical committee considers or are they strictly looking at the numbers with regard to the animal?

MS. KERNS: I can do my best to answer that, Craig. The technical committee is not going to look at the economics of these numbers. The PDT is trying to put together as much information as we have on the economics and how we predict or think that could affect the fishery. The problem is that very, very little economic information is collected on the fishery and the industry.

Therefore, it's very difficult for us to provide that information. Some of the economic studies from many portions of Southern New England go as far back as 1997 and 1998, and that is not very reliable data for current times, obviously, and so that's not going to provide you any information. All we really have is X-vessel value. Probably the best information that we can provide you is through dealer reports and it's not complete for all of the areas.

REPRESENTATIVE MINER: And I guess just one other comment was that earlier we had some discussion about predation, and I haven't really had a chance to speak to the maker of his motion, but it doesn't appear that there is any tasking with regard to

if we were to reduce the target threshold for striped bass of scup or what have you, is there an outcome to any one of those decisions as well?

CHAIRMAN GIBSON: Dave, do you want to speak to the accumulating questions? You said you wanted to speak to that earlier. I don't think this board can influence striped bass abundance, but there may be other boards that could.

MR. SIMPSON: Right, I can't even engage people in closed areas; never mind ecosystem management, so, no, what I'm asking for from the technical committee is very simple. It is the first step. It is produce these tables of the pounds landed and on a percentage basis – we need both, obviously – where are the landings broken out by these areas so that we can look at them and begin to get an appreciation for the multitude of options that we have.

I don't want to suggest we close this area and this timeframe without the board's benefit of looking at tables to see how is it going to affect Massachusetts, how is it going to affect New York. We need that. One of the reasons I included the trap limits is I expect exactly what George said. You're going to come back and say you'd have to cut it 95 percent to achieve a 30 percent reduction, and then we can take it off the table or we can say we'll do it for another reason.

We need that basic information beyond the laundry list that we have now because that's what we have at this point. We could do output controls. We could have a harvest moratorium; and that's the easy one, right, we'd be done, just close it all, nothing more to evaluate, we know the effect. I think we need to just start to work on the plausible approaches.

Maybe somebody around the table says, no, closed areas are off the board, we don't even want to look at them or any of these others, but I think we need the basic input information that you'd use in any of these approaches; that we would then apply the percent reduction we ultimately decide it, and we can't decide that yet for all the reasons that people have mentioned. We don't what it will get us. I'm just asking for the core materials to start an intelligent discussion on we might do short of a moratorium.

MR. HIMCHAK: Mr. Chairman, I didn't want to detract from the motion, but just as a glimmer of hope for some of us here, yes, we did implement maximum size limits for males and female lobsters in 2008, and we redefined the V-notch definition, so these are some measures that we haven't seen work

themselves through the system yet, through the fishery. I'm just offering that up as a reminder that there might be something positive coming; I don't know.

MR. AUGUSTINE: Rather than talking about this motion, would the technical committee feel more comfortable with your own words where you described what we should do, whereby we would recommend board consider output controls – clearly as opposed to all of that – output controls including quotas or seasons – you recommend the quotas and/or the seasons with a combination of trap reductions as a first step. Would that be easier for you to do and then come back to us two weeks from now and then we ask you to give us the rest of this?

MS. KERNS: Pat, what the plan development team needs is in order for us to draft up some proposed seasons and quotas and whatever, we need to know what the purpose of the document is in order for us to provide those options. Unless we know what we're trying to do, we can't create management options for you. How are we supposed to create a document if we don't know what you're trying to achieve?

CHAIRMAN GIBSON: I thought we agreed that we're trying to achieve mortality rate reductions and increase abundance, and Dave is looking for some raw information built along those two objections that then allows him and others to say, okay, in order to get to a 20, 30, 40, 195, whatever it is, here is the raw information that I can start to pull out of that. I don't think anybody at the board – well, there maybe is somebody, we disagree that you're trying to reduce mortality and increase abundance.

DR. MACINKO: You're linking those together; why are you trying to reduce mortality? What do you think that's going to do for you?

CHAIRMAN GIBSON: I'm suggesting that's what I heard as a board objective; and if you disagree with that, then that's –

DR. MACINKO: Well, I'm just questioning to what end? I would like to hear a goal statement where you think a mortality reduction when you're not overfishing; where is that going to get you and is the goal just mortality reduction in and of itself. If you're willing to say that, okay, but I haven't heard a linkage – because the ultimate mortality reduction is a hundred percent mortality reduction and lots of people seem willing to that off the table because of a lot of reasons.

But the same logic that says, well, that's a non-starter or that doesn't get us where we want to go applies to a 50 percent mortality reduction. I wouldn't be prepared to accept the linkage that you just articulated, Mr. Chairman. I haven't heard somebody say, "I want to substitute a mortality reduction for rebuilding."

CHAIRMAN GIBSON: I think we have already heard today that when V-notching reduced the fishing mortality on females, that their abundance increased. I think we already heard testimony to that from the technical committee, so we already have an experiment in hand that suggests there can be a mortality reduction through reducing catch. I heard that today. Now, if that's not compelling enough for people around the table, then that's fine. I'm not suggesting we know how far you can reduce mortality with those kinds of measures, but I don't think that is what David is asking for.

MR. SIMPSON: And if I could just to remind everyone of where we started this morning, and that was ways that we can use through federal disaster assistance to mitigate the social and economic impacts, of reducing mortality with the intent of rebuilding the stock so it is more viable again. I did speak against the moratorium and now the discussion seems to be opposition to doing absolutely anything. I don't think that is a responsible position for the commission to take. I would just remind people when you think about the economic and social impacts, there are ways to mitigate that outside of fishery management.

MR. McKIERNAN: If this motion survives, I would like to see an amendment where we would add changes to the biological measures, specifically the minimum size and the maximum size as other options.

MR. LAPOINTE: Captain Roberts would beat me with a stick because I'm not talking about the motion, but it strikes me that the goal – the question Toni was asking – if we look at the reference points that we set, that's our target for moving ahead. We've got to have a target to achieve it; and if we can't do it, we have got to admit that as well. It strikes me that we in fact approved a goal for this action at the last meeting, and that is the reference points of the target at 25 and the threshold at 50?

MS. KERNS: I think that the predicament that the plan development team finds itself in is that if the purpose is to begin to increase abundance, then to what degree do you want to increase abundance? I'm

going to have to ask the technical committee to provide guidance on how long to make these closures, et cetera, but when they say, "Well, how much?" and then I'm going to say, "I don't know; we've got to go back to the board for that."

For this motion, no, but for some of the information that Pat was talking to me about, then we need that further guidance. I think the plan development team was trying to craft this white paper to give you as much flexibility as we could in developing a purpose of this document. If you decide that you don't want to currently rebuild to the goal that you set at the May meeting, then so be it, but we need to state that in the purpose of this document. But if you want to achieve the goal of the target that we set at the May meeting, then we need to have a further discussion because none of the management measures from the information that the PDT has in front of them currently get you there.

MR. R. WHITE: I don't understand how this information will help you, Dave, in making the next decision. The next decision is how much are you going to cut back mortality of harvest, so why don't you make that decision first? In other words, how does this help you? These tell you how to get there, but you still don't know whether it is 25 or 50 or 75 or a hundred percent. That's the hard decision. That is what we need to make first. Then once you decide where you want to go, then this is how we get there. I just don't see – it's the cart before the horse.

CHAIRMAN GIBSON: I'm not struggling with that as much as others. I mean, I could see myself if it was recreational fishing looking at a set of bag limits from ten down to none, with a percent reduction in catch associated with them, I wouldn't have had to task the technical committee with a percent reduction number in order to get that or a set of commercial landings by month and look and say there is 55 percent between those three months – I don't need to tell them the percentage in order for them to deliver that to us. I'm not struggling conceptually where others seem to on this.

MR. GROUT: I'm going to pass because Ritchie essentially made my point. What are we going to get out of this that is going to help us make a decision on whether we're going to have no reduction, status quo; have 25 percent reduction and have a hundred percent? These are tools. I agree that we need these but all we're coming to come back with is here is the percentage breakout and we still haven't made the decision as to whether we need to cut mortality; and if we do, by how much?

MR. ADLER: First of all, I agree with everyone that has spoken; we ought to take the moratorium right off the picture. Well, for one reason it doesn't do anything. There is no guarantee it would do anything except destroy everybody. I am in favor of just taking that whole firestorm thing right off the table.

Next, back to Toni who is still trying to find a goal, and I know that George had mentioned something about, well, didn't we set some levels of goals in the past. Given the information that we've got here where we don't even know if any of these things are going to really bring the stock back; would it be okay if the goal simply were to say that the goal of this, whatever, is to increase – try to increase the abundance in the Southern New England stock area and maybe or possibly or hopefully return it to a sustainable stock or something to that effect where we're not putting in numbers and we're not putting in – is that what you're looking for, Toni, in a goal?

MS. KERNS: If that is the goal that the board wishes to make, then that is the goal that you put together. It's a very vague goal and it doesn't give very much direction; but if that is what you wish to put together, then you may. They're your goals that you craft as this board.

MR. O'REILLY: I have a similar feeling about that, that you should strive to increase abundance. I don't know about the exact point estimate that Toni put up earlier, but that should be definitely a goal even if it is not tied to a specific number. The other part is this idea of the not overfishing is going to cause heartburn throughout, but when you look at the information you see that the reason there is no overfishing obviously is the landings are declining in tandem or more so than the abundance.

If there is some way to build up the abundance, landings can increase, you can still be not overfishing, and I think that has to be looked at I think by the time there is an addendum and it gets to the public. The parallel here is in the Weakfish Management Board it was the same situation.

There was a lot of information about, well, there is not overfishing and the same type of graph that Doug Grout had asked for lobster was put up there for weakfish where there seemed to be not a whole lot of difference between having a moratorium for weakfish or having some type of fishery status quo; probably not as stark as for lobster as for weakfish.

It caused the same problems throughout the process because fishermen and the public, managers,

everyone would say, well, there is not overfishing, but I think you have to put the overfishing in context that it is part of the abundance and it is part of the catch, and both of those have gone down quite a bit, so the idea is how do you get both of those to come up.

If there are ways to increase abundance, whether it's fortuitously from natural mortality, going into some type of a lower rate or whether there is some misjudgment just on the fishing mortality rate, because I haven't heard – you know, maybe an 80 percent distribution, so that 0.32; I mean, what would it be on the high end? I think throughout, Mr. Chairman, this idea of not overfishing probably needs to be put in a little context of where the abundance is and where the catch is.

CHAIRMAN GIBSON: Thank you, Rob. At this point we have bashed around this motion pretty good. I'm going to take some comments from the audience. David, that item is highlighted, number six; is that okay?

MR. SIMPSON: Yes, I was just getting up to make sure that Dan included it because this should be a laundry list of the types of approaches we want to consider, take a look at and decide later whether these are approaches we want to use. If there are any here that people on the board feel are just completely non-starters, they should be removed; if there are things not up there that you would like to see for approaches, then we should add them now. These really are just the working tables. That's it; I'm just trying to avoid waiting three months for a CIE review and then do these tables, so let's get something done in the meantime. That's all I'm looking to do.

CHAIRMAN GIBSON: Thank you, Dave. Brian, are you okay with the adjustment as the seconder?

MR. CULHANE: Yes.

CHAIRMAN GIBSON: I'm going to take some comment from the audience on the motion because this is a pretty substantive motion relative to potential elements that could come down the road of an addendum. Gary Mataronas, you're on the list; are you still here?

MR. GARY MATARONAS: My name is Gary Mataronas. Good afternoon and thank you for having this meeting in Southern New England – this is where it is affecting – instead of having it down in Virginia or anywhere. We appreciate that. I've been a lobsterman for 47 years. I started when I was ten

years old. I run an 85-foot lobster boat that fishes offshore and also a 40-foot lobster boat.

I think one of the technical committee's situation is some of the information you're getting from ventless trap surveys is skewed. I'll read some of these things; I've just got some points I'd like to make. One is who are the peer reviewers? They need the input from the lobstermen of what really is physically seen out there. We're seeing a lot of juveniles. We're seeing a lot of lobsters. We all feel that we're going to have a big year.

The ventless trap survey locations are computer-generated. Most are at locations where the bottom is not conducive for lobster habitat. Therefore, there are no lobsters there. This is what is used for the stock assessment. I submit this data is skewed and puts a more bleak recruitment failure than what is seen by the lobstermen who see the fishery on the rebound.

We all anticipate a good year. In fact, some lobstermen in the upper east passage of Rhode Island are having record catches. Some of them are getting 800 or a thousand pounds a day out of 300 pots. These haven't been seen in years along with many juveniles. The technical committee report is laden with assumptions of estimated or anticipated mortality and failure of recruitment. There are a lot of assumptions in there that say this may happen.

This may not happen. You're dealing with data that is older data and not what is happening right now. We're seeing the rebound now in 2010 and 2009. There is no way anybody can assume what is going to happen with Mother Nature. All lobstermen are seeing greater juveniles and a fishery that is improving.

We need the reviewers on the boats and we will show them what is out there and not computer-generated data. It appears on a long-term abundance index, which is this index right here, that in 1959 to 1965 and 1979 to 1985 there was much less abundance than there is now and then followed with a tremendous increase in abundance.

What is so different now that it is so catastrophic to us that you want to close us down, that you want to do these ridiculous restrictions on us? If predation and higher water temperatures are the main causes for recruitment failure and lobster fishing pressure has gone down, why are we going to be prohibited from fishing? Lobstermen have reduced trap numbers by more than 50 percent through the last

trap reduction plan. We have done gauge increases and also a maximum gauge decrease.

The two-inch vents will let 20 percent of the legal lobsters escape. We have just switched to sinking groundline, which are a major headache with breakaways and increased service gear loss. We have just finished a V-notch program. Please let these management measures come to fruition before you institute anymore restrictions. My final thought is enough is enough; let us lobster. Thank you.

CHAIRMAN GIBSON: Thank you, Gary. I'll call Michael Marchetti and then I'm going to go back to the board to dispense this motion.

MR. MICHAEL MARCHETTI: Thank you, Mr. Chairman. Michael Marchetti, former president of Rhode Island Lobstermen's Association, fisherman for 30 years. I'll try to edit my comments which were on every page of the technical committee report. After having read the technical committee report, it is obvious to me that there is a lot of incomplete and missing data, particularly in the Rhode Island Sound, Area 3.

Example, the temperatures; I personally maintain the Rhode Island DEM temperature probe. I don't see that in here. I also maintain a probe for Jim Manning in a similar area. I don't see that in here. I have limited faith in the ventless trap survey, although I think it is a huge help. It is just beginning and I see that just now coming on line. I think a little more time needs to go by to get that up and fitting into the data properly.

I think there needs to be better ways to implement that program, though. I helped start that program and helped secure the funding for that program. I have written down the word "disingenuous". It jumped to the closure suggestion without first reviewing all the current science to see if it can be improved or to see if some of it is outmoded.

Resources shift; as a climate change or whatever you want to call it, the resources shift. Nobody can explain why specifically. Us fishermen shift with that. Science does not necessarily. The science is pretty much inflexible and frequently way too slow. The freshest bread you can bake is two and a half to three years old.

You are not capturing right now the improvements that are happening via 80 percent reductions in effort in Area 2 and increased vents, gauges, V-notching, et cetera, such as Gary just mentioned. There should

have been a call to better study the resource with collaboration and not shut down and then study.

I would have suggested that there should have been a funded collaborative sentinel survey ventless trap survey to augment the current trap survey. You can't do anything about pollution very much at this commission. You can do an awful lot, though, about stuff like predation. If you want to reduce mortality, well, predation has come up many times here.

I fish in many fisheries from sea scallops, sea bass, lobsters; I do just about everything. I'll tell you one of the best things you can do for us right now is make a motion to limit mortality by releasing sharply higher quotas on dogfish, which are vacuum cleaners on softs and juveniles. I would also add to that black sea bass. Black sea bass, I'm sure we all know, have rebounded well beyond their threshold by I believe a couple hundred percent, as have dogfish.

I should also add that when I was president it was important to have a full range of lobsters for egg production as a buffer in case of collapse. Well, we're not necessarily seeing a collapse, but we do have the full range of lobsters. What I am seeing in the pots, as you've heard many times, are lobsters the size of crickets to two to three pounders, and not just once in a while but regularly in every trawl.

Again, your science is not able to capture that. I don't believe there is enough sea sampling. Further, there needs to be more sentinel survey collaboration of ventless traps to prove what myself and all of us are trying to tell you. I believe as you move forward, my suggestion is that another V-notching program should be considered to boost egg production as well.

Instead of looking to us as the only source of reduction in mortality and all these suggestions to rebuild to a peak that was an abnormal high in the last 50 years of lobster recordkeeping, you should be looking to us to help augment the abundance production to V-notching and ask the questions what actually made this abnormal high when right now we are actually within our historical range of normal abundance.

As anecdotal evidence, I worked for a man back in '83 to '85 when the abundance, according to this, was half of what it is now, and we were loading the boat. We were filling the boat. I could not keep up as a bander. Those are some of my comments and I'll abridge the rest for you, but I really hope that we can find solutions other than penalizing the fishermen for

actually maintaining a historical average in our area. Thank you very much.

CHAIRMAN GIBSON: Thank you, Mike. I'm going to go back to the board now on the motion. Pat White.

MR. P. WHITE: Just a point of clarification if I could, Mr. Chairman. Is the ventless trap survey in the southern areas used in the stock assessment?

MR. WILSON: The regional ventless trap survey that was instituted in 2006 is not included in the last assessment. The time series is too low. We did include kind of our initial look at it. We think that it's very promising. We agree with the testimony that we just heard, absolutely. We do have a longer time series that is similar to the ventless trap survey from the Millstone Lab in Connecticut, and we have looked at that as well.

CHAIRMAN GIBSON: Thank you, Carl. We need to tackle this motion so I'm going to call for a caucus for the purpose of voting on the motion.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, can I have your attention, please; I'm going to call the board back to order to vote on this motion. I've had a request for it to be read into the record. Dave, you need to read it into the record again.

MR. SIMPSON: Move that the board task the technical committee with evaluating the impacts on landings of; one, a closed season by state LMA and time period (one-month time intervals); two, closed areas evaluated by state LMA and/or statistical area; three, quota-based output controls based on landings by state and LMA; four, evaluate trap limits as an input control and determine percent landings' reduction associated with levels of trap reductions; five, a male-only/V-notch program; and, six, modifications to the minimum and maximum gauge size.

CHAIRMAN GIBSON: Okay, I'm going to call the question on that. All those in favor please signify by raising your hand; any opposed; null votes; abstentions. **The motion carries.** Bob Beal.

MR. BEAL: Just to control public expectations; obviously this is a fair amount of work and it is not going to be done by ten days from now at the next meeting. The technical committee will work on this as time and resources permit. Hopefully, they'll be

able to pull something together by the annual meeting. Does that sound reasonable, Carl? Okay, thank you.

CHAIRMAN GIBSON: Is there anything else you want to speak to?

MS. KERNS: I just want to make a point of clarification for the record that we've talked about there is mistake in this PDT white paper. Under the management options, under A in the second paragraph it says that the projections indicate that only one management option will achieve rebuilding the stock and that is a fishery moratorium; natural mortality has doubled and that's not the case.

Nothing would rebuild the stock under high natural mortality through the projections that we have. I just wanted to make sure that's clear on the record that there is that mistake in the document, and I'll fix it for any future passing out of the document. Nothing will rebuild the stock under the high natural mortality levels to the target – and low recruitment; even average recruitment.

MR. GROUT: Mr. Chairman, now that we have dispensed with this motion that comes up with the tools, I think we need to address the plan development team's request for some kind of a goal and how much we would reduce fishing mortality. What I would like to do is propose three options be evaluated that I think would give us a range of alternatives that we could deal with and give the technical committee and us a basis in which to make our decisions with these tools here.

If I can get a second, I would like to move that the range of alternatives for fishing mortality rates in this addendum would be; one, a 75 percent reduction in F; two, a 50 percent reduction in F; and, three, status quo.

CHAIRMAN GIBSON: Second by Dave Simpson.

MR. GROUT: Could I speak to it?

CHAIRMAN GIBSON: Yes, please, and perhaps suggest what that means relative to the nuclear option since it's not in there.

MR. GROUT: There were two reasons that I did not include the nuclear option in there. I respect the technical committee's statement that this had the highest probability of rebuilding the stocks. However, there are two things that I saw in here; one, that we would potentially have goals of our plan at

odds if we completely eliminated a fishery for five years.

I think doing something like that may mean that we'd actually have to go to the addendum process because we would have to change our goals of the fishery management plan. Two, under the current best estimates of the technical committee – and, yes, those projections have not been reviewed yet – that even if we did go to a full five-year moratorium, there is a good probability that we still would not rebuild.

I think that putting this addendum together with these three options will give us a wide range of options to choose from once we get the information back from the technical committee of our options and also once we get the CIE review back from which to make our decisions with.

CHAIRMAN GIBSON: Thank you, Doug. I used the term “nuclear option” and I'll just clarify for the record that what this motion means is that we're not entertaining with this motion or in PDT tasking evaluation of a hundred percent pushing mortality reduction through a moratorium. Board discussion on the motion. Bob Beal.

MR. BEAL: Are these reductions in fishing mortality or in landings?

MR. GROUT: Fishing mortality.

CHAIRMAN GIBSON: You should have that in the motion it's in fishing mortality. Board discussion on the motion. Bill McElroy.

MR. McELROY: Thank you, Doug. I think that's a good step in the right direction. I am all for striking the nuclear option. I don't think that the other two reductions would be workable. I think it would be the end of the industry, but absolutely I support your motion because it gets the five-year moratorium closure off the board. I think that's extremely crucial.

The implications are enormous. I have had people come to me who have had problems with their banks already just because that option is out there. The way this process is going at this point, it's going to take us at least a year before we would get to the point of adopting something as a final action; and to leave the option of a closure hanging over the industry for a full year from now when they've already had it since the 23rd of April would just be such a constriction on the industry, I don't think we could survive with it.

People who have good credit ratings have already been told by their banks that unless this gets clarified, their loans will get called due even though they're not behind in the payments. I'm all in favor of this; we have to get that option off the table here today.

MR. GILMORE: I need a point of clarification then. I am not in favor of the moratorium and I hope that we can work through some different options and ideas on how to address the fishery and the problems with it. A little while ago or this morning we came up with a peer review to look at the recommendations of the moratorium suggestion from the technical committee and now we're taking it off the table, and we don't even need to do that. Since that doesn't make any sense to me, are we indeed with this motion then removing the moratorium option?

CHAIRMAN GIBSON: For the purposes of the tasking of the PDT, that's my understanding of what this does.

MR. GILMORE: Then do we need to do the peer review; why are we doing the peer review then?

CHAIRMAN GIBSON: Well, I think there were more items in the developing terms of reference than just a moratorium in the CIE tasking. We're going to revisit those again in a couple of weeks, but that wasn't the only thing that we were asking of them. Ritchie White.

MR. R. WHITE: I think this leaves the moratorium out at this point, but it doesn't leave it out totally. This is just a PDT evaluation. This isn't the final addendum. I think it's out for now, but I don't think it's totally eliminated, the possibility.

CHAIRMAN GIBSON: Carl asked me to clarify that since the currency of the assessment and their advice to you was in the form of exploitation rates, if we could just make that adjustment from "from fishing mortality" to that transformation. Doug, are you okay with that?

MR. GROUT: Yes, absolutely.

CHAIRMAN GIBSON: And, Dave, are you okay with replacing "fishing mortality" with "exploitation rate"? Okay. Dave.

MR. SIMPSON: Yes, I guess to Jim's point, this is a charge to the PDT, and, frankly, I don't think they need to evaluate a moratorium. We know what that does, so that's why it's coming off the table.

CHAIRMAN GIBSON: Other board comments? Is there anybody in the audience who would be opposed to this motion? Seeing none, would somebody like to speak in favor of it? Yes, Mr. Geary.

MR. TOM GEARY: Tom Geary, NGO, fishing 25 years, owner/operator. How about 25 percent; why start at 50? Can we start at 25 and doing an assessment in a year or something where we see new abundance and new settlement rather than just go to a 50 percent reduction right off the bat?

CHAIRMAN GIBSON: Tom, actually there is a status quo in there, which is no reduction from where we are now, so you're 25 is in the middle of that. Ms. Jackson, did you your hand up? You're on the list as well so please come up.

MS. TINA JACKSON: Tina Jackson, president of the American Alliance of Fishermen and their communities. Obviously, status quo would be what I would advocate for. Considering the contentious issue of this and nobody seems to be agreeing on what is what and where is where, I can only tell you what I'm seeing out there in my lobster pots at this point in time. They're pretty full in Area 2.

I will also make the comment that we're working on three-year-old data. A regulation change in the middle of surveys is really inappropriate and even talking about any kind of regulation change is inappropriate. I can only state that status quo is really the way to go. You can't shut down this fishery and you can't do a pot reduction, and you certainly cannot advocate for an ITQ fishery or even a closed season. Our season is pretty short as it is for most inshore boats. The offshore boats, they're out there for a reason all year long, to keep a supply and the markets open at a reasonable price. That's probably just about all I have to say on that one.

CHAIRMAN GIBSON: I'm going to go back to the board now to dispense with this motion, so let's caucus and then we'll read it into the record after the caucus.

(Whereupon, a caucus was held.)

MR. AUGUSTINE: Mr. Chairman, a point of information; when the PDT evaluates these options for reductions in exploitation, is that going to include an economic assessment of any sort or is it just slam-bam, thank-you-ma'am.

CHAIRMAN GIBSON: I heard earlier that they're not doing –

MR. AUGUSTINE: They're not going to?

CHAIRMAN GIBSON: – any economic evaluations. I need to call the room back to order so the board can dispense with this. Okay, is the board ready to vote on this? We've got to read the motion into the record. Mr. Grout has to read this one.

MR. GROUT: I move that the PDT evaluate three options for reductions in exploitation; one, a 75 percent reduction in F; two, a 50 percent reduction in F; and, three, a status quo option.

CHAIRMAN GIBSON: Thank you, Doug. All in favor please raise your hand; any opposed; any abstentions; null votes. **The motion passes unanimously.** The next item I see we have is the addendum timeline. I think Bob started to speak to that; we have a significant amount of tasking here; a CIE review, do you want to speak to that?

DISCUSSION OF DRAFT ADDENDUM TIMELINE

MR. BEAL: Sure, just relative to the CIE review; obviously, earlier on a motion was passed to have another draft of the terms of reference at the August meeting. I think it's imperative that those terms of reference are approved at the August meeting rather than continuing to modify those and wordsmith those kind of indefinitely.

All the discussion this afternoon really hinged on getting a response from the CIE. We can't even start forwarding those terms of reference to the National Marine Fisheries Service and then working through the process until we get those approved by this board. I think Step One and the most critical as far as timing goes is to get those terms of reference approved at the August meeting.

Then from there I think the timeline will cascade. The plan development team can start crafting wording for the annual meeting, but as I mentioned at the outset of the meeting it is still uncertain whether we'll have the CIE results at the annual meeting. If they're not available at the annual meeting, it puts the board in a little bit of a dilemma as to when they want to meet.

There may be the need for another sort of extraordinary meeting outside of our current meeting weeks. If it's not in November at the annual meeting, the first meeting in 2011 isn't until the middle of March, so that's a four-month break in the meeting

schedule. I think the timing of the CIE review is a critical step.

CHAIRMAN GIBSON: It's really important that we get those terms of reference off our desk at the August meeting. The tasking we have done to the technical committee on the mortality reductions and Dave's suite of options; is that something we're likely to have by the fall annual meeting?

MS. KERNS: The technical committee will do their best to get that information to the board by the November meeting. Once we start working on it, if we think that it is not going to be possible, we will let the board know prior to that.

CHAIRMAN GIBSON: We're going to be seeing what has come to fruition by the fall board. The question about the August board has been answered. I don't think we need to discuss that. We're going to have the August board meeting to look at the TOR; and what comes onto our plate at the fall meeting, we'll deal with that and wrap it up further into an addendum package at that point. Bill McElroy.

MR. McELROY: In reference to the timeframe that you just gave, Bob, that says that we need to try to get these frames of reference ready for final approval at the August board meeting; where does that leave the opportunity for the LCMTs to weigh in on this? I mean, it's their livelihoods. The LCMTs exist and I think it's important that they be given an opportunity.

They might not come up with anything that is worthwhile, but I think it would be derelict on our part not to include them. The industry feels pretty well excluded in this process, anyway; and if we're taking the time to try to do things right, I think we need to take the time to allow them to have a brief chance to put their input into it.

CHAIRMAN GIBSON: I think we have just concluded under Bob's guidance that we need to shape up terms of reference quickly if there is any hope of meeting the fall meeting schedule, and that might not happen, anyway. I suppose that's a possibility. To the extent that we hold off an August conclusion to the terms of reference in order to blend in the LCMTs, I would like to hear what the board thinks about that, but just recognize where it puts you relative to the products to come out of the review. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, it would seem to me that unless the LCMTs are going to meet, that maybe they should get a copy of the document that is forwarded to the board after the work that we have

asked for to be done and being reviewed by the board should go to them, also, either individually – I think we have their contact information – or if appropriate and they press for a meeting, then maybe we can figure out how to do that, but I don't think there is funding to do meetings for the LCMTs.

MR. McELROY: They don't cost much.

MR. BEAL: Well, I guess a couple of things to keep in mind. One is that the motion that was passed by this board earlier has pretty strict sideboards on it. It's all the terms of reference have to relate back to the Southern New England recruitment failure document as well as the projections that the technical committee pulled together. It is a pretty finite question that is being put in front of the board.

I guess the other point is that traditionally the board has approved terms of reference for stock assessments and peer reviews all the time, and those usually don't go to LCMTs or advisory panels or any industry groups. There has been a series of technical analyses and work that has been conducted; what questions does the board want to see a peer review panel answer in response to the technical work that is been conducted.

MR. ADLER: I think the very critical one for the LCMTs would be that next motion that was passed for when those various ideas, options or whatever comes back or before they even come back. You said they can't be ready by the August meeting, anyway. That's I think a critical place where the LCMTs should play role in looking at those things and preparing to say no that one is off the table for whatever reason; or, maybe even be able to throw something on the table that they have thought up. That second motion, the one that has all the list of things, I think that's the critical one I think for LCMTs and they should be somewhere in the mix or worked in somehow.

MR. McKIERNAN: Just one comment as we end this meeting; Mark, in your letter to Nancy Thompson you asked the question, number two, "Does the Science Center agree with the TC view that changing environmental conditions will limit the stock's ability to rebuild"; does that almost suggest a reconsideration of the overfishing thresholds?

I think that's the industry and some of the cynics' view of all this is that if we can't get there, then what is the point? It seems like you're asking that in question number two and the findings of the technical committee is this jaw-dropping conclusion that

somehow the environment is different. Should that be addressed somehow? I don't want to open a can of worms here, but that seemed to be the theme of what you were asking there.

CHAIRMAN GIBSON: Yes, I think you're right. Unfortunately, we have an addendum action that adopted reference points based on a peer-reviewed stock assessment; and to get into whether there ought to be different reference points recognizing the long-term patterns in the stock or growth in recruitment capabilities, I would like to know that as a manager, but it is outside of the sideboards we have for an CIE review right now.

You'd almost have to go through an entire peer-reviewed stock assessment, generation of reference points and computation of current rebuilt productivity calculations in this resource. I think it's something important to do but it looks to me like it's out of reach right now of the operational frameworks and FMPs that we're in.

MR. McKIERNAN: Well, that's a fair point but we heard today that New Jersey no longer has an inshore fishery. We believe Long Island Sound has declined by 90 percent. Upper Buzzards Bay has been deserted by lobsters and it really begs the question as to whether or not the thresholds can really be met anymore. Just a thought.

MR. AUGUSTINE: Another point, Mr. Chairman, we never did finalize Item D when we talked about trying to set a rebuild schedule of 2022. And again I may reiterate Addendum XI established that if no measurable progress is made after five years, then additional measures will have to be taken to rebuild the stock. Is there latitude or language in Addendum XI that we can just automatically extend it by virtue of the board coming to some consensus that based on the action we're taking now and that motion up there that basically says we're going to take some other action as opposed to a moratorium, which was the recommendation of the technical committee; what do you think the action would be or do we need to start another addendum to extend it five years? I'm not sure what language is in Addendum XI. We may have flexibility in that. It's probably not necessary to look at it now but for our next meeting.

CHAIRMAN GIBSON: I suggest that the staff needs to research that and be prepared to advise in August of the latitudes we have in the operational addendums now and what might need to be done to position ourselves in the future. Anything else on the

addendum timeline? The August board, it has clearly been decided that we need that. Toni.

MS. KERNS: I just am trying to get direction for the PDT on what your expectations are in terms of drafts? Does the board want to see draft purposes and statements of the problems in November? Do you want any sort of draft version of a document for November from the PDT? What are your expectations?

CHAIRMAN GIBSON: Yes, it was my understanding while we were struggling, we were giving you feedback on statements of the problem and purpose of the addendum, so I think the answer to that is, yes, at the annual meeting.

MS. KERNS: Okay, I just want to be clear.

CHAIRMAN GIBSON: My last question was on the thoughts about the process of technical committee reports; was there any interest in this board referring that issue to the policy board? Remember, I had said earlier that I had some thoughts about when a technical committee report embodies such major conclusions as recruitment failure and a five-year moratorium; are there any thoughts along with mine that maybe that needed additional vetting and/or – not for us to decide, but it would be within this board’s purview to say the policy board ought to take that up at their next available agenda. Bill.

MR. McELROY: Yes, I think that’s an outstanding idea. I know it has created a great deal of consternation to move along a little quickly, and I personally believe that we all would have been better served if we had had a chance to look at it in private and maybe fine tune things a little bit before it got released to the public and setting up a mechanism like that isn’t keeping anything secret.

It’s not private meetings and keeping the truth away from the world. It is just to make sure that we’re all aware of what is going on before we end up with a press release saying that this is good likelihood. I think right now a lot of us would have rather had an opportunity to talk about it before the press release was issued.

MR. BEAL: On this topic, the commission does have a series of events that do trigger peer reviews; changes in models and different inputs and those sorts of things, so I can talk to the chairman and try to find some time on the policy board agenda in August to at least introduce this topic. As sort of in preparation for that, we can pull together the list of

criteria that do trigger peer reviews and the policy board can decide if that list of items needs to be modified.

CHAIRMAN GIBSON: Is the board okay with that, that Bob will explore the policy discussion of this? Great; no objections to that. I don’t have anything else. Any other business to come before the board?

ADJOURNMENT

MR. AUGUSTINE: Motion to adjourn.

CHAIRMAN GIBSON: I’m sure that’s seconded by all. Thank you very much; we are adjourned.

(Whereupon, the meeting was adjourned at 4:40 o’clock p.m., July 22, 2010.)
