

# Atlantic States Marine Fisheries Commission

## American Lobster Management Board

October 16, 2017  
10:15 a.m. – 12:15 p.m.  
Norfolk, Virginia

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Borden*) 10:15 a.m.
2. Board Consent 10:15 a.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2017
3. Public Comment 10:20 a.m.
4. Southern New England Lobster Working Group **Possible Action** 10:30 a.m.
  - Report on Future Management of the Stock (*M. Ware*)
5. Consider Lobster Draft Addendum XXVI/Jonah Crab Addendum III for Public Comment, if available **Possible Action** 11:10 a.m.
  - TC Report on Harvester Reporting and Biological Sampling (*K. Reardon*)
  - Management Issues and Alternatives (*M. Ware*)
6. State and Federal Inconsistencies in LCMA 4 Season Closure (*M. Ware*) 11:50 a.m.  
**Possible Action**
  - Consider Postponed Motion To Address Inconsistencies  
*Move to (1), allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species such as Jonah crab, during the closed period and (2), exempt closed seasons from the most restrictive rule; as currently defined by the feds*
7. Consider Approval of 2017 FMP Reviews and State Compliance Reports 12:05 p.m.  
(*M. Ware*) **Action**
  - American Lobster
  - Jonah Crab
8. Other Business/Adjourn 12:15 p.m.

The meeting will be held at the Waterside Marriott Hotel, 235 East Main Street, Norfolk VA; 757.627.4200

# MEETING OVERVIEW

**American Lobster Management Board Meeting**  
**Monday, October 16, 2017**  
**10:15 a.m. – 12:15 p.m.**  
**Norfolk, Virginia**

Chair: David Borden (RI) Assumed Chairmanship: 02/16	Technical Committee Chair: Kathleen Reardon (ME)	Law Enforcement Committee Representative: Rene Cloutier (ME)
Vice Chair: Stephen Train (ME)	Advisory Panel Chair: Grant Moore (MA)	Previous Board Meeting: August 1, 2017
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2017

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

## 4. Southern New England Lobster Working Group (10:30-11:10 a.m.) Possible Action

### Background

- At the August meeting, the Board decided not to move forward with Draft Addendum XXV. Instead, the Board convened a SNE Lobster Working Group to discuss future management of the stock, particularly in light of changing environmental conditions.
- The Working Group met via conference call on September 15. The Group was comprised of Board members, federal partners, TC members, and fishermen.

### Presentations

- Report from the SNE Lobster Working Group by M. Ware (**Briefing Materials**)

### Board actions for consideration at this meeting

- Consider action regarding recommendations put forth by the Working Group.

## 5. Lobster Draft Addendum XXVI/Jonah Crab Addendum III (11:10-11:50 a.m.) Possible Action

### Background

- The Board initiated this addendum to improve harvester reporting and biological sampling in state and federal waters.

<ul style="list-style-type: none"> <li>The PDT and TC met via conference call throughout the spring and summer to draft the Addendum and complete associated analysis.</li> </ul>
<b>Presentations</b> <ul style="list-style-type: none"> <li>TC report on harvester reporting and biological sampling by K. Reardon (<b>Supplemental Materials</b>)</li> <li>Overview of draft Addendum XXVI for public comment by M. Ware (<b>Supplemental Materials</b>)</li> </ul>
<b>Board actions for consideration at this meeting</b> <ul style="list-style-type: none"> <li>Approve draft Addendum XXVI for public comment.</li> </ul>

<b>6. Inconsistencies in LCMA 4 Season Closure (11:50 a.m. – 12:05 p.m.) Possible Action</b>
<b>Background</b> <ul style="list-style-type: none"> <li>In April 2017, NY and NJ sent a letter to the Board, highlighting inconsistencies between state and federal regulations for the LCMA 4 spring season closure. Specifically, in federal waters traps must be removed from the water and the most restrictive rule does not apply, while the opposite is true in state waters. (<b>Briefing Materials</b>)</li> <li>In August, the Board postponed the following motion: <i>Move to (1), allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species such as Jonah crab, during the closed period and (2), exempt closed seasons from the most restrictive rule; as currently defined by the feds</i></li> </ul>
<b>Board actions for consideration at this meeting</b> <ul style="list-style-type: none"> <li>Align state and federal regulations for season closures.</li> </ul>

<b>7. Fishery Management Plan Review (12:05-12:15 p.m.) Action</b>
<b>Background</b> <ul style="list-style-type: none"> <li>State compliance reports for American lobster and Jonah crab are due on August 1<sup>st</sup></li> <li>The PRT reviewed each state report and compiled the annual FMP Reviews.</li> <li>Delaware, Maryland, and Virginia have requested and meet the requirements for <i>de minimis</i> in both fisheries.</li> </ul>
<b>Presentations</b> <ul style="list-style-type: none"> <li>Overview of the Jonah Crab (<b>Briefing Materials</b>) and American lobster (<b>Supplemental Materials</b>) FMP Reviews by M. Ware</li> </ul>
<b>Board actions for consideration at this meeting</b> <ul style="list-style-type: none"> <li>Accept 2017 FMP Review and State Compliance Reports for American lobster and Jonah Crab</li> <li>Approve <i>de minimis</i> requests</li> </ul>

## 8. Other Business/Adjourn

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

**The Westin Alexandria**  
Alexandria, Virginia  
**August 1, 2017**

These minutes are draft and subject to approval by the American Lobster Management Board.  
The Board will review the minutes during its next meeting.

**TABLE OF CONTENTS**

Call to Order, Chairman David V. D. Borden ..... 1

Approval of Agenda ..... 1

Approval of Proceedings, May 2017 ..... 1

Public Comment..... 1

American Lobster Draft Addendum XXV for Final Approval ..... 1

    Presentation of Proposals from LCMT’s 2 through 6 ..... 1

    Technical Committee Report ..... 3

State and Federal Inconsistencies in LCMA 4 Season Closure ..... 27

American Lobster Gulf of Maine/Georges Bank Subcommittee Report ..... 30

Update on Development of Draft Addendum XXVI ..... 32

NOAA Office of Law Enforcement Draft Priorities for 2018-2022 ..... 33

Other Business ..... 36

    Update on the Status of the Jonah Crab Fishery ..... 36

Adjournment..... 37

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**INDEX OF MOTIONS**

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of May, 2017 by Consent** (Page 1).
3. **Move to approve LCMT 5 proposal as reported today** (Page 9). Motion by Mike Luisi; second by John Clark. Motion carried (Page 9).
4. **Move to approve the LCMT proposals for Areas 2, 3, 4 and Area 6 with Option 2** (Page 9). Motion by Eric Reid; second by Emerson Hasbrouck. Motion postponed (Page 16).
5. **Move to postpone indefinitely further action on Addendum XXV** (Page 16). Motion by Adam Nowalsky; second by Dennis Abbott. Motion failed (Page 18).
6. **Main Motion to approve the LCMT proposals for Areas 2, 3, 4 and Area 6 with Option 2.** Motion carried (Page 20).
7. **Move to approve Addendum XXV as approved at the May meeting and as amended today** (Page 20). Motion by Dan McKiernan; second by Mark Gibson. Motion failed (Page 23).
8. **Move to (1), allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species such as Jonah crab, during the closed period and (2), exempt closed seasons from the most restrictive rule; as currently defined by the feds** (Page 28). Motion by Jim Gilmore; second by Tom Baum. Motion postponed (Page 30).
9. **Move to postpone until the annual meeting** (Page 30). Motion by Dennis Abbott; second by Pat Keliher. Motion carried (Page 30).
10. **Move to initiate an addendum to consider standardized management measures in the Gulf of Maine/Georges Bank stock** (Page 32). Motion by Pat Keliher; second by Ritchie White. Motion carried (Page 32).
11. **Motion to adjourn** by Consent (Page 37).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Jim Gilmore, NY (AA)
Douglas Grout, NH (AA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
G. Ritchie White, NH (GA)	Tom Baum, NJ, proxy for L. Herrigty (AA)
Raymond Kane, MA (GA)	Tom Fote, NJ (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake	Craig Pugh, DE, proxy for Rep. Carson (LA)
Mark Gibson, RI, proxy for J. Coit (AA)	John Clark, DE, proxy for D. Saveikis (AA)
David Borden, RI (GA)	Rachel Dean, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Sen. Craig Miner, CT (LA)	Joe Cimino, VA, proxy for J. Bull (AA)
Lance Stewart, CT (GA)	Peter Burns, NMFS
Mark Alexander, CT (AA)	

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

**Ex-Officio Members**

Kathleen Reardon, Technical Committee Chair	Grant Moore, Advisory Panel Chair
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**Staff**

Robert Beal	Jeff Kipp
Toni Kerns	Megan Ware

**Guests**

Russ Allen, NJ DFW	Colleen Giannini, CT DEEP
Peter Burns, NOAA	Jennifer Goebel, NMFS
Kevin Chu, NMFS	Joseph Gordon, PEW
Heather Corbett, NJ DFW	Arnold Leo, E. Hampton, NY
Justin Davis, CT DEEP	Bart Mansi, Guilford, CT
Michelle Duval, NC DMF	Derek Orner, NOAA
Lindsey Fullenkamp, NOAA	Mike Thalarger, Maine Coastal Fisheries

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia; August 1, 2017 and was called to order at 3:30 o'clock p.m. by Chairman Dave Borden.

#### **CALL TO ORDER**

CHAIRMAN DAVID V. D. BORDEN: Welcome. My name is David Borden; and I'm the Chairman of the Lobster Board.

#### **APPROVAL OF AGENDA**

We've got a full agenda that we intend to work through here. On the agenda itself are there any additions, deletions, or modifications to the agenda; any hands up? Yes, Jim.

MR. JAMES J. GILMORE JR.: I may have at the end just a brief thing on implementation of some of the Jonah crab measures.

CHAIRMAN BORDEN: Okay, anything else? We'll take that up under other business. With that addition, are there any objections to taking up the agenda in the order that it was published; no objections? We'll take it up in that order.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: As far as the proceedings from May, 2017, any comments on the proceedings? No comments, any objections to approving the proceedings by unanimous consent? The proceedings stand approved.

#### **PUBLIC COMMENT**

CHAIRMAN BORDEN: Public comments, we had no one sign up. Is there anyone in the room that would like to speak on items that are not on the agenda; anyone? No hands up.

#### **AMERICAN LOBSTER DRAFT ADDENDUM XXV FOR FINAL APPROVAL**

CHAIRMAN BORDEN: We're going to start with the first major item on the agenda. This hopefully will be approval of Addendum XXV. I

would just like to remind everyone that in May the Board approved management measures for inclusion in the Addendum.

We were very specific, we included management measures for minimum size, maximum size, and trap cuts were included, and closed seasons. The objective was to increase egg production by 5 percent. Then in June, the states collectively, as is specified in the management plan, met with the LCMTs; and prepared proposals for consideration by the Technical Committee.

On June 28, the Technical Committee reviewed the various proposals; and we have a written report that we're going to take up. We're going to have recommendations on the LCMT reports from both Grant Moore, the Chair of the AP and also Megan. Then we're going to hear comments on the Technical report and review by Kathleen, and then we will be down to action.

I think once we get into the individual proposals, I think we'll discuss them individually. I had originally intended to vote on each one individually; but I've already had a number of suggestions here to possibly do a one vote on a range of different issues. We'll decide that when we get that far along. With that kind of as an introduction, we'll start off with the first series of reports.

#### **PRESENTATION OF PROPOSALS FROM LCMT'S 2 THROUGH 6**

MS. MEGAN WARE: We're going to start with the LCMT 2 proposal. On behalf of LCMT 2, they are proposing that they use the current trap reduction plan as specified in Addendum XVIII to achieve the 5 percent increase in egg production. As a reminder, Addendum XVIII specifies that in Year 1 there is a 25 percent trap reduction.

This is followed by 5 percent trap reductions. These started in 2016, so the 25 percent reduction and the first 5 percent reduction have

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been taken. The LCMT 2 proposal also noted unanimous support for the management measures chosen by the Board in May.

CHAIRMAN BORDEN: All right, questions? We're going to hear more reports, but any questions on that report? No questions, okay so Megan let's move on to the next one.

MS. WARE: Would you like to do the reports and then the TC reviews or the TC review all at once at the end?

CHAIRMAN BORDEN: Why don't we go through all the LCMT proposals; and then we'll get the Technical Committee report.

MS. WARE: Okay. At this point we'll do Area 3, so I invite Grant up to present that report.

MR. GRANT MOORE: The Area 3 LCMT met in New Bedford. On the Issue 1 of the Target Increase in the Egg Production, the LCMT strongly supported the Board's decision to pursue a 5 percent egg production increase. Under Issue 2, the Management Tools, the LCMT continues to support Option A; management tools to be used independently.

It allows for much needed management flexibility to craft area-specific plans that will meet the goals of this addendum. In Issue 3, the Recreational Fishery, we do not have a preference on this issue. Seasonal Closures, we support Option B, with Sub-option B, no possession of lobsters while fishing.

The most restrictive rule does not apply. With the addition of a bycatch allowance in the trap fisheries of 100 lobsters per day, 500 lobsters per trip by count. What this does, it will create an equitable fishery with the mobile gear fleet; which was very important to the fixed gear fishermen. Issue 5, Uniform Regulations, we continue to support Option A; that regulations are not uniform across all lobster management areas.

Issue 6, the Implementation of the Management Measures in LCMA 3. We support

Option A; which is to maintain Area 3 as a single area, in other words status quo. As far as the de minimis states, we do not have a preference on this issue. Thank you very much, Megan, Mr. Chairman. I would like the opportunity to speak later in the meeting, please.

CHAIRMAN BORDEN: This is on what?

MR. MOORE: This is going to be on the TC report.

CHAIRMAN BORDEN: Okay, we'll take that up when we get to that. Okay, questions for Grant; any questions? No questions, anyone in the audience, no questions. Okay Megan, next report.

MS. WARE: On behalf of LCMT 4, they are proposing a 10 percent trap allocation reduction for New York and New Jersey Area 4 permit holders. In their proposal they note that active lobstermen are fishing their full trap allocation; so a 10 percent decrease in allocation should decrease actively fished pots by a similar amount. They also note that a number of active lobstermen and traps fished have been fairly stable since 2012.

CHAIRMAN BORDEN: Questions on that proposal, anyone, no questions; we'll take up Area 5 next.

MS. WARE: On behalf of Area 5, they are proposing a 2 millimeter increase in their minimum gauge size. Their current gauge size is 86 through 133 millimeters, and they're proposing an 88 through 133 millimeters.

CHAIRMAN BORDEN: Any questions for Megan on that one? No, okay; Area 6.

MS. WARE: We're going to invite Bart to come up and present that proposal.

MR. BART MANZI: I would also like to thank Mark Alexander and Colleen for spending the time listening to the LCMT Committee's

proposal. We came up with a proposal of taking 9 Sundays off the month of July and August; to lower the maximum size on the lobsters from 5-1/4 to 4-17/32, which the Technical Committee gave us a 1 percent reward for.

The nine Sundays that we take off, they were going to give us 4.3 percent; which actually put us above the 5 percent that we were actually looking for. The guys wanted to stay status quo; but I believe that we should stay status quo, because we have so many other issues in Long Island Sound; whether it be water quality, and our biggest problem right now is predation.

We have sea bass that have inundated us, and every one of the sea bass is feeding on these baby lobsters. We feel that even with our proposal, we really don't feel it is going to do much until we define the problem with the sea bass; and all the other species that are targeting the infant lobsters. With that being said, I just hope that the Atlantic States Marine Fisheries Commission will look at our proposal and rule in our favor. Thank you.

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN BORDEN: Thank you; any questions on the Area 6 proposal? Seeing no hands up; we'll move on to the Technical Committee report. Kathleen.

MS. KATHLEEN REARDON: In general the TC evaluated these proposals considering the likelihood of reduced exploitation; and therefore increased egg production as part of the goal. This would mean leaving more lobsters in the water. Starting with LCMT 2, consistent with the previous reports to the Board, the TC is concerned with the uncertainty within the relationship between trap allocations, exploitation, and the resulting potential egg production.

The analysis that produced the potential increases in egg production in the addendum, based on reductions in actively fished traps,

while Area 2s proposal is relying on reductions in total trap allocations. Trap transferability further reduces the potential effectiveness for egg production increases; because active traps may remain the same, due to high levels of latent effort that can be activated. Additionally, the TCs concerns were confirmed by a review of the Massachusetts LCMA 2 data from 2016; where the data showed an increase in trap hauls and landings; despite a 25 percent trap allocation reduction in that fishing year. This analysis illustrates that there is not a straightforward relationship between trap allocation and traps fished; or between traps fished and exploitation, which were part of the caveats in our previous reports. For these reasons the TC did not find the LCMT 2 proposal sufficient; and does not support the use of trap allocation reductions alone to achieve an increase in egg production.

CHAIRMAN BORDEN: Questions for Kathleen on that Area 2 proposal, any questions? Peter.

MR. PETER BURNS: I was just curious what the 5 percent reduction was based on from the Area 2 proposal. Was that explicit in the proposal?

MS. WARE: The 5 percent is what was chosen at the May meeting, and the Area 2 proposal is to use the ongoing trap reductions to achieve that 5 percent. Does that answer your question?

MR. BURNS: Yes, and maybe I should have asked this when we were going through the actual plans; but I guess my question is how did these trap reductions that are already in place now add up? How did the Area 2 LCMT come up with the math to show that those existing trap reductions add 5 percent in egg production?

MS. REARDON: I think that's part of the concern of the TC that the ongoing trap reductions are a trap allocation rather than active traps; and the original analysis that was

done by the TC was 25 percent reduction in active traps could at most give, I think 13.1 percent, at most. That was based on a relationship that we have a lot of uncertainty about. But I don't think that there was an argument within the proposal to solve the active traps versus trap allocation issue.

CHAIRMAN BORDEN: Other questions, Dan do you have your hand up? No.

MR. DAN MCKIERNAN: I'll have a comment, but I don't have a question.

CHAIRMAN BORDEN: Any other comments or questions on the Area 2 proposal? All right then Kathleen, would you do Area 3 please?

MS. REARDON: For Area 3, similar to Area 2 the TC does not support the use of trap allocation reductions alone to achieve an increase in egg production. Understanding that Area 3 is different from Area 2, the TC recognizes Area 3 may have lower levels of latent effort. But it is unclear if ongoing trap reductions will impact that active effort.

It could also be more difficult to do a similar analysis of trap hauls in Area 3; as the Massachusetts LCMA 2 data review, because of the Jonah crab effort offshore. We do recognize that. But we also recognize that those traps also have the potential to be redirected back into the lobster fishery; therefore negating conservation benefit to the lobster. The TC does not find the LCMT 3 proposal sufficient.

CHAIRMAN BORDEN: Any comments or questions on Area 3? Grant, you wanted to address the Technical comments on Area 3, is that where you wanted to?

MR. MOORE: Yes it is.

CHAIRMAN BORDEN: Why don't you do it now, and then we'll take a minute. Eric Reid; did you have your hand up also?

MR. MOORE: With all due respect and I have the utmost respect for the TC and the work that they do, but industry begs to differ. Traps, actively fished traps are the numbers that I think the Board needs to look at and not a piece of paper that says I've got 1,000 traps in the door. The various addenda that have encouraged the industry to purchase trap allowances from other fishermen.

Basically all that is, is an industry funded buy out; which has enabled industry to buy up to the cap, which is governed by NMFS; with the understanding that that cap would be reducing every year by 5 percent. At the end of the five-year-reduction plan, instead of a cap of 1945, we would be looking at a cap of 1548; which drastically reduces potential and active fishing effort.

Industry is confident that after being told by the TC that a 25 percent reduction could achieve up to 13.1 percent that we would achieve at least 10 percent. There has been a huge amount of money invested by industry into setting up for the transferability plan; which was Addendum XXI and II if I remember correctly.

What we really need now is to move forward with this, and see the active trap reductions. Of greater importance, the analysis that the TC has done on trap hauls, the Jonah crab fishery in New England has exploded. You're looking at a crab that literally a year and a half ago was \$0.65. Dock price now is \$1.05 to \$1.15. You've got vessels that in New Bedford alone I think there are 12 vessels, and this is not including vessels that can carry less than 20,000 pounds; that are directly 100 percent hauling for nothing but Jonah crabs.

Lobster is a bycatch. Those trap hauls are counting against lobster hauls, so the data that the TC has to work with is incomplete. I don't fault them for that but it is a big hole that I think doesn't give them the proper picture of what's taking place in Area 3. With that being said that's all I have to say right now, Mr.

Chairman. Thank you very much for the opportunity.

CHAIRMAN BORDEN: Eric, no; anyone else on the Area 3 proposal? I would just add, and this is just for everyone's edification. Rhode Island does in a similar way that a lot of the other states do, we have pre-meetings. The industry gets to sit down with the Commissioners and discuss proposals.

One of the things that came up at the Rhode Island pre-meeting that actually I was not terribly well versed on is in the past year and a half; there has been a major expansion in the inshore areas in terms of sand crabs. The sand crabs are being exported live to the metropolitan markets. The price of sand crabs in Rhode Island now has gone from about \$0.50 up to \$0.95.

There is a lot of effort, and these are all exactly the same people that Grant is talking about. They are lobstermen with lobster pots that are basically fishing for the sand crabs; and all of that data gets co-mingled with that data that gets collected as part of the VTRs and the various data collection programs. Just factor that into your thinking, as we discuss this further. Okay, anything else on Area 3? Emerson.

MR. EMERSON C. HASBROUCK: I had two questions, one of which I think you just answered; so that the hauls for either Jonah crabs or sand crabs are viewed as hauls for lobsters. Am I understanding that correctly? That was the first question, and then I have a follow up.

CHAIRMAN BORDEN: I'll let the Technical people answer that. But my answer to it, last night I spent some time in anticipation of this very discussion going through the mill of VTRs. They have seven categories of pot fishing that you can write down. The difficulty is that every time you use a different category, so if you use pot fishing for crabs, and then pot fishing for

lobsters. You're supposed to do a whole new VTR; every single time you do that.

The fishery, at least to my knowledge in both the Mid-Atlantic area and New England area is very mixed. You have people using lobster pots that are catching sea bass, lobsters, and scup. I don't know of anybody that's doing five VTRs to report. I think the criticism that you're hearing about the lack of ability to kind of tease the information out of the VTRs is not a criticism of the Technical Committee; it's just an artifact of the system.

It's not being reported the way that would allow them to separate all that information. My hope is that at some point, when we get into the data collection addendum, we actually review that particular aspect of it. There has got to be some way that we can refine this so that the technical people get the information that they actually need on trap hauls. But I don't know, did I answer your question, Emerson? If I didn't I'll let somebody else give it a crack.

MR. HASBROUCK: Yes, you answered my question and thank you. I had a follow up, if possible.

CHAIRMAN BORDEN: Go ahead.

MR. HASBROUCK: The follow up was, we just heard that the trap cap is going to be reduced from 1945 to 1548; I think are the numbers that I just heard.

CHAIRMAN BORDEN: That was the cap that the Commission approved in Addendum XXII.

MR. HASBROUCK: My question is, as that cap reduces from 1945 down to 1548, do we know how that's going to change behavior relative to trap hauls and frequency of hauls and so forth?

CHAIRMAN BORDEN: No, I think there is an expectation that it will significantly change the behavior of the offshore industry; because what happens now, particularly up in the Gulf of

Maine, the northern New England offshore boats, will go out and they'll haul say three days or four days. Then they lay to, and then they'll haul again back through the gear.

As that cap comes down there is going to be less of a tendency to just lay to. I think they may come back to shore. But that is somewhat speculation on my part. If the traps are high and they can stay and consistently haul them for like four or five days, then the traps they haul on the first day have got five days of soak time on them; so the catch rates are high. But as that cap goes down that advantage kind of dissipates. Who else had their hand up, Mark?

MR. MARK ALEXANDER: I'm just curious. If the same traps are being used for sand crabs and Jonah crabs, are any different things done to the trap between one fishery and another or is it the same trap, same escape vent, same openings and everything? It's just possibly a different place it's fished. What's the difference?

CHAIRMAN BORDEN: Grant, do you want to answer that?

MR. MOORE: A trap that's set up exclusively to target Jonah crab or sand crab is set up with different vents. They go to a round vent versus the rectangular vent. We've seen a change in the entrance nozzle. Some guys are going with a rectangular aluminum nozzle now, both in the parlor and the back head. The traps are being set up quite differently.

Fishermen that are fishing both lobster and Jonah are setting the traps up with both vents in the trap, so that when they're targeting Jonah crab they plug off the lobster vent. These traps will basically or normally are built with a heavier twine, because the crabs are very destructive. But to answer your questions, crab trap, the physical size and everything is the same; but the makeup of the trap, the twine configuration and the vents are quite different.

CHAIRMAN BORDEN: A lot of times, Mark, what they do is when they do the conversion they've got two vents in the trap, a circular vent and a rectangular vent, they are both legal vents. When they want to fish for crabs they just take a zip tie and put it around the center of the rectangular vent; and it closes down the space, so it's a fairly small space. The trap is still legal, but it retains all the crabs; other questions on this, Roy.

MR. ROY W. MILLER: Mr. Chairman, what do you mean by a sand crab? When I Google sand crab a mole crab comes up. What is a sand crab?

CHAIRMAN BORDEN: Cancer irroratus. Doug.

MR. DOUGLAS E. GROUT: A question in clarification that I would like to ask. We're talking about the trap reduction in Area 3. Did NOAA Fisheries ever implement that trap reduction plan that was in Addendum XXII?

CHAIRMAN BORDEN: No, it's under consideration, I think is the way Peter described it to me earlier in the day; and Peter, correct me if I misstate that.

MR. BURNS: Not that you were wrong, Mr. Chairman, but I'll take the opportunity to address the question. Yes. We did get the recommendation from the Commission to look at Addenda XXI and XXII that includes the trap caps in Area 3 that Grant had mentioned. Then as soon as we got the last stock assessment in 2015, we were in the process of evaluating those trap caps within the context of the trap transfer program; and how that would fit in with southern New England in Area 2 and 3 trap reductions and trap transferability.

Then given the dire situation with the southern New England stock, and the fact that the Commission was going to move forward to look at another addenda that included some very potentially dire consequences for the fishery, we were asked to hold off on that and wait until

after Addendum XXV went into play; so that we could have a better idea of how things were going to look in the long run. I think that some of the things in Addendum XXI and XXII may still be relevant.

But we really don't know how those elements would play in, until we really know how Addendum XXV is going to play out. Then we can see what that holds; and we can evaluate these issues more comprehensively. But I think one thing to keep in mind is that I don't think that this LCMT proposal is based on the guarantee that this is going to go through.

I think right now we've asked the area management teams to come back with proposals to improve egg production by 5 percent; based on current situation, not necessarily what's in the plan, but what we have in place right now. Even if these trap cap reductions do go in place in the future that may be a good thing for the fishery and for the industry; but that doesn't necessarily play in to where we are right now in the process.

CHAIRMAN BORDEN: Any other either questions or comments on the Area 3 proposal? If not, we're going to move on to the Area 4 proposal. Kathleen.

MS. REARDON: Can I make a comment on some of the previous comments? Just to point out when we're talking about trap hauls and the mixing in of crab trap hauls. We also, looking at the Massachusetts data, it is not just the trap hauls that increased when they had a 25 percent trap allocation reduction; also the landings increased. The intent is to increase egg production, and more lobsters were taken out of the system. I just want to make that point.

Now on to LCMT 4, similar to Areas 2 and 3, TC does not support the use of trap allocation reductions alone to achieve an increase in egg production. While there is no trap transferability program in Area 4, trap allocation reductions still rely on the underlying

assumptions that the number of traps in the water correlate to the exploitation rate; a relationship that the TC believes has high uncertainty.

Furthermore, the LCMA 4 permit information for New York and New Jersey fishermen indicate roughly two-thirds of the trap allocations are not fished, so a very high level of latent effort. The TC does not find the LCMT 4 proposal sufficient.

CHAIRMAN BORDEN: Questions or comments on this. Are there any questions, any comments, none; Area 5 please.

MS. REARDON: For Area 5 the size analysis provided by the TC in the Addendum indicates that a 2 millimeter increase in the minimum gauge size will result in a 6 percent increase in egg production. The TC does note that the gauge size analysis presented in the Addendum was conducted on a stock-wide scale; and it would be ideal to have the length information for lobsters harvested in just the LCMA 5 area to validate this result.

That said, the TC does support the use of minimum gauge size change; as this measure is enforceable, keeps lobsters in the water longer, provides direct benefits in terms of fitness and egg production. The TC finds the LCMT 5 proposal is sufficient to achieve a 5 percent increase in egg production.

CHAIRMAN BORDEN: Comments or questions; none, all right Area 6.

MS. REARDON: For Area 6, break it into two components. As a component the TC does support the use of a max-gauge-size decrease to achieve a 1 percent increase in egg production. We support the gauge-size change; because the management tool is enforceable and provides permanent protection to larger lobsters. But similar to the Area 5 proposal, the gauge size analysis in the addendum was conducted on a stock-wide scale; and it would

be better to have the length information for lobsters harvested in just Area 6, in order to validate the result.

Nonetheless, the TC supports the use of the maximum gauge-size change. On the other hand the TC does not support the use of nine Sunday closures in July and August to achieve a 4 percent increase in egg production. While landing of lobsters may be prohibited on Sunday, traps still remain in the water and continue to fish for lobsters. Unless the traps are disabled so they cannot catch lobster, a Sunday closure is just a one-day delay in harvest.

We also note that with such a short closure it is easy for fishermen to recoup their losses by harvesting on different days of the week. The TC did support the analytical methods used in the proposal to estimate the LCMA specific egg production increases from a season closure; but noted the consecutive season closure days are more effective, or traps must be disabled in order to prevent them from fishing. With the components together, the TC does not find the LCMT 6 proposal sufficient to achieve a 5 percent increase in egg production.

CHAIRMAN BORDEN: Questions or comments? Yes, in the audience.

MR. BART MANSI: My name is Bart Mansi; I fish in Area 6. I've been fishing there for over 40 years. At one time we had over 700 license holders in Long Island Sound; we're down to 12 fishermen in Connecticut. We really don't feel what we're doing is really putting a burden on the lobstering. We're just trying to stay in business.

Any implementations that you put against us just about put us out of business. There is no new blood coming into this business. The average age of the fishermen that are here now are 60 years old; like myself. I would just hope that you will look at the real factors that are going on there. When we throw a lobster

overboard we don't know if it's going to make the bottom.

We have so many sea bass in Long Island Sound. We don't know where they came from, but they're there. From all the reports I get, when you open up these baby sea bass they are loaded with small lobster; one fish, 10, 12 lobsters, crickets, little ones. We don't even feel like that giving up the Sundays is really going to help anything, until we really get to the real issues.

As far as a trap reduction, there is a trap reduction. We lost all our fishermen. We had a handful of guys that are fishing half the gear just trying to survive. Now we're coming up with a 5 percent reduction. I mean really, does it really make sense to go after 12 guys that are trying to make a living?

CHAIRMAN BORDEN: Kathleen, thank you very much for the report. We're to the point where we can have a discussion, if anybody wants to discuss various aspects of this; or we can entertain motions, either individually or collectively. What is the preference of the Board? Eric Reid.

MR. ERIC REID: My preference would be to make a motion. It's up to the preference of the Board, but that would be my preference.

CHAIRMAN BORDEN: Any other comments on the way forward? Mike.

MR. MICHAEL LUISI: You had mentioned earlier, before the meeting started that we could take up these proposals one at a time or lumped together. I think given the nature of the report by the Technical Committee, and what they found in the proposals. It would be my preference to take up Area 5 alone; since it was the only proposal that was deemed to be sufficient in achieving egg production. Then we can get that off the table and then move on to the other proposals that the Technical

Committee obviously, as we just heard do not support at this time.

CHAIRMAN BORDEN: Anyone else on the way forward? Michael, do you want to make a motion on Area 5?

MR. LUISI: **Sure, I would move to approve LCMT 5 proposal as reported today.**

CHAIRMAN BORDEN: Seconded by John Clark; discussion, any discussion? **No discussion, any objections to approving the motion by unanimous consent. No objections, motion stands approved.** Eric, I'll go back to you. Would you like to make a motion?

MR. REID: Yes I would, Mr. Chairman. Megan, do you have it or do you want me to read it? **Okay, my motion would be move to approve Addendum XXV, including the LCMT proposals for Areas 2, 3, 4 and Area 6 with Option 2.**

CHAIRMAN BORDEN: Is there a second; seconded by Emerson, discussion on the proposal. Eric, do you want to comment on it?

MR. REID: Mr. Chairman, I think there have been enough comments today by not only you but Chairman Grant and a few others around the room. We did have a lengthy conversation about these issues in May. I don't think I need to add to that. I don't know if Emerson wants to speak to Area 6, but I don't have anything to add to the already long enough discussion.

CHAIRMAN BORDEN: Emerson, do you want to comment on the motion?

MR. HASBROUCK: Yes, I would support this motion. I mean if we don't approve these then I guess our option is to send these back to the LCMTs. From what I've heard from a couple of the different LCMTs is that the proposals they put forth are where they are on this issue, and if we send them back they are not likely to come up with anything different.

I think the analysis that was done by the states, in support of the different LCMTs, show a concerted effort in trying to increase and improve egg production. I also think that if we approve these we can move this forward and get these measures implemented. If we send this back then we're going to delay implementation of this addendum for another, I don't know how many months, three months, six months; however long it might take.

In terms of Long Island Sound, Area 6, I'll reiterate what I said in May; that landings in Area 6 have already been reduced by 97 percent. The number of active permits in Area 6 has been reduced by 90 percent. The active traps fished in Area 6 have been reduced by over 90 percent. The Cornell Marine Program has removed over 16,000 derelict pots from Long Island Sound from Area 6 that continued to fish; even though they were abandoned. To quote from the minutes of our May meeting, relative to Long Island Sound. The Chair said, "Let me ask this as a question, so that the record is clear. Does anyone around the table think that we have the ability to rebuild the Long Island stock? If a hand goes up, I'll recognize you and ask you to say why. Does anyone believe that we can rebuild the population of Long Island Sound? There are no hands up. Essentially we're dealing with a situation where we have a definition that is based on, I think a 20 year time period."

Back in May there wasn't anybody around this table who thought that there was a chance that we could rebuild the lobster population in Area 6. I don't see where requiring fishermen in Area 6 to do anything more than what they've offered is going to produce any more positive results. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Doug Grout, Dennis Abbott.

MR. DOUGLAS E. GROUT: I appreciate the efforts that the LCMTs have gone through to try and develop plans to try and comply with this 5



percent reduction. But let's face it folks, a 5 percent reduction, when we were looking at options between 10 and 60 percent, really isn't any kind of significant reduction.

When we decided to move forward with the 5 percent reduction, I actually if we were going to go down that line I would just say, let's not approve this plan. Let's go back and start looking at how to change our management of southern New England lobster. I was one that didn't raise my hand, Emerson, when we were saying did we expect it to be rebuilt.

I am concerned that we're putting out implementation of measures that really aren't going to do anything, and taking credit for it. I can't support any of these. I would even recommend that maybe we seriously consider taking a reconsideration of whether we're going to finally approve this measure.

I also would ask, now that the Service has seen at least the general direction that we're going to go through, whether it's 5 percent or nothing; that they start moving forward with the Area 3 reduction plan that the industry and this Commission supported several years ago. I think that will have some significant impacts in protecting the offshore fishery there.

At this point, I can't support moving forward with this in good conscience, especially given what our Technical Committee has provided. I would actually suggest that the Board, when we make final determination here, vote down implementation of this plan.

MR. DENNIS ABBOTT: On the one hand I'm willing to support this, only because I know that it really doesn't have any effect. I think it essentially maintains the status quo. But I'm really not willing to support it; because first of all it goes against the Technical Committee's recommendation. I think we're going down a bad road when we start making votes that are clearly against Technical Committee recommendation.

It only leads us to more trouble. There is no doubt in my mind that this is just a feel-good Addendum. Like Emerson said, we're not going to rebuild the Long Island Stock; that's clear. From last May's meeting, when we voted a 5 percent we were really essentially saying; we're not going to do anything again, because we haven't done anything in this area since about 1999. Again, I will vote against this; simply based on how I feel about the Technical Committee's recommendation, and us making votes against what the Technical Committee provides us, which we should be relying on the most in making our decisions.

CHAIRMAN BORDEN: I've got Ritchie White and then John Clark.

MR. G. RITCHIE WHITE: I might as well make it unanimous, so you know how New Hampshire is going to vote.

CHAIRMAN BORDEN: Keep us in suspense, Ritchie.

MR. WHITE: I think southern New England lobster has to follow northern shrimp, and I think that we have to admit we're not going to rebuild; which pretty clearly we've already admitted that. I think we have to change our management scheme because of climate change; and set a much lower standard that would allow some harvest to take place. What we're doing now I think is a joke for the Commission. We're pretending to rebuild but we're not, and we know we're not. Let's change how we manage it and be realistic.

CHAIRMAN BORDEN: Let me go back. I apologize to our Executive Director; he had his finger up there a couple of minutes ago. Bob, and then I've got John Clark and then Mark Gibson.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I'm not commenting on the content of the motion at all, just procedurally I think we may need to modify it a little bit, since this says move to

approve Addendum XXV; and then goes into the other language. I think since the Board previously approved the Area 5 proposal and you took some actions back at the May meeting.

I think it's probably cleaner to modify this motion to say, move to approve these proposals from the LCMTs 2, 3, 4 and 6; and then have a subsequent motion to approve the addendum with all of the actions taken today and at the May meeting, and wrap it all into one. That will be your final motion with a roll call vote. Procedurally we can modify it here while you keep continuing with the discussion.

CHAIRMAN BORDEN: Eric and Emerson, would you have any objections to removing Addendum XXV, so basically move to approve the LCMT proposals, blah, blah, blah. Is that right? Emerson is that perfection okay?

MR. HASBROUCK: Yes that's acceptable.

CHAIRMAN BORDEN: We have a revised proposal, thank you, Bob, back on the list, John Clark, Mark Gibson, anyone else? Craig.

MR. JOHN CLARK: I just want to say I find it ironic that we in DelMarVa spent a lot of time trying to find ways to almost exclude LCMA 5 from this addendum; and yet now LCMA 5 is the only one that presented a plan that actually passed muster with the Technical Committee. My question would be in line with some of the comments made. Do we even go forward with this addendum at this point if we have proposals that are not going to meet, based on the Technical Committee analysis, the reductions that we put forward for Addendum XXV?

CHAIRMAN BORDEN: Okay, I've got Mark Gibson and then Craig and Pete Burns.

MR. MARK GIBSON: I know we're all weary with this southern New England lobster stock problem. I certainly appreciate concerns about

being in conflict with our Technical Committee advice. I think we should approve this motion. There has been a widespread recognition by this Board that rebuilding to the lofty levels that we've had in the past is not possible.

We've set a 5 percent increase in egg production as one of our objectives. That is pretty meager, and frankly it is within the statistical uncertainty of any stock assessment we'll get in the future. I think to not approve this motion, and I don't know what the next process would be after that; but certainly I don't support sending anything back to the LCMTs.

They've fought through this; they've given us rational and compelling arguments about why the trap reductions matter, and why they will be effective in the medium term. I would suggest that when we have an updated stock assessment, we're going to have several more years of estimates of estimates of exploitation rates under these trap reduction programs that will allow us to explore the uncertainty in this curve that the Technical Committee is having so much difficult with.

I for one believe we have cut through quite a bit of the, what we call hyper stability and saturation in the curve; and we're going to be on our way down, in terms of exploitation rate. I'm happy to approve this motion. Let the trap reduction proposals go into effect through the existing addenda we have, and take a look at this question again when the benchmark stock assessment comes down and we have additional years of information.

SENATOR CRAIG A. MINER: One of the reasons that I support the Amendment is that I remain concerned about Connecticut's ability to create any new data that would tell us whether we're headed in a different direction; positive direction, negative direction. Over the last couple of months I've asked the Agency whether they would appropriate any money for a ventless trap survey or onboard survey work.

The answer to both of those questions was initially no. Then it seemed there might be some money available and no one to do it. If not for the people who are out there fishing, having some eyes, providing some data, my concern is that we're never going to know. It doesn't seem to me to be extraordinarily scientific way to do this; but to oppose this, even though I do have some reservation about the Sunday proposal.

I think it's better than nothing. I don't think anything that we would come up with would have any more or less of an impact; to be quite honest with you. I think most of the fishermen are out of the water, because the lobsters aren't there. The reduction is already occurring; because the market's not there, because the stock's not there.

We can put in place some other kind of an artificial parameter, but I'm not sure it's going to have any greater impact on stock rebuilding than keeping the few people that we have out there out there. If we start to see landing numbers spike, then it seems to me that would be a time to go back and revisit it. But I don't see any spike.

CHAIRMAN BORDEN: Mark.

MR. ALEXANDER: Yes I just want to reiterate a little bit what Emerson said. Long Island Sound lobster fishery is a small fishery. It has declined in the number of participants; it's declined in the number of license holders. Connecticut implemented some changes in its licensing in 2016 that cut license holders from 453 down to 181.

It eliminated traps, reducing traps from 237,000 down to about 125,000. Admittedly a large number of those are latent traps, but it got them out of the fishery. It is an artisanal fishery, and it's a fishery challenged by lots of things; temperature, and as Bart pointed out black sea bass. I don't know if the next plan for

lobster is an ecosystem plan that looks at lobster and sea bass together.

But anyway, I had reservations about the nine Sundays, but the LCMT, we had two meetings, very well attended meetings; and they really thought hard about this. The staff in Connecticut and the staff in New York work hard to do the analysis that they did. I think they did a great job. I don't think the Area 6 proposal has any less efficacy than any of the others.

I can understand Ritchie's point when he says that we need to sit back and look at this, but we need to allow some amount of small harvest. That is basically what we're down to in Long Island Sound right now. The harvest that we've had has held pretty steady for the past few years. It increased slightly, so I think that's encouraging. The Millstone Entrainment Data shows an increase, consecutive increases over the past two years, so that's encouraging. I think that status quo is not a bad option for Long Island Sound.

CHAIRMAN BORDEN: Dan, Dennis next.

MR. McKIERNAN: I do agree with the TC that the data that I presented at the last meeting did reveal that after the first 25 percent cut there wasn't a cut in real effort. However, the ventless trap surveys in 2016 showed an increase in the abundance of lobsters; and fishermen responded to that accordingly. The CPUE went up as well as some of the effort; but I will guarantee, and you can see it in some of the data that when the next five years of cuts is completed, we will have cut into bone.

This fishery will be smaller. There will be fewer traps fished, fewer traps allocated; and that's going to be real, but it's going to take five years to get there. But we're on that trajectory now. I would support this motion, because the way this fishery has been arranged, it is an industry driven trajectory to scale this fishery down at a pace that is appropriate and reasonable.

I could have supported an acceleration of the trap cuts. But I don't think that's necessary; because I believe that the decrease in traps fished is going to be happening over the next five years, especially by Year 5, when all of the latent effort that we see today is going to be completely driven out of the system. You don't get 100 percent trap usage. We know that in the Outer Cape. There are always about 10 percent of the traps that go unused.

Therefore, we're going to be absolutely below that; and also the system that we've developed where a dual permit holder needs to get a federal trap and a state trap in order to remain whole; means we're going to be double eliminating traps doing some of these transfers. I'm quite confident that the fishery is going to see something in the realm of a 10 to 20 percent real trap reduction within a few years.  
CHAIRMAN BORDEN: Dennis Abbott, and then Pete Burns.

MR. ABBOTT: Sitting here thinking about this. Would you not agree that a vote against this motion would be supporting the Technical Committee, and it would also be supporting the fishermen who will be taking the reductions; whereas a vote for the motion really maintains the status quo, and probably creates work for each of the states in implementing these very minor provisions of the plan?

MR. BURNS: I think that is a good point that Dennis is making. I think maybe it's time to think a little bit differently about how we're managing lobster in southern New England. We talked about the vote back a year ago; whether we thought we could rebuild the stock. The science says that we can't; unless we have something along the lines of a 90 percent reduction in exploitation.

We came up with 20 to 60 percent, 0 to 60 percent, and we decided on 5 percent; and so that is the goal of the plan, not to rebuild the southern New England stock, but to take at least one step. We know that there are things

we can do from a management standpoint; because fishing mortality is still the top cause of mortality for the southern New England lobster stock.

We know there are things we can do. I don't want to walk away from this; but these proposals are status quo proposals; with the exception of our de minimis states in Area 5. I'll vote against this. But I think we need to move forward, either have the LCMTs come back maybe with the help of the Technical Committee, with something that actually meets the goal of this addendum that we've been working for a year and a half on, or to rethink how we're doing our southern New England management program.

Maybe it's more of a holistic approach when we start to look at some of the things that haven't been implemented yet in Area 3; maybe some of the data reporting requirements, other things that might come into play now that we have a better idea of what's happening.

CHAIRMAN BORDEN: Anyone else? Eric Reid, and then I am going to make a personal comment.

MR. REID: I don't like to go against the Technical Committee's advice either; but in this case the problem is the data is skewed. All you have to do is walk down the dock in New Bedford, or any other southern port; and the amount of traps that are going into the Jonah crab fishery is staggering. That is going to skew the data that we have here. I have to say that the data on trap hauls is not correct; because it is hauls for Jonahs, and that is skewing what we have here.

The industry is asking for this. There are more trap reductions coming. This isn't, "doing nothing" this is supporting the industry, and getting to a place where they could survive not only today, but tomorrow and for a while. We're not going against a well-informed TC, no offense to the TC; but the data has not been

filtered out enough to really figure out what we're doing here. I think we should approve this and move along.

CHAIRMAN BORDEN: Okay anyone else want to make a comment before I make mine? Dan.

MR. MCKIERNAN: Yes, I would just like to respond to Eric's comment. The number of traps going into the Jonah crab is not staggering, because it is the same traps that are being fished for lobster. The good news is, when we're all said and done, in Massachusetts there is only going to be 21,000 traps fished in Area 2, fished for either lobsters or Jonah crabs combined. While we're making these trap cuts on the lobster fishery, even though traps are being diverted or targeting Jonah crabs, they are still being cut; and so that's the good news.

CHAIRMAN BORDEN: On the motion itself I just want everyone to understand. If the motion passes, then we would move on to an overarching motion to approve the addendum as modified at this meeting and the last meeting. If the motion fails, then what's going to happen is we would remand the issue back to the LCMTs; and basically ask them to formulate new proposals. That's kind of, so that everybody understands, the path forward. Mike.

MR. LUISI: Just a question, Mr. Chairman. Please excuse my ignorance on the trap reduction programs; it is not something that we do in our state. But I've heard a lot of people say that trap reductions are coming. There is obviously something set forth into the future that is going to reduce lobster traps.

My question is what additional action that is being taken here accounts for that 5 percent? It seems to me like, and I've heard it mentioned that this is a status quo approach; because those trap reductions are already in front of us for the other areas. My understanding at this time is that these proposals are not actually

achieving anything more than what has already been put in front of lobster fishermen.

Therefore, for me to go home and to speak to our fishermen, who as John Clark mentioned wanted to be out of this whole thing altogether anyway; because there is only four or five fishermen in all of Area 5, down in DelMarVa. To go back and tell them that we were the only area that actually took action to keep more lobsters in the water is going to be incredibly difficult. With that said, I am not going to be able to support the motion moving forward.

CHAIRMAN BORDEN: Megan, do you want to comment on that point?

MS. WARE: Sure, and then I can talk a little bit about process here for the vote. The Area 2 and 3 trap reductions; those are ongoing; because they were a part of Addendum IVIII. Those are ongoing, so kind of regardless of the vote here those will continue. But the Board did specify in the Addendum XXV that any action from 2015 forward would be considered for this addendum.

That is how those two areas are using those trap reductions. The Area 4 trap reduction is not ongoing, so that would be something new; and then the Area 6 measures would be new as well. Just to speak to the order of the votes here. If we vote yes on this, then we would then move to the roll call vote on the Addendum.

That some people have mentioned voting up or down on the Addendum. That's when that vote would happen. If we vote no on this, as David mentioned, we go back to the LCMTs. I would recommend that we provide some guidance to the LCMTs as to what you're looking for if you vote no on this; so that we can have successful LCMT proposals at the next meeting.

CHAIRMAN BORDEN: Anyone else? Ritchie.

MR. WHITE: I guess I don't understand that we voted to have a 5 percent increase in egg production. We sent it to the LCMTs, and we're expecting a proposal back that meets 5 percent. We get proposals back and it's not 5 percent. Now it's arguments about why we should accept them; even though it's not 5 percent that we passed previously; and said that that was what we were going to do. I don't understand how we can argue for a proposal that doesn't accomplish what we said we needed to accomplish.

CHAIRMAN BORDEN: That actually is a good segue way to one of the comments that I wanted to make. I just remind everybody that when the Board approved this action back in May, we had a very lengthy discussion about trap cuts; whether or not we were going to include trap cuts.

The reality is that the analysis that the Technical Committee did on trap cuts, basically indicates that if you reduce active traps by 25 percent, you get a up to a 13 percent credit towards egg production. It's 25 percent traps up to 13 percent. The problem with that analysis is there is a lot of uncertainty in the analysis.

I think it sounds, I totally understand why Ritchie and other people are saying we're doing nothing. But if you were to go back and really scrutinize the Technical comments on this, what they are really saying to us; there is uncertainty in that analysis. They actually had a 95 percent confidence interval around the estimate.

I think Kathleen, correct me if I'm wrong, but I think it went from 2.5 percent to 16 percent. That was the range. Then before they did that analysis they did another analysis where they used a different timeframe; and they came up with a different range confidence interval. The second point I would emphasize is that this is such an evolving situation for the Board to try to wrestle with.

Grant Moore talked about, and I commented on it from Rhode Island perspective, but you can name dozens of boats, these are lobster boats with lobster permits, they use lobster gear; that aren't fishing for lobsters. All of that information goes into the system, and yet the Technical database can't tease out how much effort is going into actual lobster versus how much is going into Jonah crabs.

Now we have this new development where that same effort is now going into sand crabs; and it is all part of it. We can't expect, this is a personal opinion, we can't expect the Technical people to do an analysis when they don't have the data to do it. They are giving us good advice that there is uncertainty around these estimates.

That is what we're all struggling with. The other personal comment is and it goes back to something the Commission Chairman said. We need to get on with figuring out how to manage stocks like southern New England lobster. I would just point out to the assembly here that this is not the only stock that is suffering from exactly these types of consequences.

You could put together a list of at least a dozen stocks that are managed by the Commission, and or the New England Council, and or the Mid-Atlantic Council that fall into exactly this situation. Somehow all of us, I think, have to work together and figure out a way forward; so that when we have these stocks that are being buffeted by environmental change, we manage them differently. We set our expectations differently. I don't think we're going to do that today. I think that's something that we've got multiple chairmen here from the councils and commissions, and there is a way forward there. But that is something we've all got to collectively and collaboratively work on.

I know a lot of effort has already gone into it, but we're not going to do that today. I think the decision here is whether or not we take a step forward, take some action, and continue kind of

this path forward. There have been about 15 actions by the Commission on trap cuts, managing by traps.

I don't view this as status quo; I view this as continuing that. That whole exercise, as Mark Gibson I think correctly characterized. That whole exercise in terms of trap cuts, it is going to play out at some point. If you have no traps in the water you have no fishing mortality. At some point we're going down this hill, in terms of traps, and it's going to bite into the mortality. I don't think it is appropriate to expect the Technical people to tell us when.

They can give us estimates, but they can't tell us exactly when that's going to take place. For my two cents, I think we need to get on with this and decide we're either going to move this forward or we're not going to move it forward. If we don't, then we remand it back to the LCMTs. But I'll predict if we do that we're going to be right in the same position three months from now. I don't think we're going to advance. Is there any further discussion on this? Yes, Adam.

MR. ADAM NOWALSKY: To your desire to come to a determination whether we're going to move this forward or not. My sense is remanding something back to the LCMTs is not going to get us anywhere. **I'm going to make a motion to postpone indefinitely further action on Addendum XXV.**

CHAIRMAN BORDEN: Dennis, second?

MR. ABBOTT: I'll second that for discussion purposes.

CHAIRMAN BORDEN: Okay, Adam do you want to?

MR. NOWALSKY: I've listened very carefully to this discussion. The reality is we as a management body are faced with an impossible situation. We're being asked to do something that factors outside of our control here, i.e.

controlling fishing effort, aren't going to let us do. Sitting here and talking about advice from our Technical Committee and not listening to them.

It's not that we don't listen to them. We ask them to evaluate something; mathematically, scientifically, and they do a great job of coming back and giving us that information. But then ultimately, we have to make some decision that quite frankly goes beyond the factors we're asking them to evaluate; socioeconomic factors, other issues that aren't limited to what they're evaluating on.

They look at these proposals and say no, we can't mathematically give you a filled in Excel spreadsheet that says these proposals meet our reduction. To simply sit here and take a management action for the sake of saying we're doing something on paper, to pat ourselves on the back. We spent a lot of time on these ourselves. We've had a lot of individuals looking at this; TC, LCMTs, other managers, and we're spinning our wheels here. Let's stop the spinning the wheels, and let's move on to something else. Let the trap reductions take effect. Maybe we come up with some other idea. But let's stop spinning our wheels on this.

CHAIRMAN BORDEN: In terms of procedures here, motion to postpone is non-debatable. I'm going to call the question on this. Adam.

MR. NOWALSKY: As a point of order, Mr. Chairman, I would offer that a motion to table would not be debatable. I don't believe a motion to postpone is not debatable; but I'll defer to parliamentary procedure on that.

CHAIRMAN BORDEN: Bob.

EXECUTIVE DIRECTOR BEAL: My understanding is that you can debate the time at which you postpone it; but the rationale for postponing is not the debatable part. Are you postponing to the next meeting, indefinitely, three meetings from now or following a TC report or whatever.

That can be debated, but the rationale for the postponement cannot.

CHAIRMAN BORDEN: All right, does anyone care to debate the timeline in the motion to postpone; anyone, no hands up, Pete Burns?

MR. BURNS: Well, as the motion stands now I can't support it; because I think we still need to do something here. We made a commitment to do something, and that's why we've been working on this for so long. I know it's not easy; but I think there are things that we can do to help the stock until we can see how things play out, with respect to trap reductions and some of the other things that are in the pipeline right now.

My question on the timeline would be does this mean we're not going to take the issue up again; or does it mean we're going to take it up after some more behind the scenes discussion with our industry or our advisors, Plan Development Team et cetera?

CHAIRMAN BORDEN: The motion is to postpone indefinitely. Are there any other comments on the timing; Dennis, and then John Clark?

MR. ABBOTT: I have my little card from a great meeting. Reading it says Roberts Rules of Order, Item 12, bold; postpone indefinitely, and if it's in bold it says it's debatable.

CHAIRMAN BORDEN: I think what we're going to do is we're going to take a five-minute break.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: Bob, could you provide clarity on the way forward here?

EXECUTIVE DIRECTOR BEAL: There has been a debate about whether this is debatable or not. I think it's almost irrelevant. There has been a lot of conversation today about what should happen to this Addendum. Is 5 percent enough,

is the action being proposed by the LCMTs appropriate or not; and all those different things? I think the motion to postpone indefinitely, if that passes that makes all of Addendum XXV essentially go away. If the Board wants to do something it would start over with a new addendum from scratch, a new public comment period, new documents and everything else. That is up to the Board if that's the course they want to take.

If they want to do something within the framework of Addendum XXV, I think you go back to the motion that's on the Board, which is considering the LCMT proposals for 2, 3, 4, and 6; and decide whether the Board likes those or not. The other thing that the Board can do is at the May meeting the Board decided on the 5 percent number.

If there are folks around the table that don't like the 5 percent that can be revisited and start this LCMT process over as well. I'm not saying it's good or bad, but the Board can do anything you want within the structure of Addendum XXV; as long as you keep that Addendum viable. The motion to postpone sort of makes that Addendum no longer viable; and I'm not sure which course the Board wants, but that would be the outcome of those options.

CHAIRMAN BORDEN: Any questions for Bob on the process? John Clark.

MR. CLARK: I'm just confused. Bob, then for what you're talking about this motion would have to be defeated and then what would the next step be? The motion to postpone would be defeated, and then what would we do if we wanted to reconsider?

CHAIRMAN BEAL: If the motion to postpone fails, you have the other motion that's up on the board right now to deal with; the LCMT 2, 3, 4, and 6 options. You have to either decide what to do with that. You can table that one as well. You can vote that one down and you can then make a motion to revisit and reconsider



the percent increase in egg production under Addendum XXV, and that would take a two-thirds vote; because it's a previous action by the Board. If this motion fails, the next thing is to figure out what to do with the motion that's on top of the screen right now.

CHAIRMAN BORDEN: Emerson. This is on the process.

MR. HASBROUCK: Yes. I'm not clear. If the motion to postpone indefinitely is passed, we can no longer revisit or recall Addendum XXV; is that correct?

EXECUTIVE DIRECTOR BEAL: It essentially goes away. It means this is postponed indefinitely, no additional action by the Board on that Addendum.

CHAIRMAN BORDEN: Is everyone clear on the implications of what you're about to vote on? I'll allow everybody a one minute caucus; and then we're going to vote. Are you ready? I'm going to ask Megan to do a roll call vote on this. I think it's an issue of significant importance for the Commission; the record should be clear.

MS. WARE: Maine.

MR. PATRICK KELIHER: I would say null, but I would probably get in troubles. No.

MS. WARE: New Hampshire.

MR. ABBOTT: No.

MS. WARE: Massachusetts.

MR. McKIERNAN: No.

MS. WARE: Rhode Island.

MR. GIBSON: No.

MS. WARE: Connecticut.

MR. ALEXANDER: Yes.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. TOM BAUM: Yes.

MS. WARE: Delaware.

MR. CRAIG D. PUGH: No.

MS. WARE: Maryland.

MR. LUISI: Yes.

MS. WARE: Virginia.

MR. JOE CIMINO: No.

MS. WARE: NOAA Fisheries.

MR. BURNS: No.

CHAIRMAN BORDEN: **A 4 to 7 vote; motion fails, so we're back on the main motion.** Is there any **further discussion on the main motion?** Joe.

MR. CIMINO: I speak reluctantly, but I'm the only one that hasn't. I appreciate a lot of the comments, and I think back to some of the stuff that Mark Gibson said. I think when we do get a new assessment; it's time for a second wave of actions more than likely. It may tell us something different; and I certainly hope it does.

Perhaps surprisingly, Virginia is out of this game. But I think I do support this motion. I want to give them a chance to move forward with something. I sat on a lot of TCs, perhaps half of them, not this one luckily. But there are times where you are not able to show everything that's taking place. I would like to give this a chance to move forward; especially knowing that the LCMTs probably won't be able to come up with anything else. Like I said, this

isn't the end. I think that moving forward either way, killing this, which luckily we didn't do; or accepting something that doesn't seem to be right, on paper. There is going to be more that needs to be done in the future, and I think maybe that's the way forward.

CHAIRMAN BORDEN: Does anyone have a point that has not been made yet? If they do I'll recognize you, if not I'm going to call the question. John.

MR. CLARK: Just to clarify what Bob was saying before. Is this the point where to table this motion would then allow us to reconsider this at a later date; or will we still have to vote on this and then make a motion to table?

CHAIRMAN BORDEN: You have a right to make a motion to table at any point.

MR. CLARK: I just meant in terms of the process that Bob was talking about earlier.

EXECUTIVE DIRECTOR BEAL: John, are you interested in going back and revisiting a previous decision that was made at the May meeting; but you want to sort of set this aside for a little while, while you do that?

MR. CLARK: Well, I think as we've already approved the LCMA 5 proposal, and now if this passes, you know as I say it is the only LCMA that has actually had a reduction that has passed muster here. I'm just curious as to what the process is; because you were just saying that if we tabled this we can revisit, pretty much all aspects of this Addendum; not that we want to do that. But it seems that if this passes then we have a finalized addendum at that point.

EXECUTIVE DIRECTOR BEAL: If this were to pass, we still need to make a motion that approves Addendum XXV as modified today and at the May Lobster Board meeting. There is still a next step that needs to happen between this motion and a finalized Addendum XXV.

CHAIRMAN BORDEN: With that guidance, I guess my advice is let's vote on this and see how the vote goes. Then if people want to do things differently there is nothing on the table at that point. Anybody is free to make a motion to do what they want to do at that point. Does that sound like a reasonable way forward here? All right, one minute caucus on this motion and then I'm going to call the question. We're going to do a roll call again, please. All right Megan, please call the roll.

MS. WARE: Maine.

MR. KELIHER: Abstain.

MS. WARE: New Hampshire.

MR. ABBOTT: No.

MS. WARE: Massachusetts.

MR. McKIERNAN: Yes.

MS. WARE: Rhode Island.

MR. GIBSON: Yes.

MS. WARE: Connecticut.

MR. ALEXANDER: Yes.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. BAUM: Yes.

MS. WARE: Delaware.

MR. CLARK: No.

MS. WARE: Maryland.

MR. LUISI: No.

MS. WARE: Virginia

MR. CIMINO: Yes.

MS. WARE: NOAA Fisheries.

MR. BURNS: No.

CHAIRMAN BORDEN: **It's 6 to 4 to 1. Motion passes.** The floor is open; does anyone care to make a new motion on this? Otherwise, we need a motion to approve the Addendum as modified by the discussion at the May meeting and at this meeting; and that will finish the Addendum. If that type of motion passes, I am going to want to make a couple more comments. Dan McKiernan.

MR. McKIERNAN: **I'll make a motion, David to approve Addendum XXV as approved at the May meeting and as amended today.**

CHAIRMAN BORDEN: Is there a second; seconded by Mark Gibson, discussion on the motion, Doug?

MR. GROUT: I urge you not to move forward with this Addendum; and here are the reasons why. One, you just passed 4 of the 5 LCMT plans; that according to the best scientific information available does not meet the 5 percent cut. Number two, two of those LCMT plans will occur whether or not this plan gets passed. Those trap reductions are already part of existing plans. The only thing we have to count on now is that the National Marine Fisheries Service will begin to implement rules in Area 3; which we asked them to implement several years ago.

That is going to happen no matter what, and as a result, just as a piece of information, this is where the vast majority of the effort is going on. If we do nothing here, if we don't approve this that's going to happen, it's going to happen. We also have a plan for Area 6, which what did they say there are 12 lobstermen there?

Their plan includes a day off on Sunday that the TC says you can easily recoup that. That is what happens when a lobsterman takes his day off in a normal situation, he takes his day off and he goes and catches them the next day he's out. We also have the one area that had a plan that was approved by the Technical Committee is going to be implemented on four lobstermen.

This is going to be, I think, a difficult press release for Toni, I mean for Tina to put out; saying, we approved an Addendum for a 5 percent reduction, two of the plans are already going to occur anyway; and four of the plans don't meet Technical muster. We've got to take a different direction with southern New England lobster.

You've got to start thinking about a plan that's going to address what's happened, because of climate change. We all agree that we're not going to be rebuilding southern New England lobster. You had comments throughout this process from your constituents saying, our preference is not to have any changes; but if we have to we'll do this.

As your Chairman, I'm asking you to vote this down, because I'm concerned about the impression that the Commission is putting forward something that really isn't doing things that are actually going to occur anyways. Please consider this vote carefully.

CHAIRMAN BORDEN: Any other comments? Mike.

MR. LUISI: I will not be supporting Addendum XXV as it's been modified today. The reason for that is because I believe this to be just at the face of it all just a pure paper exercise. It's a contract, and the contract said we need to increase egg production by 5 percent. But when the proposals were prepared, Maryland, Delaware, and Virginia were the only states that signed the contract. I do not see the effort going forward from the other areas; and therefore it's a paper exercise. I will not be

supporting moving this Addendum forward today.

MR. THOMPAS P. FOTE: I've been sitting here pretty quiet for the last hour and a half, and listening to what's going on. Many years ago when I was proxy to Senator Lou Pisano, and he handed a proxy with Jack Dunnigan that said two things; I don't do lobsters and I don't do horseshoe crabs as his proxy; because it always seemed to be this hole we got into.

I cannot support this Addendum. I can't support singling out three states to do something that none of the rest of us is going to do. It's just not fair. I agree with everything New Hampshire says for a change, and basically going on forward there. I think we should just vote this down and try to figure out how we're going to address not only lobster; but all the species that are going to be effected by climate change, and that we have no control over; and all the problems we have with Chesapeake Bay and all the bays and estuaries up and down the coast that seem to be not producing and not serving as the nursery areas that they're supposed to serve as. I'm going to vote no on this.

CHAIRMAN BORDEN: Anyone else here? Peter.

MR. BURNS: I also can't support this now. Like it or not, the best science we have is the best science we have. Our Commission Chair said it more eloquently than I can. But I think that we need to be cognizant of sort of the road we're going down now; if we're going to be approving some of these things that don't meet the scientific standards that we're trying to do.

We came into this process with a 5 percent goal, and I think that is what we need to hold them to. I think if we're not going to do that then maybe Doug's right. Maybe we need to think about a different way of how we're going to manage this. I'm glad that it didn't get postponed. I think we need to take some kind of action.

But these are basically status quo proposals, with the exception of Area 5. When I get back now if this gets approved, I'm not sure if we can even support even implementing some of these measures from the areas, other than in Area 5; because I don't really even know what kind of basis we would even approve them on, so that puts us in a difficult spot.

CHAIRMAN BORDEN: Peter, just for my own edification. I want to make sure that the record is clear. Does the National Marine Fishery Service have the intent to adopt the trap cap as the Chairman said, if this motion fails? In other words, is something, is an action going to take place if this fails? I realize I'm putting you on the spot.

MR. BURNS: Yes, I think that that is something that's still on the table regardless of the vote. But I think it's something, we wanted to be able to see what the full slate of fishery management actions is going to be with respect to Addendum XXV and everything else.

Maybe that's another way that we can look at this more holistically; to see what types of benefits we can get from those Addendum XXI and XXII measures that come into play. I think that one doesn't negate the other. I think that we're considering those measures regardless; but depending on what happens here today, it's going to change how we evaluate them, certainly.

CHAIRMAN BORDEN: Okay, so are we ready for a vote on this? Emerson.

MR. HASBROUCK: I have a question on process. If this motion is defeated, then what happens with Addendum XXV? Is it dead and forever gone, or does it linger in limbo somewhere?

CHAIRMAN BORDEN: We're in the unenviable position that we've approved the LCMT proposals. We just did that. If this motion were to fail, then I'm not exactly sure where we are. Someone could make a different motion to

move forward, or go revisit some of the motions that we already made.

EXECUTIVE DIRECTOR BEAL: There are two courses forward if this were to fail. There are probably a lot more, but there are two primary ones. One is the Board can start an entirely different action, or the Board can go back and reconsider the series of motions that it's already made under the umbrella of Addendum XXV. You can reconsider the proposals that were approved. You can reconsider the 5 percent egg production increase and everything else. It's not dead, but it may not be the most efficient path forward; if the Board wants to do something entirely different on southern New England.

CHAIRMAN BORDEN: The thing that I'm struggling with is if the Board previously approved, and I read this intentionally, minimum size, max size, trap cuts in closed seasons. Those were the options. If we want to do something, and we also approved a 5 percent egg production target. Now if we want to change those, I think we need motions to do that and have a two-thirds majority to reconsider it. Frankly, given all the other items that we have on this agenda, I'm not sure it's time to argue that issue. Bob.

EXECUTIVE DIRECTOR BEAL: I agree with your last statement. There are a lot of other things the Board needs to try to tackle today. If this were to fail, maybe the Board has taken this as far as it can today; and they need to go back and think about it in between now and the annual meeting. I don't know; there seems to be a pretty big divide on how to move forward here.

Maybe some dialogue between the meetings would be more productive than trying to pick through this today and decide if it's better to go back and make a series of motions, with two-thirds votes and those sorts of things, or starting a new action. That may be hard to do

on the fly here, to decide what's the most efficient path forward.

CHAIRMAN BORDEN: At the risk of getting outside the Chair's prerogatives here. My suggestion would be to do just that. If this motion fails, then between now and the annual meeting we'll figure out a way forward; if that requires meetings or conference calls or maybe the staff putting together a document that gives us some alternatives that we can consider. I don't think we've got the time to deal with this. Mike.

MR. LUISI: Just a very quick question through you if it's okay to Peter. Is that okay? Peter, so you mentioned that if this was to pass and you would take this back and look to implement the proposals that we just approved. What happens if you don't support Area 2, 3, 4 and 6; and then you've got Area 5, which has been determined to actually meet the required reduction? Does it mean the Area 5 regulations change and nothing else happens; because that would be the worst kick in the craw that could happen as a result of all of this?

MR. BURNS: It's a good question, Mike. I think we'll do what we normally do in our process; which is we get a final addendum and a final recommendation from the Commission, and we go back and we analyze it through the NEPA process and the analysis that we normally do. We'll have to look to see.

We've got quite frankly the LCMTs with the exception of the Area 5 plan; don't even meet the goals and objectives of the Addendum. That's going to be a difficult thing for us to get around. I can't guarantee that we will or won't implement any of them. But I think we're going to have to look at what the implications are of some of these.

Most of it is status quo. There are additional trap reductions with Area 4. I don't know, I think we could probably think of that as maybe some additional conservation measure, or

maybe looking at it there is something consistent with what the states are doing. But I don't see it as something that meets the goals and objectives of this Addendum here.

CHAIRMAN BORDEN: All right, does anyone else have a new point? If not, Mark, excuse me.

MR. ALEXANDER: I'm just trying to wrap my head around this. I mean at the last meeting and in our previous motion, we just adopted motions to add certain elements to the total Addendum. Here at this point we're voting to either approve or not approve this Addendum. I don't think in the previous motions in this meeting and the other meeting, we said we were going to implement these things. We just said we were making them part of this action. You know if the action goes away all those elements go away, right?

CHAIRMAN BORDEN: All right another roll call vote please. Do you need a one-minute caucus, anyone here? Okay, so one-minute caucus and then Megan will take the roll. All right, are you ready for the question here? Megan, if you would please take the roll.

MS. WARE: Maine.

MR. KELIHER: Abstain.

MS. WARE: New Hampshire.

MR. GROUT: No.

MS. WARE: Massachusetts.

MR. MCKIERNAN: Yes.

MS. WARE: Rhode Island.

MR. GIBSON: Yes.

MS. WARE: Connecticut.

MR. ALEXANDER: No.

MS. WARE: New York.

MR. GILMORE: No.

MS. WARE: New Jersey.

MR. BAUM: No.

MS. WARE: Delaware.

MR. CLARK: No.

MS. WARE: Maryland.

MR. LUISI: No.

MS. WARE: Virginia.

MR. CIMINO: No.

MS. WARE: NOAA Fisheries.

MR. BURNS: No.

CHAIRMAN BORDEN: **The vote is 2 to 10 to 1; so the motion fails.** Consistent with what I advised beforehand, between now and the annual meeting we're going to try to figure out a strategy for moving forward. Doug.

MR. GROUT: I'll defer to the process here and then the Chair and the Executive Director. But normally when we vote, we don't vote approval, it's done. Now if someone in this Board wants to reconsider some actions, and we want to take time to think about it, I think that's a place where we could continue our action to the following meeting. We could make a conscious decision we want to reconsider a particular part of the plan.

Then somebody makes a motion to postpone until the fall meeting. But if nobody says anything here, normally it's done. We've rejected addendums and amendments before; and if nobody brought up something at that meeting to continue discussion on it, I think it's done now. Again, I'll defer to the Executive

Director on that and to your ruling on this. But my understanding from past precedents, we need somebody here to say we want to reconsider something here.

CHAIRMAN BORDEN: What I'm wary of is having someone make a motion here for a specific action, and then that launching into another major debate. This is a very divided Board; as everyone recognizes. Let me ask. Do you want to proceed with a motion, which I'm basically advising you to not do that; or do we want to continue this dialogue and have the staff outline in a memo what they think the options are, and then consider those options in the future; primarily at the annual meeting? Dennis.

MR. ABBOTT: I agree with Doug that this issue is dead right now. But I think going back to the comments that Ritchie White made an hour or so ago; is we really have to look at the way we manage lobsters. That should become the question before us; not whether we fart around again with Addendum XXV or whatever number you want to put on it. We have got to consider how we are going to manage southern New England lobsters, plain and simple. I don't know how you're going to go about that. But I do think that is the issue that is now before you.

CHAIRMAN BORDEN: I don't disagree with you, but I would just remind everybody that the Commission went to enormous lengths to craft an addendum, specifically to recognize the southern New England stock problem. That addendum, Megan can remind me, I think it was XVIII; basically recognized that you had a reduced size of the resource in southern New England, and that the Commission wanted to right size the industry; downsize the industry to the available stock, so that the few participants that remain would be viable. That was a direction that this Commission took and put together a fairly elaborate addendum that then has over the course of a number of other addendums. We've gotten into trap transferability, with conservation taxes; the

whole idea is to shrink the size of the industry. That was the path forward; recognizing the reduced productivity of the resource.

Now I'm not saying that the Commission doesn't want to reconsider that. But that was the path that the Commission chose a number of years ago. I was not on the Commission when you chose that; but I actually worked on aspects of that for the state of Massachusetts.

But there was a conscious decision to downsize the industry, because the expectation was the resource was going to be smaller. If somebody wants to do something different than that we're going to have to sit down and articulate a position that we can all get behind; which I think is what Dennis is articulating. But that is going to take some doing. Doug.

EXECUTIVE DIRECTOR BEAL: I was raising Doug's hand. Back to Doug's point about when we make motions like this usually the action is dead and we move on. That is exactly right. I think if the Board wants to charge staff with going back and spelling out some options or looking at different ways of moving forward.

I think this Board needs to give staff clear direction on what's in bounds for that. In other words, is any further action under Addendum XXV inbounds for further consideration in this staff document; or are we considering Addendum XXV DOA right now and we're moving on to XXVI, XXVII or whatever it might be? I think we'll need that guidance from the Board, because that would be a little bit different tact but not an inappropriate tact than we've taken in the past.

CHAIRMAN BORDEN: Does someone have a motion they would like to make? Yes, Ray.

MR. RAYMOND W. KANE: Yes, some questions, David. When is our next stock assessment, or Megan?

CHAIRMAN BORDEN: It is 2019, I believe.

MS. WARE: Scheduled for a presentation August, 2020.

MR. KANE: How would this Commission favor we stay status quo, being how this was the feed of the Addendum XXV, until we get the next stock assessment; because from the conversation today, it sounds like the Technical Committee has a lot of numbers they're going to have to tease out between people who are lobstering, Jonah crabbing, sand crabbing.

I think the newer numbers when the assessment comes out, if the Technical Committee gets the data reported can give us a more qualified look at what's really going on; because two of the management plans are already in play. I know Area 2, we're taking reductions. We've taken 25, 5 percent more this year. How would the Commission feel about something like that?

CHAIRMAN BORDEN: Comments to that point? Tom Fote.

MR. FOTE: I'm sitting here with a couple of thoughts in my mind. One, we keep talking about the moving to sand crabs and Jonah crabs; and do we know how much we can harvest or how the effects of warmer water temperature will affect those two stocks, and how we're going to deal with those two stocks at the rate they're growing, because we haven't even really talked about that.

When it comes to lobsters and we started doing all this. We had something like 35, 40 permits working in New Jersey during the nineties; when the boom started, and we started dropping. We're down to about 15 permits actively fishing or a little less in New Jersey the last time I checked. The industry by itself has basically reduced itself down.

In New Jersey that was not a big problem, because we only had 32. It was part of our commercial fishery; it was a huge problem to those fishermen, but it wasn't to the overall economy of New Jersey or economy to the

commercial fishery in New Jersey. When I look at our northern brethren, and basically see that warm water moving up, and see black sea bass moving in; and sort of poor recruitment in the last four or five years.

I can understand, I would be very nervous up in Maine and New Hampshire at this time; and I think they are. We really need to think about how we do a gradual come down if those same thing happens up in New England, and how do we deal with it; because we're not talking about 30 permits.

I don't know how many permits you've got, 4 or 5,000 in Maine, Pat, something like that. That is going to be a huge economic impact that we haven't seen in any fishery since groundfish. I think that's what we should start thinking about. How do we deal with this situation; and that's what we basically have a group working on is what are the effects of climate change, how is it going to deal with fisheries.

Maybe that is the premiere one, because we know the effects. Like if it was the Council it would be surf clams, because that's the same thing that happened in New Jersey on surf clams, so I'm just trying to think ahead. I won't be here probably when we solve this problem, because that will probably be another 10 years down the road; but I see it coming.

CHAIRMAN BORDEN: I've got Jim Gilmore and then Peter Burns.

MR. GILMORE: I think waiting three years is probably not the best solution at this point, Ray; and we've been dealing with this for, well I've been here 10 years now. It's like its Groundhog Day; every time I come back to one of these meetings, it's like the same thing. We just don't seem to do anything.

Would it be, and this is just a question to you, David. Maybe between now and the next meeting put a working group together to essentially go explore what Doug was talking



about; because if we go back to try to fix XXVIII or start XXIX. We're just going to get to the same place again, where nobody can take reductions or whatever. We really need sort of an epiphany of like what we did; we said well if we put some good minds together between now and the annual meeting, maybe that's a way to start getting at this. That would be my suggestion. Thank you.

CHAIRMAN BORDEN: If you want my opinion, I would have no objection to that. I would just add a personal comment that there is an endless list of issues that this Board is going to have to deal with on southern New England lobster. I mean you've got the whole issue of the overfished definition; which needs to be revised.

It's going to be a Technical task. We've got all these data problems that we're trying to confront. I would go back to Doug Grout's point. I think we need a long-term vision. We need a long-term strategy on how to deal with stocks that fall into this type of circumstance. I just reiterate what I said before.

This is not just a lobster problem. The Commission has to deal with this. To Jim's suggestion, let me ask. Does anyone object to having a working group put together recommendations which will be reviewed at the fall meeting? Does anyone object to that? No objections. The question is, Eric.

MR. REID: Are we having a working group work on something for A XXV, or are we just going to let A XXV disappear and start all over? That's my question. I've got eight states saying they don't like XXV. I've got one person saying let's get a working group together. I mean normally when you say this is no good, I would like to hear what's better. I'm not hearing it right now, so I would like to hear it.

CHAIRMAN BORDEN: I think to answer your question, personal opinion. If we have a working group, I think they should have great

latitude to consider all these issues; and then bring recommendations back to the Board. I mean the big problem I'm having as a Chair is we've still got a lengthy agenda we've got to get through.

This is an important issue for us to deal with. If we start crafting motions at this point, we're going to be here at this meeting for a long period of time. I'm willing to do that. I don't want to discourage people from making motions. But it's difficult to do this type of stuff on the fly; Roy and Doug.

MR. MILLER: Question, Mr. Chairman. If this working group is formed are they working towards meeting the 5 percent egg increase target or is there no predetermined target for this working group?

CHAIRMAN BORDEN: I think, and Jim can correct me if I misunderstood. I think what he was suggesting is you have a working group, this has been a fairly elaborate discussion and it involved a lot of different pieces; including I would point out Addendum XXV.

You have a working group that looks at all the different points that are made here; and then brings recommendations back to the Board. My view of what he was suggesting is this does not mean that Addendum XXV is over. It means that you may revisit Addendum XXV at the annual meeting; and with other recommendations. Doug.

MR. GROUT: Well, I certainly would support the concept of a working group. If it's the desire of this Board to have it completely encompass not only potential for revisiting XXV, but I hope you would expand it to potentially considering a new addendum with different goals and objectives; and maybe even an amendment, to change your goals and objectives for southern New England lobster, and to think outside the box, because I don't think you're going to get a good management action by going back to XXV. That is my personal opinion. But maybe there is

some way that somebody could craft something; and I'm not going to hold it, but I certainly support the concept of a working group looking at any and all concepts. But let's look outside the box here folks, because we've been spinning our wheels on southern New England lobsters for a long time.

CHAIRMAN BORDEN: Let me ask this question. Does anyone object to the Commission forming a working group to work on the full range of options that have been discussed today? Does anyone object? Adam.

MR. NOWALSKY: I have no objection to forming a working group. I would just add that I consider, we took a roll call vote on what was on the agenda as a final action; and that was disapproved. From my perspective this Board would not be revisiting Addendum XXV; barring a motion to reconsider by the prevailing side from that motion moving forward. As long as we're clear on that way forward, then I have no objection to that.

CHAIRMAN BORDEN: Yes and that is consistent with the advice that we got from the Executive Director. You would need a two-thirds vote in order to do that.

EXECUTIVE DIRECTOR BEAL: The only difference is it does not have to be from the prevailing side; because it is at a subsequent meeting. The prevailing side only applies to the same meeting. The Commission specific rules say that reconsideration of a final action takes a two-thirds vote. We've got specific things that differ from Roberts Rules a little bit for subsequent meetings. But Adam's right. It would take a two-thirds vote to do that.

CHAIRMAN BORDEN: Okay, I think we've got a consensus around the table. We're going to move forward. What I would suggest is the staff writes a short memo that basically summarizes exactly what's going to take place as we move forward; what the process is going to be, and circulate it to everybody so that

everybody has the same understanding of how we're moving forward.

Is there any other business on this? If not, we're going to move on with the agenda.

#### **STATE AND FEDERAL INCONSISTENCIES IN LCMA 4 SEASON CLOSURE**

CHAIRMAN BORDEN: The next item on the agenda is Item 5, State and Federal Inconsistencies. This relates to concerns both New Jersey and New York have raised regarding the inconsistencies between state and federal regulations. Megan is going to describe this. It gets a little bit tricky, in terms of what action we can take and what process; and she's going to outline the different strategies. This potentially can be an action item at the end of discussion. Megan.

MS. WARE: ASMFC received a letter from New York and New Jersey asking the Commission to address inconsistencies in the Area 4 season closure, and for reference that season closure occurs April 30 through May 31st. There are two provisions I'm going to talk about. The first is the most restrictive rule, and the second is the requirement that traps come out of the water.

In state waters the most restrictive rule is applied to season closures; and traps can stay in the water if they are permitted for another species. In federal waters the most restrictive rule is not applied to season closures, and all lobster traps must come out of the water. A bit of background as to how these inconsistencies came to be; and I'll start with the most restrictive rule. At the February 2012 Board meeting, the Board made a motion that applied the most restrictive rule to all management measures in Addendum XVII. Addendum XVII is where that Area 4 season closure came from. In contrast, NOAA applied the most restrictive rule to everything except season closures.

There are a couple of ways the Board could move forward to address this inconsistency

with the most restrictive rule. If the Board does not want the most restrictive rule applied to season closures in state waters, then a two-thirds majority vote is needed to reverse that 2012 motion. If the Board wants the most restrictive rule to be applied to season closures in federal waters, then a letter needs to be sent to NOAA asking that the restrictive rule be applied to season closures.

Our second provision is the traps out of the water provision. During the February 2012 Board meeting, the Board passed a motion that requires lobster traps are removed from the water during a closed period. However, the Board does discuss at length that this applies to directed fishery lobster traps; and in contrast there are some traps which are used for multiple species.

Unfortunately this was not clearly reflected in the motion, nor is it reflected in the Addendum. As a result NOAA requires that all traps be removed from the water. Again there are a couple avenues here for the Board to try and resolve this inconsistency. If the Board would like traps that fish for multiple species to stay in the water, a letter needs to be sent to NOAA clarifying this point.

However, one of the confounding issues now is that we jointly manage Jonah crab with lobster. I think that begs the question if all traps are multispecies traps. If the Board would like all traps that fish for lobster to stay in the water during a season closure, a two-thirds majority vote is needed to reverse that previous motion.

However, the Board does need to consider the Atlantic large whale take reduction team 30 day wet storage provision; given that these season closures are longer than 30 days. To make things a bit more complicated, there are other implications for the season closures; depending on what the Board chooses today.

If the Board makes a motion that the most restrictive rule is not applied in state waters,

this may impact other season closures; specifically 4, 5 and 6, since they were all under the umbrella of Addendum XVII. Additionally, if the Board clarifies that traps do not have to be removed in federal waters, then this may impact federal waters of Area 5. Their season closure is February 1 through March 31.

CHAIRMAN BORDEN: All right, is everyone clear on the path forward, and if they are let me ask New York and New Jersey if they want to give us a recommendation on this. Jim.

MR. GILMORE: Sure. I can just do a motion and the second parts of this, maybe I'll do that. I'll just put a motion up; try to do this in one shot. Then I'm sure we'll have a lot of discussion, so if that's okay with you, Mr. Chairman. **Okay, I move to 1, allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species such as Jonah crab, during the closed period and 2, exempt closed seasons from the most restrictive rule; as currently defined by the feds.** Those are the options where we would have to notify NOAA Fisheries on these changes.

CHAIRMAN BORDEN: Is there a second, Tom wants to second it; so Tom, do you want to comment on the motion while we prepare it, and then I'll ask for questions from the Board? Tom.

MR. TOM BAUM: Just that our Technical Committee people worked with New York's and with our constituents and this has been an ongoing issue with a lot of confusion amongst the constituents. This would be extremely helpful in one, giving them work during the closed season.

The fishery would continue to fish for Jonah crab, and two, be a safety issue, as far as keeping the traps in the water. I believe they would say it would take them like 14 working days to take their hundreds of pots out of the water. That is including weather days and all

that. This would eliminate a lot of the confusion that exists already.

CHAIRMAN BORDEN: We still don't have the motion; does anyone want to offer a comment while we're crafting that? Oh, now we do have it. Okay, so questions on the motion; any questions or comments? Tom Fote. Other points here, does anyone want to comment on this? Mike.

MR. LUISI: Just a question Mr. Chairman to Megan. Megan, the last slide that you had up had some consequences to the other LCMAs, could you just clarify based on what this motion states whether or not there would be those impacts?

MS. WARE: Since the motion is specific to Area 4, it sounds like the intent is only to address the Area 4 inconsistencies. I think you would have to add Area 5 in if you were interested in making changes there. But from your shake it maybe sounds like you aren't.

CHAIRMAN BORDEN: Michael, are you suggesting that Area 5 be added?

MR. LUISI: No, sir. The last slide, I just wanted to make sure that there wasn't some trickledown effect of a change that would impact Area 5. I just wanted to be clear on that.

CHAIRMAN BORDEN: Other clarifications on the motion? Peter Burns.

MR. BURNS: I am just trying to think this through. If this was approved, this motion is approved by the Board; I'm assuming that the next step would be a recommendation for NMFS to look at this a little more closely. I think if that's the case, one of the things that still stands out is keep in mind that the closed season was put in place under Addendum XVII to address the 10 percent reduction in exploitation.

I don't necessarily see leaving the gear in the water as an even swap with taking the gear out. I certainly understand the other ancillary issues that are involved with the other fisheries and things like that. But if this goes forward and there is a recommendation for NMFS to take a harder look at this.

I think it would be helpful for us to have some type of analysis from the Technical Committee that shows what the level of conservation benefit is of leaving the traps in the water; as opposed to taking them out, and how this Area 4 closure adopted under Addendum XVII would or wouldn't need to be changed; in order to insure that the right level of conservation is achieved.

MS. TONI KERNS: Under Addendum XVII we approved conservation equivalency proposals; and this measure came from that conservation equivalency proposal, where they did the traps out of the water. That was a subsequent meeting. It was a part of what the Board approved previously.

CHAIRMAN BORDEN: What I'm not clear on, Toni. I think what Peter is suggesting is we would need some Technical analysis to back it up that it met the original standard; if we were going to change this rule.

MS. KERNS: It was already done when we approved the conservation equivalency proposal.

CHAIRMAN BORDEN: Okay, other points, there are no hands up. Are you ready to vote on this motion; or do we need a one-minute break here? Let's take a one-minute break. All right, I think I've got clarification. Since this motion has to pass by a two-thirds majority since it's actually constitutes reconsideration of a prior action by the Commission.

Are you ready for a vote on this; one minute caucus? Okay, so that was the longest pregnant one-minute break we've had to date. We have

a difference of opinion between the powers; which doesn't surprise me. It goes with the hour. But there is a legitimate difference of opinion. I think we need some time to sort this issue out.

The concept would be we need NOAA General Counsel to work with the Commission staff and do that. Then since NOAA is in the process of starting another regulatory action for federal waters; maybe we could address that as part of that effort. **I think the appropriate way to move forward here is a motion to table this action or postpone; motion to postpone the action. Would someone care to make that motion; Pat Keliher and Dennis Abbott?** Are you ready for the question? I'm going to call the question; all those in favor.

EXECUTIVE DIRECTOR BEAL: What time, to the next meeting?

CHAIRMAN BORDEN: Next meeting. Adam.

MR. NOWALSKY: I just want to toss up a word of caution about next meeting. We had gone through this with New Jersey's summer flounder appeal, and we happened to go through a conference call. I might suggest we specify the annual meeting or something here based on past precedent.

CHAIRMAN BORDEN: **Motion to postpone until the annual meeting?** We have a perfected motion then, Mr. Abbott and Keliher have perfected their motion; is that correct? They both nod yes, so the motion is to postpone until the annual meeting. **All in favor signify by saying aye. Opposed, motion carries any abstentions? No abstentions, motion carries.**

**AMERICAN LOBSTER  
GULF OF MAINE/GEORGES BANK  
SUBCOMMITTEE REPORT**

CHAIRMAN BORDEN: Okay, so we're going to move on to another really easy issue to address; which is the Gulf of Maine/Georges Bank. As the Board knows a number of months ago there

was a lot of concern that was voiced by a number of individuals; Pat Keliher being one of them, about the status of the Gulf of Maine/Georges Bank stock. The settlement indices up there have basically been declining since 2012; which is a real concern when you consider that there are about 8,000 fishermen involved in that fishery, and the fishery is worth \$500,000,000.00 to the coastal communities in that area.

The Board, with some prompting from the northern New England portion of the Board, formed a Subcommittee to meet and discuss this. Megan is going to report on the status of those deliberations; and then I think there is going to be a motion at the end of that. Megan.

MS. WARE: The Subcommittee met in New Hampshire on July 13. This was the second meeting of the Subcommittee and it expanded upon the recommendations that were presented to the Board in May. As a reminder, the Subcommittee includes Board members, industry, organization leaders, TC members and fishermen; and it was established to discuss future management of the stock given changing conditions.

One of the topics of conversation for this Subcommittee meeting was proactive versus reactive management action. Overall there was a consensus that there is a need for a proactive management. American lobster is one of the largest and most valuable fisheries along the Atlantic coast.

In 2016 over 158 million pounds were landed, totaling over \$666,000,000.00 in ex-vessel value. The vast majority of this is landed from the Gulf of Maine/ Georges Bank stock with 87 percent of landings in Maine and New Hampshire alone. This concentration highlights the economic importance of the lobster fishery to coastal communities; particularly in Maine or the total economic value is estimated at over one billion dollars.

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As the Chairman alluded to, the concern that has prompted this discussion is the settlement surveys. This here is the Maine settlement survey. Since about 2012 on, we've seen a consistent decline in those surveys for all three statistical areas in Maine. The settlement surveys for other states mirror this.

The overall goal of the Subcommittee is to increase the resiliency of the Gulf of Maine/Georges Bank stock. As a result they are recommending a multi-phase approach; which includes a proactive management response. This is in response to signs of reduced settlement, and the combination of the Gulf of Maine and Georges Bank stocks following the 2015 stock assessment.

Phase 1 is a recommendation that the Board initiate an addendum to consider uniform management measures in the Gulf of Maine/Georges Bank stock. This would include things such as gauge size changes and V-notch requirements and other measures. This is a proactive response, and the intent is to build an additional biological buffer; through the protection of spawning stock biomass across LCMAAs.

Currently we have disparate measures that allow lobsters protected in one area to potentially be harvested in another. Standardized regulations will also address enforcement concerns; particularly rules regarding the lobster chain of custody, where lobsters are moved across state lines. As a reminder, initiating an addendum charges the Plan Development Team with developing management alternative; and starts the Commission's public process. Phase 2 seeks to address the fact that substantial economic effects will be felt before reference points trigger management action. Right now we trigger management action at the 25th percentile of abundance; which is 66 million lobsters from the 2015 stock assessment. At the end of that stock assessment we were at

248 million lobsters. That's a fairly large decline before management action is initiated.

The Subcommittee is recommending that triggers be developed; which require management action at a higher abundance. We still need to identify the nature of these triggers and the management response. However, the Subcommittee is encouraging the Board members to initiate conversations with industry; to field potential goals and gain consensus that the current reference points will lead to economic consequences.

In addition we have the 2020 stock assessment that is scheduled to be presented in August of 2020; and that provides an opportunity for the Board to consider reference points that more appropriately reflect current stock conditions. With that I'll take any questions.

CHAIRMAN BORDEN: Questions for Megan. If not; let me just say, since I chaired these meetings. I thought the dialogue at the Subcommittee was really excellent. I think this is a good opportunity for the Commission to try to get a little bit ahead of an issue. This is a really important issue for all of the states from Rhode Island north.

It will be a difficult process. I don't think any of us should delude ourselves. Some of the decisions we're going to face on this will be extraordinarily difficult. I want to say as part of the record, this issue of standardizing regulations is in the context of discussing standardizing regulations. It does not mean every regulation will be standardized.

I don't want anyone in the industry to assume that that is going to be the case; you know have the state of Maine adopt the Rhode Island minimum size of 10.2 inches. This I think is a really worthwhile endeavor. Nothing is going to happen extremely fast on this, but we're going to just start the process, start the dialogue; and see if we can get ahead of an issue, instead of trying to react to an issue. Pat Keliher, you

indicated to me that you wanted to make a motion.

MR. KELIHER: That's correct, Mr. Chairman. I would be happy to do that now. **I would move to initiate an addendum to consider standardized management measures in the Gulf of Maine/Georges Bank stock. This addendum is intended to be a proactive management response to increase the resiliency of the stock.** If I get a second, I'll be happy to give some justification.

CHAIRMAN BORDEN: Seconded by Ritchie White.

MR. KELIHER: In 2016 landings of lobster totaled more than 158 million pounds, 130 million pounds of that nearly 600 million in landed value, came from the state of Maine alone. This represents one billion in economic activities within the state of Maine. While the economic picture is sound, there are troubling signs that would suggest action may be warranted.

Along with changing environments within the Gulf of Maine, coupled with a shift in the geographic distribution of the stock; we now have survey information showing that last four of the five years we have seen poor settlement. After the last stock assessment this Board concluded that the Gulf of Maine and Georges Bank were indeed one stock; and it would seem that this would be the next logical action, if done appropriately it could have the added benefit of building biological buffer to protect spawning stock biomass. With that Mr. Chairman I'll conclude my remarks.

CHAIRMAN BORDEN: Ritchie, do you want to comment on this? Anyone else on the motion, are there any objections to the motion? **No objections; the motion is adopted by unanimous consent.** There will be a tasking. We'll put this on the staff list and start to work on it; but one comment that I just wanted to make is that from a southern New England

lobster perspective, there are scary parallels that are going on.

The spawning stock biomass in the Gulf of Maine stock is at record high levels at this point; and yet you have some of the same symptoms that we saw in southern New England, where you get decoupling between Stage 1 larvae and Stage 4 larvae in the spawning stock biomass. This is an issue that we really have to focus on and figure out ways to try to move forward on. Is there anything else on this issue?

If not we're going to move on to the Law Enforcement report, Mark, you're going to talk to us about chain of custody, I think. I jumped ahead of myself.

#### **UPDATE ON DEVELOPMENT OF DRAFT ADDENDUM XXVI**

CHAIRMAN BORDEN: Okay, so we're working on the Data Collection Addenda. We have so many addendums going on in lobster that it is difficult for the Chairman to keep track of them. Megan, do you want to give us a status report on the data collection addendum?

MS. WARE: Given the time of the evening I'm just going to verbally talk about it; and give you guys a brief update. We're still working on harvester reporting and biological data collection addendum. Right now we have three issues in that. We have the percent of harvester reporting, we have the elements that are collected from harvesters, and then our third issue is a potential pilot program for electronic tracking.

I would just ask that if the Board has any feedback on the direction that the PDT is taking thus far, to let me know that after the Board meeting. A draft copy of the addendum was included in supplemental materials. It is not finalized, but I just wanted to give the Board a flavor of where we're going. In terms of timing, we have some TC analysis that's going on.

We hope to have that complete by the annual meeting. But I am unsure if we're going to be able to complete the addendum by annual meeting. We're certainly going to try; but there is another document called Menhaden Amendment 3 also going on, so I don't want to try and over commit. But we'll do our best and I just want to let you guys know it's still on our radar.

CHAIRMAN BORDEN: Any comments, Emerson.

MR. HASBROUCK: The vessel tracking that you refer to, is that a VMS system? Is that essentially what you're referring to?

MS. WARE: It's the same idea, but we're not looking at VMS technology. We're trying to look at other devices that are a bit more cost effective and have a faster ping rate. Those were some of the suggestions of the Law Enforcement Committee; so we're looking at other technologies to test. One of the ideas of the pilot program is that the lobster fishery spans a large geographic range; we have inshore versus offshore, different vessel capabilities. We might need to identify multiple technologies to fit the fishery; should the Board even want to pursue electronic tracking.

CHAIRMAN BORDEN: Anyone else? I would offer a personal comment. At some point I would like the Technical people to look at this issue of trap hauls; in terms of the data collection system. If you just look at the points that Kathleen made and the Technical Committee made, they're really struggling trying to differentiate trap hauls and lobster versus some of these other fisheries.

Maybe if there's some kind of alternative that we could put into this to try to clarify that that would be a useful addition to the list. Are there any objections to that; any other action on this? If not we'll move on with the Law Enforcement. No? No report. The next item is the JEA Agreement. We had asked for a discussion of this issue.

## **NOAA OFFICE OF LAW ENFORCEMENT DRAFT PRIORITIES FOR 2018-2022**

CHAIRMAN BORDEN: I just remind everybody we submitted a letter some time ago, basically recommending that NOAA OLE raise the priority of lobster enforcement. Pat Keliher in particular kind of championed that issue. Megan is going to talk about the priorities, and then if we want to formalize another recommendation we can do that at that time. Megan.

MS. WARE: The NOAA OLE draft priorities for 2018-2022 have been released, and it's now open for public comment. Kind of the question before the Board is if you guys would like to again comment on these priorities. Geoff, if you just want to flip through those slides, those are a couple of the priorities. I'm not going to read them all.

But some of the things you'll notice is that they tend to be a bit more broad this year, they aren't species specific; and they don't have a high versus low priority ranking, they're just all kind of on the same level. We did have an LEC call and there was a member from NOAA OLE who kind of talked to those changes, and the intent is to provide greater flexibility. But it is up to the Board if you would like to send another letter commenting on that.

CHAIRMAN BORDEN: Comments, Pat.

MR. KELIHER: Frankly I was very disappointed at how watered down these priorities were. They made them extremely broad. We talked at length in Maine about the fact that how we operate our enforcement arm within the department. It doesn't give guidance and it doesn't really help us in any way, shape or form; understanding that these priorities are such high level.

Frankly I think the most appropriate thing is for the Law Enforcement Committee to continue to interact with NOAA OLE on really digging down into these issues; so they have a better

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understanding of what the priorities are, because each state is going to be in a situation of having to work on their own JEA agreement.

We think we could be much more effective in the state of Maine with our agreement if it was laid out properly. While we're doing lobster enforcement we can still be doing ground fishing enforcement and herring enforcement, and all of the other issues associated with protected species. I'm kind of at a loss with how they've brought these forward. Yes, it gives them more flexibility, but it gives me kind of a sense of pause; because I'm not sure how you kind of really drill down into them. I think our own LEC Committee could really do a better job engaging OLE.

CHAIRMAN BORDEN: Pat, wasn't one of the concerns you had when this came up originally the idea that there were inadequate fiscal resources available to have better platforms for trap enforcement offshore? To what extent does this address that concern? I mean this is an issue that Mark and the Enforcement Committee have been working on for the Board.

How do you improve that? One of the issues is we need at least one offshore platform someplace that can actually engage in trap hauls. A 45-foot boat is not going to do it. To what extent has that concern been addressed as part of this?

MR. KELIHER: I don't think it's been addressed at all the way they've put this at such a high level. They've really said that these specific areas, protected resources, sustainable fisheries are priorities; without getting into any detail. You're exactly right. We have no ability to haul gear in offshore Area 1 and in particular Area 3.

The state of Maine has five large vessels ranging from 38 to 45 feet. We're not going to haul gear in Area 3. I don't believe any other state has the ability to do that. If we're going to be serious about lobster enforcement in Area 3,

we need to have those capabilities; because nobody else does.

CHAIRMAN BORDEN: I don't want anyone to misinterpret this, because I'm not picking on NOAA; but this is a real issue. As Pat Kelihher knows, over a year ago I went to the Enforcement Committee meeting and basically flagged this as a real concern. We're relying on trap limits in federal waters, and yet there is no ability by any of the agencies involved to haul traps, or to monitor traps, or to target traps.

When they get a complaint, and I'm sure they get valid complaints all the time about some fisherman violating the trap limits or fishing illegal gear. No one has the ability to do anything about it. I mean it's a system that's designed to fail. Somehow we have to get on with figuring out how to at least get one vessel.

The concept was that I think the Enforcement Committee was working on. You get one vessel that has that capability, and utilizing the JEA mechanism, other states could then say we need that vessel for two weeks to do offshore enforcement in X area. Then you could charge the JEA Agreement for some of the time to do that.

Somehow we have to figure out how to get on with this; it's too important an issue. No enforcement will lead to rampant cheating in the offshore areas, and I think to some extent it's already going on. I don't know whether Mark has any comments on this; but it doesn't appear there is any action at this point. Mark.

MR. MARK ROBSON: Well, we just heard the review of the STRAP, Strategic Plan at the conference call on the 25th. There were a number of different comments about; I don't believe the Maine representative had had any interaction yet with NOAA OLE. There were a couple of representatives from Law Enforcement Committee from other states that had acknowledged that they were in fact communicating with NOAA OLE. To the extent

that the more general description of priorities allowed the states to possibly do more multispecies enforcement, and still be able to get reimbursed through the federal process. They were actually pleased with that change; because previous ranking processes were pointing towards having a very specific list of tasks, and the states would have to address very specific enforcement for each of those species or tasks in order to get reimbursed.

I don't know enough about where this is going to end up, as far as specific states being able to get the kind of resources they need; and the lobster issue is one we've been discussing obviously. As you described, even in the case of the U.S. Coast Guard, which has offshore vessels, they do not have and will not have the capability to do any trap hauling and checking.

This is why the Law Enforcement Committee was pressing on that issue. I think what we would have to do is go back to the LEC and the NOAA OLE representatives on the Committee; and we did have three members from NOAA OLE on the call on the 25th, and really tried to nail down what the process can be for each state working through this ranking process or prioritization process; to make sure that the joint enforcement agreements and the cooperative agreements are set up to address those states priority needs.

CHAIRMAN BORDEN: Other comments here? Ritchie.

MR. WHITE: I would think that it's something that all the New England states would be asking for; as opposed to each state attacking this individually. I would think the process would be for all the New England states to be asking JEA to somehow come up with the money for a boat that all the New England states would use.

CHAIRMAN BORDEN: I agree with that personally. I think that's an appropriate strategy. I mean having been involved in certain aspects of reviewing Pat's program up

there. He has very competent individuals that are very knowledgeable about how to do this; they just don't have the equipment to do it.

I think this is a problem that can be resolved; we just have to figure out how to get the right focus on it. I have no objections if the Enforcement Committee continues to work with the appropriate states to try to insert this as a priority; as we recommended for the northern New England states. Dan.

MR. MCKIERNAN: The second level of advice I would give to the Enforcement Committee is looking at the penalties for this, or have them give feedback on the penalties; because we have some small scale pot fisheries in state waters, and sometimes our law enforcement officers will board the boat while they're hauling, and see an untagged trap or more.

I'm not sure they understand the gravity of that. Most lobstermen who feel that someone has been detected fishing any amount of untagged gear, they would like to see the ultimate punishment. But that message hasn't always been relayed very well. I think the action that comes about from an observation or a finding of an untagged trap needs to be really significant. That has to be part of this solution as well.

CHAIRMAN BORDEN: Other comments on this; Pat.

MR. KELIHER: I'll build on Dan's comment. Just briefly, Mr. Chairman, the state of Maine just went through a very exhaustive legislative session dealing with just this particular issue. I would be happy to present any findings to the Board if they would like. In a nutshell, trap molesting, trap cutting, hauling of other individuals gear, fishing sunken trawls, fishing over the trap limit, fishing over the allowable trap limit within the neighboring zones, burning and sinking of vessels and scrubbing; all very intentional illegal activities.

We just put very severe penalties in place, which includes minimums for most of them at three years instead of a year or less, which is where they use to be. They also have on second offenses up to ten year provisions for penalties; and on third offense they have permanent revocation, with the exception of scrub lobster, which is permanent revocation on the first offense and sinking and burning of vessels, which is permanent revocation on the first offense. We modeled these after what we did with elvers. We're two strikes and you're out. It is the most aggressive penalty provisions that I know on the east coast with the state fisheries.

CHAIRMAN BORDEN: All right so we're going to continue to work on this issue. I think the primary focus will have to be the northern New England states to work with the LEC; and see if we can get the appropriate recommendations made. Is there any other action on this? If not we're down to other business. Jim.

MR. GILMORE: I'll make this quick. I raise it because it's a potential compliance issue. With Jonah crab, when we started the process we got legal counsel from a former attorney, who told us we had our regulatory authority for all the measures that were being formed. As we got into it, it turns out we only have half of the regulatory authority.

What we're going to be able to do is first the size limits. We can do that through our current regulatory process. However, licensing and effort restrictions we have to get legislative authority to do that. What we're going to do is first we can do it through a departmental bill; which is our budget cycle, which starts now actually; so the timing's good.

But that would mean an April 1st date by the time, because it goes with the state budget before we would have the authority. We're also going to try to get a local legislator to give us that authority on a quicker timeframe, because it's a pretty straightforward set of

legislation. Essentially the piece of it that's looking at licensing and effort restrictions we can't implement until we get the authority to do that. But we'll work as diligently as we can to get it done quickly.

## **OTHER BUSINESS**

### **UPDATE ON THE STATUS OF THE JONAH CRAB FISHERY**

CHAIRMAN BORDEN: Any questions for Jim? If not; Megan, when are we going to get an update on the status of the crab fishery? At what point will we get that?

MS. WARE: Compliance reports are due today. Annual meeting I'll do the first Jonah crab FMP review.

CHAIRMAN BORDEN: Given all the discussion about what's happening in terms of the focus of the fishery; I think if everything that everybody's been saying all day long about the focus on crabs, I think it will be an eye-opening review in terms of what's actually happening with the landings. Dan.

MR. MCKIERNAN: What about a Jonah crab stock assessment?

CHAIRMAN BORDEN: I am not sure exactly where we stand with that. The last time we discussed this we didn't have the available tools, biological tools. Toni.

MS. KERNS: In my discussions with, I think your staff, Dan. I don't think we're quite ready there yet; maybe a couple years. A lot of those folks that would have good knowledge of that will be reviewing the compliance reports. I know that there is some update of the work that Mass has been doing; but I don't think it's enough to get us to an assessment yet.

CHAIRMAN BORDEN: I would just note the compliance report is going to include research recommendations. Hopefully we'll move on with that. That needs to be done. If much effort is going into that fishery as we all suspect,

we need to get on with a stock assessment there.

**ADJOURNMENT**

CHAIRMAN BORDEN: Is there any other business? If not the meeting is adjourned. Thank you.

(Whereupon the meeting was adjourned at 6:30 o'clock p.m. on August 1, 2017)



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** American Lobster Management Board  
**FROM:** SNE Lobster Working Group  
**DATE:** September 29, 2017  
**SUBJECT:** Recommendations Regarding Future Management of SNE Stock

At the August meeting, the Lobster Board decided not to move forward with Addendum XXV for management use. After reviewing the proposals put forth by the Lobster Conservation Management Teams (LCMTs) and the report by the Technical Committee (TC), some Board members expressed concern that not all proposals will meet the required 5% increase in egg production. Other commented that the 5% increase in egg production is too low to protect the stock while others disagreed that further reductions in fishing effort are needed. Given the wide variety of perspectives, the Board decided to convene a Southern New England (SNE) Working Group to discuss future management of the stock, particularly in light of the role that climate change is having on the population.

The SNE Working Group met via conference call on September 15<sup>th</sup>. The Working Group consisted of Lobster Board members, TC representatives, federal partners, and industry representatives. The Working Group discussed five potential paths forward regarding management of the SNE stock. These included: 1) reconsidering provisions of Draft Addendum XXV; 2) reconsidering the goals and objectives by which the Board manages the SNE stock; 3) engaging with the Commission's Climate Change Work Group; 4) reducing latent effort in LCMA 4, 5, and 6; and 5) considering additional management changes following the 2020 Stock Assessment (see Appendix 1). Based on this discussion, the Working Group put together a series of recommendations to the Board regarding future management of the SNE stock.

### **Working Group Members:**

David Borden (Board Chair)

Dan McKiernan (MA Board Member)

Mark Alexander (CT Board Member)

Peter Burns (GARFO Board Member)

Chip Lynch (GARFO)

Kim McKown (TC Member, SASC Chair)

Jay McNamee (2015 SASC Member)

Grant Moore (AP Chair)

Lanny Dellinger (AP Member, LCMT 2 Chair)

Michael Grimshaw (LCMT 6 Fishermen)

One key aspect of the Working Group's deliberations relates to workload. The Board currently has two addenda in progress and there is a threshold to the amount of time staff (Commission staff, PDT members, TC members) can devote to each issue. Draft Addendum XXVI should make much needed improvements in the data collection program, and directly address some of the noted deficiencies in the last assessment. Draft Addendum XXVII is intended to provide an

additional buffer for the Gulf of Maine/Georges Bank stock during a period when some indices of abundance are demonstrating warning signals for the future status of the resource. Moving forward, it is important for the Board to prioritize these tasks so staff can allocate time appropriately. The SNE Working Group did note that less than 10% of coastwide landings come from the SNE stock and issues such as harvester reporting and resiliency of the GOM/GBK stock are extremely important.

***Recommendations for Future Management of Stock:***

The following are recommendations from the SNE Working Group for Board consideration.

1. Do Not Reconsider Addendum XXV – Given the disparate views of the Commissioners, the Working Group does not recommend that the Board reconsider the provisions of Draft Addendum XXV. Following a series of extensive votes at the August Board meeting, it became clear that the Board does not have a unified goal for Draft Addendum XXV, including the percent increase in egg production or the management tools under consideration. Given a motion from the prevailing side along with a two-thirds majority vote is needed to reconsider Draft Addendum XXV, the SNE Working Group does not see this as a viable option for the Board.
2. Review the Goals and Objectives under Which the SNE Stock is Managed – Given concern that the SNE stock may not be able to be rebuilt to historic levels, the SNE Working Group does support a review of the goals and objectives under which the SNE stock is managed. It is clear that the SNE stock is influenced by changing environmental conditions, including warming waters and changes in the distribution of predator species. As a result, the goals and objectives originally established under Amendment 3 (1997) may no longer be applicable. Should the Board desire, the SNE Working Group can compile and review the goals and objectives of Amendment 3, as well as subsequent addenda, and report back to the Board at the Winter Meeting. Staff notes that changes to the goals and objectives used to manage the stock will require an Amendment.
3. Engage with the Climate Change Working Group – The SNE Working Group also recommends that the Board engage with the Commission’s Climate Change Working Group to gain insight on how to manage a stock which is impacted by changing environmental conditions. The Commission’s Climate Change Work Group is currently developing recommendations on ways to manage stocks which have either been negatively or positively impacted by climate change, a discussion pertinent to the management of the SNE lobster stock. Depending on the direction and timeline of the Climate Change Working Group, there may be an opportunity to consider SNE Lobster as a case study, similar to how the Risk and Uncertainty Work Group is using striped bass as a case study for their work.
4. Develop TORs for the 2020 Stock Assessment Which Address Changes in the Stock – The Stock Assessment Subcommittee (SASC) is beginning work on the 2020 Stock Assessment and it is expected that draft Terms of Reference will be presented to the Board at the Winter Meeting. This stock assessment provides an opportunity for the Board to consider

new reference points which more accurately reflect the condition of the stock as well as environmental covariates in the model (i.e. climate drivers, predation, shell disease). The SNE Working Group recommends the Board incorporate TORs which address reference points and environmental drivers into the 2020 Stock Assessment, thereby tasking the SASC to review these issues.

5. Explore Ways to Reduce Latent Effort in LCMAs 4, 5, and 6: Under Addendum XVIII, LCMAs 2 and 3 are going through a series of trap reductions to scale the size of the fishery to the size of the resource. Similar actions have not taken place in LCMAs 4, 5, and 6 resulting in large amounts of latent effort. This is a concern as improvements in the stock could re-activate this effort and negate improvements in the stock's condition. As a result, the SNE Working Group recommends that the Board task LCMTs 4, 5, and 6 with developing strategies to reduce latent effort in their respective regions. When ready, LCMTs can present their proposals to the Board, at which point the Board may consider the initiation of an addendum. This process not only engages the LCMTs but also provides an opportunity for ASMFC staff and PDT members to work on Draft Addenda XXVI and XXVII before another addendum is initiated. It should be noted that this option increases the workload of TC members from states with fishermen in LCMAs 4, 5, and 6 as additional LCMT meetings will be needed to develop proposals. The Board should consider this workload and its implications, given the TC is beginning to engage on the development of the 2020 Stock Assessment.

## Appendix 1

**TO:** SNE Lobster Working Group  
**FROM:** Megan Ware, FMP Coordinator  
**DATE:** August 30, 2017  
**SUBJECT:** Potential Paths Forward in SNE Lobster

At the August meeting, the Lobster Board decided not to move forward with Addendum XXV for management use at the current time. After reviewing the proposals put forth by the Lobster Conservation Management Teams (LCMTs) and the report by the Technical Committee (TC), some Board members expressed concern that not all proposals will meet the required 5% increase in egg production. Other commented that the 5% increase in egg production is too low to protect the stock while others disagreed that further reductions in fishing effort are needed. Given the wide variety of perspectives, the Board decided to convene a Southern New England (SNE) Working Group to discuss future management of the stock, particularly in light of the role that climate change is having on the population. The purpose of this Subcommittee is to provide direction and guidance to the Board regarding the SNE stock.

Moving forward, there are several paths for the Subcommittee to consider. Staff has outlined five approaches for discussion by the Subcommittee; however, the Subcommittee may consider other options and there may be combinations of these ideas that work together too.

1. Engage With the Climate Change Work Group and Wait for Recommendations – Draft Addendum XXV notes the effect of climate change on the lobster stock and several Board members have expressed concern that the SNE stock cannot be rebuilt to historic levels. The Commission has a Climate Change Working Group which is currently evaluating management practices for affected stocks. As a result, the Board could engage in these discussions and/or wait for recommendations from this Working Group before proceeding with management changes for SNE.

2. Take Action to Reduce Latent Effort in LCMA 4, 5, and/or 6 – Addendum XVIII (2012) required all states within SNE to work with LCMTs to draft proposals to scale the size of the fishery to the size of the resource. Since that time, only LCMTs 2 and 3 have developed and implemented proposals to reduce their trap allocations. LCMTs 4, 5, and 6 have yet to address this Board task and, as a result, there is a significant number of latent traps in those management areas. This is a concern given this latent effort could be reactivated on a depleted stock. In their Addendum XXV proposal to the Board, LCMT 6 noted the large amount of latent effort in Long Island Sound and the desire to develop and implement measures to reduce the number of unused traps. As a result, the Board could task this LCMT, as well as LCMTs 4 and 5, to scale the size of their fishery to the size of the resource. This action would require an addendum.



3. Consider Future Management Action after the 2020 Stock Assessment – The next benchmark stock assessment is scheduled for 2020 and will provide the best available science on the SNE stock. The Board could wait until this information becomes available to consider further action in SNE.

4. Initiate an Amendment to Reconsider the Goals and Objectives for the SNE Stock – Under Amendment 3, the management objectives for the SNE stock include: 1) protecting, increasing, or maintaining the brood stock abundance at levels which would minimized risk of stock depletion and recruitment failure; 2) developing flexible regional programs to control fishing efforts; and 3) optimizing yield from the fishery while maintaining harvest at a sustainable level. If there is interest in adjusting the goals and objectives set forth in Amendment 3, particularly in light of climate change, an Amendment must be initiated. Typically, an Amendment takes at least two years to complete and is not implemented in the states until the 3<sup>rd</sup> year. The Amendment may also consider changes outside of the goals and objectives of the fishery, such as the simplification of the management program. The Board should consider the timing of an Amendment in relation to the 2020 Benchmark Stock Assessment.

5. Reconsider Draft Addendum XXV – A two-thirds majority vote is needed to reconsider action on Draft Addendum XXV. In reconsidering this addendum, the Board can re-evaluate the percent increase in egg production, the management tools which can be used to achieve the percent increase in egg production, or any of the other management issues and alternatives included in the public comment document. Given the divergent views on the Board, this may be the most difficult approach on which to gain a consensus. Management alternatives outside of the scope of the Draft Addendum can be considered; however, the document would have to be taken out for a second round of public hearings.

6. Other strategies/Combination of Strategies

As the Subcommittee considers the future direction of management in SNE, it may be important to consider the management priorities of the Lobster Board. Currently, the Board currently has two additional Addenda in progress: Addendum XXVI (harvester reporting and biological data collection) and Addendum XXVII (Gulf of Maine/Georges Bank stock). Addendum XXVI should make much needed improvements in the data collection program, and directly address some of the noted deficiencies in the last assessment. The Gulf of Maine/Georges Bank Addendum is intended to provide an additional buffer for the stock during a period when settlement indices are demonstrating warning signals for the future status of the resource. Should the Subcommittee and Board pursue further action in SNE, it will be important to prioritize tasks so that Commission staff focus on the most pertinent needs of the fishery.



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James Gilmore, Director

## Memorandum

April 3, 2017

**TO:** ASMFC American Lobster Management Board

**FROM:** Peter Clarke (NJDEP) and Kim McKown (NYDEC)

**SUBJECT:** LCMA 4 Proposal State and Federal Regulatory Consistency for Closed Seasons

This memo addresses two state – federal consistency concerns that have developed through the implementation of the 10% reduction requirement of Addendum XVII. These items relate to trap removal and implementation of the most restrictive rule during the closed season. These concerns are discussed below.

### **Trap Removal:**

#### **Background**

In order to accomplish a required 10% reduction in harvest as outlined by ASMFC Addendum XVII, Lobster Conservation Management Area (LCMA) 4 implemented rules requiring v-notch all egg bearing females coupled with a seasonal closure from February 1 to March 31. During the Winter 2012 American Lobster Board (Board) meeting, the Board decided that all directed fishery lobster traps must be removed from the water. The Board also decided that if a closed season extended four weeks or longer, a two-week grace period for removal of lobster traps and a one-week grace period for setting un-baited lobster traps would be allowed. In accordance with these determinations, NJ Division of Fish and Wildlife (DFW) and NY Department of Environmental Conservation (DEC) developed closed regulations that required trap removal with the appropriate grace period, but also allowed for the traps to remain in the water if they were being legally fished for other species (non-lobster directed traps). NY DEC and CT Department of Environment and Energy (DEEP) adopted similar rules for LCMA 6 (see Appendix 1).

Upon evaluation in 2014, the ASMFC Lobster Management Board determined that LCMA 4 did not reach the required 10% reduction in landings for fishing year 2013. Due to the reduction not being met with the combined v-notching and seasonal closure a seasonal closure from April 30-May 31 was applied alone for the 2015 fishing year as approved by the Board. The NJ DFW and NY DEC closed season rules were revised to

implement the new closure dates and new removal grace period, but the allowance for traps to remain in the water to allow fishermen to continue to legally fish for other species remained (see below).

In December 2014, the NJ DFW and NY DEC applied the seasonal closure with the following regulatory language:

**For NJ;** “A person fishing in ASMFC Lobster Management Area (LMA) 4 and/or 5 or that has designated LMA 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of April 30 through May 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 4 and/or 5. During the closed season, all lobster traps in LMA 4 and/or 5 must be removed from the water. However, a licensee shall have a two-week period from when the season closes to accomplish removal of all lobster traps. In addition, unbaited lobster traps may be set one week prior to the season reopening. *If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.*”

**For NY;** “The harvest and landing of lobsters from LMA 4 is prohibited from April 30th through May 31st. *During the April 30th through May 31st closure, lobster permit holders who use lobster traps or pots may set un-baited lobster traps or pots one week prior to the end of the closed season. No lobster trap or pot may be in the water from April 30th to May 24th, unless the lobster permit holder also holds appropriate license(s) to harvest other species from his or her traps or pots.*”

The key wording for both statutory regulations is the ability of lobster pot fishermen to continue harvesting other species, particularly Jonah crabs during the closed period.

### **Current Issue**

In 2015, a Federal Registry Notice was released stating that all lobster gear needed to be removed from the water for extent of the closed period. This places an unfair burden on fishermen to remove gear for a 32 day closure. It takes a fisherman with a 1200 trap allocation in LCMA 4 approximately 12 days to remove all his gear. Coupled with poor weather during April, the removal of gear could take up to 4 weeks to accomplish effectively phasing in the seasonal closure over the course of a month instead of the required 32 days.

For the last 45 years, the Area 4 lobster grounds which are soft bottom have been protected from mobile gear (scallop dredge and otter trawl) creating an effective sanctuary for lobsters and other marine fish. With the opening of this ground, the mobile fleet will move in and fish heavily upon the resources there. Lobster mortality will increase by up to 15 percent and the mobile gear will cause significant damage to previously protected habitat.

Because of these reasons, we urge the ASMFC Lobster Management Board to adopt one of the following options for trap removal for Area 4 fishermen in both State and Federal waters

Option 1 (preferred):

Allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species (Jonah crab) during the closed period.

Option 2:

Allow LCMA 4 fishermen to keep traps in the water that have been disabled by removing the escape panel or permanently opening the top of the trap so that any animal that entered the trap could escape.

If approved, we ask the ASMFC to forward the Board findings to NMFS for an immediate retraction to the current Registry to allow these changes to take place for the 2017 fishing season.

### **Most Restrictive Rule:**

#### **Background:**

LCMA's 4 and 6 both implemented closed seasons to accomplish the required 10% reduction in harvest of Addendum XVII, but during different times of the year. The LCMA 6 closed season is from September 8 through November 28, while the LCMA 4 closed season was originally from February 1 through March 31 and was revised to April 30 through May 31. Since there are NY lobstermen with joint LCMA 4 and 6 trap allocations, the question of whether the most restrictive rule applied to closed seasons was discussed at the Winter 2012 Board meeting. Due to concerns of potential shifting of effort, the Board determined that LCMT measures required the most restrictive rule apply to participants with multiple LCMA permits.

Due to the Board's determination, NY DEC adopted regulations that required permit holders with multiple area designations to abide by the most restrictive rule. The following is NY's most restrictive rule: *"Permittees who designate more than one LMA in their lobster permit application shall abide by the closed seasons rules in all designated LMAs, regardless of where they are fishing. Any person who possesses more than one commercial lobster permit shall abide by the closed season rules of the LMAs designated on all of their permits, regardless of where they are fishing. Any permittee who fails to designate an LMA on their application shall abide by all the closed season rules of the LMAs 1, 2, 3, 4, 5, 6, and Outer Cape Cod (OCC). The department shall provide license holders written notice of the current closed season rules of LMAs 1, 2, 3, 4, 5, 6 and OCC annually.*

#### **Current Issue:**

The 2015 Federal Registry Notice was silent about the most restrictive rule. NOAA Fisheries Lobster Information Sheet, (<https://www.greateratlantic.fisheries.noaa.gov/regs/infodocs/lobsterinfosheet.pdf>), has a section on the most restrictive rule, specifically mentioning trap allocations, lobster

size, v-notch rules, trap and vent size; but doesn't include season closures. Currently NOAA fisheries is not requiring lobster permit holder with joint LCMA 4 and 5 trap tag allocations to abide by the most restrictive rule as was required in NY.

NY's waters include 2 Lobster Management Areas (LCMA) 6 and 4. In addition, the south fork of Long Island is at the confluence of LCMA 6, 4, and 2. Many of NY's south shore lobster permit holders, in particular those on the south fork near Montauk, have traditionally fished in areas that now are part of multiple LMAs. These permit holders used to regularly move their pots throughout the year following the lobsters. Due to the implementation of the most restrictive rule, these lobstermen have had to remove one of the LCMA's that they historically fished in from their permit. This has caused significant financial hardship. Federal permit holders with joint LCMA 4 and 5 permits are not required to do this and are not impacted by this hardship.

Because of these reasons, we urge the ASMFC Lobster Management Board to adopt one of the following options for the most restrictive rule as it applies to closed seasons for permit holders with multi-area trap tag allocations in both State and Federal waters.

Option 1 (preferred):

Exempt closed seasons from the most restrictive rule (as currently done for federal permits).

Option 2:

Mandate that both federal and state multi-area permit holders abide by the most restrictive rule, which means they must abide by all season closures implemented in the areas listed on their permits.

If option 1 is approved, NY will remove the most restrictive language as it applies to closed seasons from NY state regulations. If option 2 is approved we ask the ASMFC to forward the Board findings to NMFS and request that they implement the most restrictive rule for closed seasons for federal permit holders.

Thank you for your consideration.

## **Appendix 1**

### **LCMA 6 rules:**

#### **NY DEC:**

“No lobster may be taken from Atlantic States Marine Fisheries Commission Area Six from September eighth through November twenty-eighth pursuant to the recommendations of the Area’s Lobster Conservation Management Team as required by the Interstate Fishery Plan for Lobsters adopted by the Atlantic States Marine Fisheries Commission.

b. During the September eighth through November twenty-eighth closure, lobster permit holders who use lobster traps or pots shall remove lobster traps and pots from the water by September twenty-second.

c. No lobster trap or pot may be in the water from September twenty-second until November fourteenth unless the lobster permit holder also holds a permit or license that authorizes them to harvest other species from their lobster traps or pots.

d. Lobster permit holders may set unabated lobster traps or pots beginning November fourteenth.

e. Lobster permit holders may set baited lobster traps or pots beginning November twenty-first.”

#### **CT DEEP:**

##### **“Season**

1. The closed season for Lobster Management Area (LMA) 6 (Long Island Sound and western Block Island Sound) is September 8 through November 28, inclusive, and applies to both recreational and commercial fisheries and all gears. Between those dates possession of lobsters taken from LMA 6 or from traps with LMA 6 trap tags is prohibited.
2. All lobster gear must be removed from the water during the closure, except that the ASMFC plan allows fishermen two weeks at the beginning of the closure period (September 8 through September 21) to remove gear and two weeks prior to the late fall reopening (November 15 through November 28) to redeploy the gear. Traps cannot be baited until one week prior to reopening (November 22).
3. An exception to the gear removal requirement is provided for fishermen who hold a conch (whelk) license for those lobster pots being actively fished for whelk. The take and landing of lobsters during these exception periods is prohibited.”

2017 REVIEW OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
FISHERY MANAGEMENT PLAN

**FOR Jonah Crab  
(*Cancer borealis*)**

**2016 FISHING YEAR**



*Prepared by the Plan Review Team*

## Table of Contents

1.0 Status of the Fishery Management Plan .....	3
2.0 Status of the Fishery .....	3
2.1 Commercial Fishery.....	3
2.2 Recreational Fishery .....	4
3.0 Status of the Stock .....	4
4.0 Status of Management Measures.....	4
5.0 Fishery Monitoring.....	5
6.0 Status of Surveys .....	6
7.0 On-Going Research Projects .....	8
8.0 State Compliance .....	9
9.0 De Minimis Requests.....	9
10.0 Regulatory Changes .....	10
11.0 Research Recommendations .....	10
12.0 Plan Review Team Recommendations.....	10
12.0 Tables .....	11
13.0 Figures .....	12



**2017 REVIEW OF THE ATLANTIC STATES MARINE FISHERIES COMMISSION FISHERY  
MANAGEMENT PLAN FOR JONAH CRAB (*Cancer borealis*)**

**2016 FISHING YEAR**

**1.0 Status of the Fishery Management Plan**

<u>Year of ASMFC Plan's Adoption:</u>	FMP (2015)
<u>Framework Adjustments:</u>	Addendum I (2016) Addendum II (2017)
<u>Management Unit:</u>	Maine through North Carolina
<u>States with a Declared Interest:</u>	Maine through Virginia (Excluding Pennsylvania and DC)
<u>Active Committees:</u>	American Lobster Management Board, Technical Committee, Plan Development Team, Plan Review Team, Advisory Panel

**2.0 Status of the Fishery**

**2.1 Commercial Fishery**

Historically, Jonah crab was taken as bycatch in the lobster fishery; however, in recent years a directed fishery has emerged causing landings to rapidly increase. Throughout the 1990's, landings fluctuated between approximately 2 and 3 million pounds and the overall value of the fishery was low. In the early 2000's landings began to increase with over 7 million pounds landed in 2005. By 2014, landings had almost tripled to 17 million pounds and a value of nearly \$13 million dollars. This rapid increase in landings can be attributed to an increase in the price of other crab (such as Dungeness), creating a substitute market for Jonah crab, as well as a decrease in the abundance of lobsters in Southern New England, causing fishermen to supplement their income with Jonah crab.

Today, Jonah crab and lobster are considered a mixed crustacean fishery in which fishermen can target lobster or crab at different times of the year based on slight gear modifications and small shifts in the areas in which the traps are fished. While the majority of Jonah crab is harvested as whole crabs, fishermen from several states, including New York, Maryland and Virginia, land claws. Jonah crab claws are relatively large and can be an inexpensive substitute for stone crab claws. As a result, they can provide an important source of income for fishermen. A historic claw fishery takes place along the Delmarva Peninsula where small boat fishermen harvest Jonah crab claws because they do not have a seawater storage tank on board to store whole crabs.

In 2016, 15.0 million pounds of Jonah crab were landed along the Atlantic Coast, representing \$11.9 million in ex-vessel value. The states of Massachusetts (68%) and Rhode Island (24%) are

the largest contributors to landings in the fishery. Landings in descending order, also occurred in Maine, New Jersey, New York, New Hampshire, Maryland, Virginia, Connecticut, and Delaware. Over 545 individuals participate in the commercial Jonah crab fishery coastwide.

## **2.2 Recreational Fishery**

The magnitude of the Jonah crab recreational fishery is unknown at this time; however, it is believed to be quite small as compared to the size of the commercial fishery.

## **3.0 Status of the Stock**

Jonah crab are distributed in the waters of the Northwest Atlantic Ocean primarily from Newfoundland, Canada to Florida. The life cycle of Jonah crab is poorly described, and what is known is largely compiled from a patchwork of studies that have both targeted and incidentally documented the species. Female crab (and likely some males) are documented moving inshore during the late spring and summer. Motivations for this migration are unknown, but maturation, spawning, and molting have all been postulated. It is also generally accepted that these migrating crab move back offshore in the fall and winter. Due to the lack of a widespread and well-developed aging method for crustaceans, the age, growth, and maturity of Jonah crab is poorly described.

The status of the Jonah crab resource is relatively unknown and no range wide stock assessment has been conducted. Massachusetts, Rhode Island, Maine, and New Hampshire conduct inshore state water trawl surveys and NOAA Fisheries conducts a trawl survey in federal waters which collects data on Jonah crab abundance and distribution. Several studies are on-going (Section 7.0) to elucidate information on the species.

## **4.0 Status of Management Measures**

### **Interstate Fishery Management Plan for Jonah Crab**

Jonah crab is managed under the Interstate Fishery Management Plan (FMP) which was approved by the American Lobster Management Board in August 2015. The goal of the FMP is to promote conservation, reduce the possibility of recruitment failure, and allow for the full utilization of the resource by the industry. The plan lays out specific management measures in the commercial fishery. These include a 4.75" minimum size with zero tolerance and a prohibition on the retention of egg-bearing females. To prevent the fishery from being open access, the FMP states that participation in the directed trap fishery is limited to lobster permit holders or those who can prove a history of crab-only pot fishing. All others must obtain an incidental permit. In the recreational fishery, the FMP sets a possession limit of 50 whole crabs per person per day and prohibits the retention of egg-bearing females. Due to the lack of data on the Jonah crab fishery, the FMP implements a fishery-dependent data collection program. The Plan also requires harvester and dealer reporting along with port and sea sampling.

### **Addendum I**

Addendum I establishes a bycatch limit of 1,000 pounds of crab/trip for non-trap gear (e.g., otter trawls, gillnets) and non-lobster trap gear (e.g., fish, crab, and whelk pots) effective January 1, 2017. In doing so, the Addendum caps incidental landings of Jonah crab across all

non-directed gear types with a uniform bycatch allowance. While the gear types in Addendum I make minimal contributions to total landings in the fishery, the 1,000 crab limit provides a cap to potential increases in effort and trap proliferation.

### Addendum II

Addendum II establishes a coastwide standard for claw harvest. Specifically, it permits Jonah crab fishermen to detach and harvest claws at sea, with a required minimum claw length of 2.75" if the volume of claws landed is greater than five gallons. Claw landings less than five gallons do not have to meet the minimum claw length standard. The Addendum also establishes a definition of bycatch in the Jonah crab fishery, whereby the total pounds of Jonah crab caught as bycatch must weigh less than the total amount of the targeted species at all times during a fishing trip. The intent of this definition is to address concerns regarding the expansion of a small-scale fishery under the bycatch limit. *The implementation deadline for Addendum II is January 1, 2018.*

## **5.0 Fishery Monitoring**

The Interstate Fishery Management Plan for Jonah Crab states that *"at a minimum, state and federal agencies shall conduct port/sea sampling to collect the following types of information on landings, where possible: carapace width, sex, discards, egg-bearing status, cull status, shell hardness, and whether the landings are whole crabs or parts."* The Plan also establishes coastwide mandatory reporting and fishery dependent sampling with 100% dealer and harvester reporting. Jurisdictions that currently require less than 100% harvester reporting in the lobster fishery are required to maintain, at a minimum, their current programs and extend them to Jonah crab. De minimis states are not required to conduct fishery-independent sampling or port/sea sampling.

Overviews of the states' port and sea sampling are as follows:

- Maine: A sea sampling protocol for Jonah crab has been established to collect data on shell width, sex, egg bearing status, cull status, and shell hardness. No Jonah crab were sampled during lobster sea sampling trips in 2016. Maine's lobster port sampling program was suspended in 2011.
- New Hampshire: Staff sampled 183 Jonah crabs on 7 sea sampling trips and collected information on sex, presence of eggs, cull condition, molt stage, and carapace length. NH initiated a quarterly port sampling program in late 2016. Sampling took place at shellfish dealers, where an interview with the captain occurred and a biological sample was taken. A total of 172 Jonah crab were sampled through this new program.
- Massachusetts: Staff conducted 6 sea sampling trips and sampled 6,213 Jonah crab. Types of information collected include shell width, sex, egg bearing status, cull status, shell hardness, and whole crabs vs. parts. 14 port sampling trips from 11 vessels were also conducted, with a total of 9,449 Jonah crab sampled. Catch was 99.9% male.
- Rhode Island: Through a collaboration with URI-GSO and the state, 8 sea sampling trips measuring 5,788 Jonah crab were conducted as part of a Masters student's thesis project. Due to staff and budget constraints, RI DFW did not conduct its own sea or port sampling.

- Connecticut: No sea sampling or port sampling trips were conducted for Jonah crab.
- New York: Staff made 13 attempts to obtain trips with Jonah crab fishermen but no trips were conducted. Staff conducted 1 port sampling trip and sampled 10 Jonah crab.
- New Jersey: No sea or port sampling trips were conducted for Jonah crab.
- Delaware: No sea or port sampling trips were conducted for Jonah crab.
- Maryland: No sea or port sampling trips were conducted for Jonah crab.
- Virginia: No sea or port sampling trips were conducted for Jonah crab.

## **6.0 Status of Surveys**

The Interstate Fishery Management Plan for Jonah crab encourages states to expand current lobster surveys (i.e. trawl surveys, ventless trap surveys, settlement surveys) to collection biological information on Jonah crabs. The following outlines the fishery-independent surveys conducted by each state. Figures 11-13 also show the results of the NMFS Bottom Trawl survey for the Gulf of Maine, Georges Bank, and Southern New England.

### ***Maine***

#### **A. Settlement Survey**

The Maine settlement survey was primarily designed to quantify lobster young-of-year (YOY), but has also collected Jonah crab data from the sites throughout the survey. Jonah crab information collected includes carapace width, sex (when large enough), ovigerous condition, claw status, shell hardness, and location. The density of YOY Jonah crab has increased over the past two decades with high values in 2013 and 2016 (Figure 1). Similarly, the density of all Jonah crabs noticeably increased in the early 2000's and has remained high since (Figure 1).

#### **B. State Trawl Survey**

The ME/NH Inshore Trawl Survey began in 2000 and is conducted biannually (spring and fall) through a random stratified sampling scheme. Jonah crab data has been collected throughout the history of this survey. The 2016 spring survey completed 122 tows and sampled a total of 1,378 Jonah crabs. The spring abundance indices for Jonah crab have significantly increased since 2013 (Figure 2). The 2016 fall survey completed 83 tows and sampled 996 Jonah crab. Abundance indices for Jonah crab were slightly less than 2015 but were still well above the time-series average (Figure 2).

#### **C. Ventless Trap Survey**

Maine began its Juvenile Lobster Ventless Trap Survey in 2006. Since the beginning of the survey, Jonah crab counts were recorded by the contracted fishermen, but the confidence in this data in the early years is low because of the confusion between the two *Cancer* crabs and similar common names. In 2016, the survey began collecting biological data for Jonah crab including carapace width, sex, ovigerous condition, claw status, shell hardness, and location. Figure 3 shows the catch of Jonah crabs per trap in 2016. The majority of traps caught less than 5 crabs; however, a handful of traps had upwards of 50 crabs.

## **D. Sea Urchin Survey**

Maine DMR conducts an annual dive survey of the sea urchin stock within state waters. Beginning in May and working through June, divers evaluated approximately 60 1-meter square quadrats at each site they visited. Beginning in 2004, the data collected on crabs was expanded to include carapace width and sex. A total of 117,337 quadrats have been evaluated for Jonah crab through 2016. Counts of Jonah crab from this survey show a marked increase from 2005-2008 (Figure 4).

## ***New Hampshire***

### **A. Settlement Survey**

Since 2009, species information has been collected on Jonah crabs in the New Hampshire Fish and Game portion of the American Lobster Settlement Index. Figure 5 depicts the CPUE (#/m<sup>2</sup>) of Jonah crabs for all NH sites combined, from 2009 through 2016. This time series shows an upward trend to a time series high in 2012, followed by relatively high levels from 2014 through 2016.

### **B. Ventless Trap Survey**

Since 2009, NHF&G has been conducting the coastwide Random Stratified Ventless Trap Survey in state waters (statistical area 513). A total of six sites were surveyed twice a month from June through September in 2016. Beginning in 2016 all Jonah crabs were evaluated for sex and carapace length. A total of 39 Jonah crabs over 8 trips were measured during the 2016 sampling season.

## ***Massachusetts***

### **A. Settlement Survey**

The MA DMF Lobster Settlement Survey began measuring Jonah crabs and making a greater effort to identify small *Cancer* crabs to species in 2016. Appropriate analyses are being developed to properly explore these data as numerous stations have been added and/or removed and the level of identification of *Cancer* crabs has varied since the survey began in 1995. Figure 6 is a length frequency plot of all crabs caught during the 2016 survey. Most crabs are below 25 mm CW. Though Jonah crab size-at-age is not very well known, these are likely age-0 crabs.

### **B. Ventless Trap Survey**

The MA DMF Ventless Trap Survey collects information on the distribution of Jonah crabs. Figure 7 shows the distribution of Jonah crab in 2016. The largest catches of crabs are caught in the deep survey stratum (41-60 m) in the federal waters portion of the survey, southwest of Buzzards Bay. MA DMF began collecting Jonah crab carapace width data in the ventless trap survey in 2015. The size structure of the catch was similar in 2015 and 2016 (Figure 8).

### **C. Trawl Survey**

The MA DMF spring and fall trawl surveys collect biological information on Jonah crab. There is an upward trend in relative abundance in both seasons, particularly in the Spring survey, since 2010 (Figure 9).

## ***Rhode Island***

### **A. Ventless Trap Survey**

Since its inception in 2006, the RI Ventless Trap Survey (VTS) has recorded counts of Jonah crabs in each pot. In 2014, carapace width and sex were also recorded for all individuals. In 2016, the VTS was conducted during the months of June-August and over 18 sampling trips. A total of 1,302 Jonah crabs were sampled. All sampling was conducted in LMA 2, NMFS Statistical Area 539. The stratified mean catch per trap on a six pot (three ventless, three vented) trawl was 0.55 Jonah crabs, the highest of the time series (Figure 10).

### **B. Trawl Survey**

RIDEM has conducted Spring and Fall trawl surveys since 1979, and a monthly trawl survey since 1990. However, invertebrates (other than lobsters) have not been counted for much of these time series. In 2015, the survey began counting Jonah crabs specifically. Given the short time series of Jonah crab data available and few Jonah crab observations by the surveys, the information is not available at this time. As the datasets for Jonah crab from these trawl surveys grow, these data will be provided as abundance indices.

## ***Connecticut***

### **A. Trawl Survey**

Jonah crab abundance is monitored through the Long Island Sound Trawl Survey (LISTS) during the spring (April, May, June) and fall (September and October) cruises, all within NMFS statistical area 611. The survey documents the number of individuals caught and total weight per haul by survey site in Long Island Sound. The Long Island Sound Trawl Survey caught one Jonah crab in the fall 2007 survey and two in the fall 2008 survey. Both observations occurred in October at the same trawl site in eastern Long Island Sound. No Jonah crabs have been observed in the survey since 2008.

## **7.0 On-Going Research Projects**

### **A. Maturity Study**

MA DMF, in collaboration with CFRF, is finishing a Jonah crab maturity study. The study suggests that females mature at a smaller size than males (~88mm carapace width vs. ~117mm carapace width in Southern New England); however, the gonadal maturity of small male crabs still needs to be determined. A graduate student from UMES is also conducting a thesis on Jonah crab maturity and fecundity and it is expected that this work will be completed within the year.

### **B. Tagging Study**

MA DMF, in collaboration with AOLA, NH F&G, and ME DMR, is conducting a Jonah crab tagging study. Preliminary data suggests that Jonah crab are not migrating far; however, this could mask seasonal migrations to and from the same location. Through the project, 20,000 t-bar tags and 20,000 zip-tie tags will be deployed. It is expected that the project will finish in 2018.

### **C. Declawing Study**

NH F&G has conducted an in-lab study to investigate the mortality associated with declawing of Jonah crabs. To date, 5 trials have been completed over 3 seasons. Results indicate a 15% mortality rate for control crabs, a 56% mortality rate for crabs with one claw removed, and a 75% mortality rate for crabs with both claws removed. The next step is to replicate this study in the ocean to see if results are similar.

### **D. Growth and Fishery Dependent Data**

A graduate student at URI is completing a Master's Thesis on Jonah crab, focusing on growth data and biological sea sampling in statistical areas 537 and 529. To complete the growth study, morphometric analysis as well as calculation of growth per molt are being conducted. Preliminary results suggest that the growth rates between males and females are statistically different.

### **E. CFRF Research Fleet**

The Commercial Fisheries Research Foundation (CFRF) has expanded their lobster commercial research fleet to sample Jonah crab. Biological data collected include carapace width, sex, shell hardness, egg status, and disposition. Currently, 17 vessels participate in the Jonah crab sampling program.

## **8.0 State Compliance**

- New York has not yet implemented the full suite of management measures required under the Jonah Crab FMP or Addendum I. New York crab legislation currently prohibits the harvest of female crabs with eggs and recreational harvest is limited to 50 crabs. The 4.75" minimum carapace width, the 1000 crab bycatch limit, and commercial rules regarding crab part retention have not been implemented but are included in a current regulatory proposal and are expected to be adopted in early 2018.
- Delaware has not yet implemented the management measures required under the Jonah Crab FMP or Addendum I. Delaware delayed implementation of the regulations anticipating a change in the lobster regulations due to Addendum XXV. Given the regulatory process is costly and the lobster/Jonah crab fishery is quite small in Delaware, the state hoped to do these regulatory actions together. Given that lobster regulatory changes are not required at this time, the state is moving forward with implementation of the Jonah crab regulations and they are expected to be completed by early 2018.

## **9.0 De Minimis Requests.**

The states of Virginia, Maryland, and Delaware have requested *de minimis* status. According to the Interstate Fishery Management Plan for Jonah crab, states may qualify for *de minimis* status if, for the preceding three years for which data are available, their average commercial landings (by weight) constitute less than 1% of the average coastwide commercial catch. Delaware, Maryland, and Virginia meet the *de minimis* requirement.

## 10.0 Regulatory Changes

- Maine DMR adopted regulations to expand the existing lobster and crab harvesting closure in the Penobscot River in order to protect public health due to the risk of mercury contamination.

## 11.0 Research Recommendations

The following research questions were compiled by the Jonah Crab TC and need to be answered in order to complete a coastwide stock assessment.

- **Growth Rates** – While there has been some research on Jonah crab growth rates, more studies are needed to determine growth rates along the entire coast. In particular, it is necessary to determine the molt frequency, molt increment, and if there is a terminal molt.
- **Maturity and Reproduction** – Studies are needed to determine the size at maturity of crabs in different regions, the size ratio of mating crabs, and sperm limitations.
- **Mortality Rates in the Claw Fishery** – An in-lab study investigating mortality associated with the claw fishery has been conducted; however, this mortality study should be replicated in the field and in different regions along the coast. It is also unclear how long it takes to regenerate a claw.
- **Migration** – There are several tagging studies on-going in the Jonah crab fishery. Hopefully these studies will elucidate the migrations of Jonah crab as well as seasonal habitat preferences.
- **Natural Mortality** – An estimate of natural mortality must be developed for Jonah crab in order to carry out a stock assessment. In particular, it will be critical to determine the natural mortality of the adult size crabs.

## 12.0 Plan Review Team Recommendations

The following are recommendations from the Plan Review Team:

- The PRT recommends the Board approve the *de minimis* requests of DE, MD, and VA.
- The PRT recommends the Jonah Crab TC evaluate the sea sampling needs of the fishery, particularly given some states did not conduct sea/port sampling in 2016 and a large portion of landings occur in two states.
- The PRT also recommends that the Jonah Crab TC discuss standard methods for reporting survey data in compliance reports. This includes a common unit of measure as well as a standard definition for young-of-year.
- The PRT highlights the importance of all states implementing the 4.75” minimum carapace width in the Jonah crab fishery, especially in regards to issues of interstate commerce.
- As states implement Addendum 2, which addresses claw landings in the Jonah crab fishery, the PRT highlights the importance of disposition reporting.
- The PRT recommends continued research of the Jonah crab species so that a coastwide stock assessment can be completed in the near future.

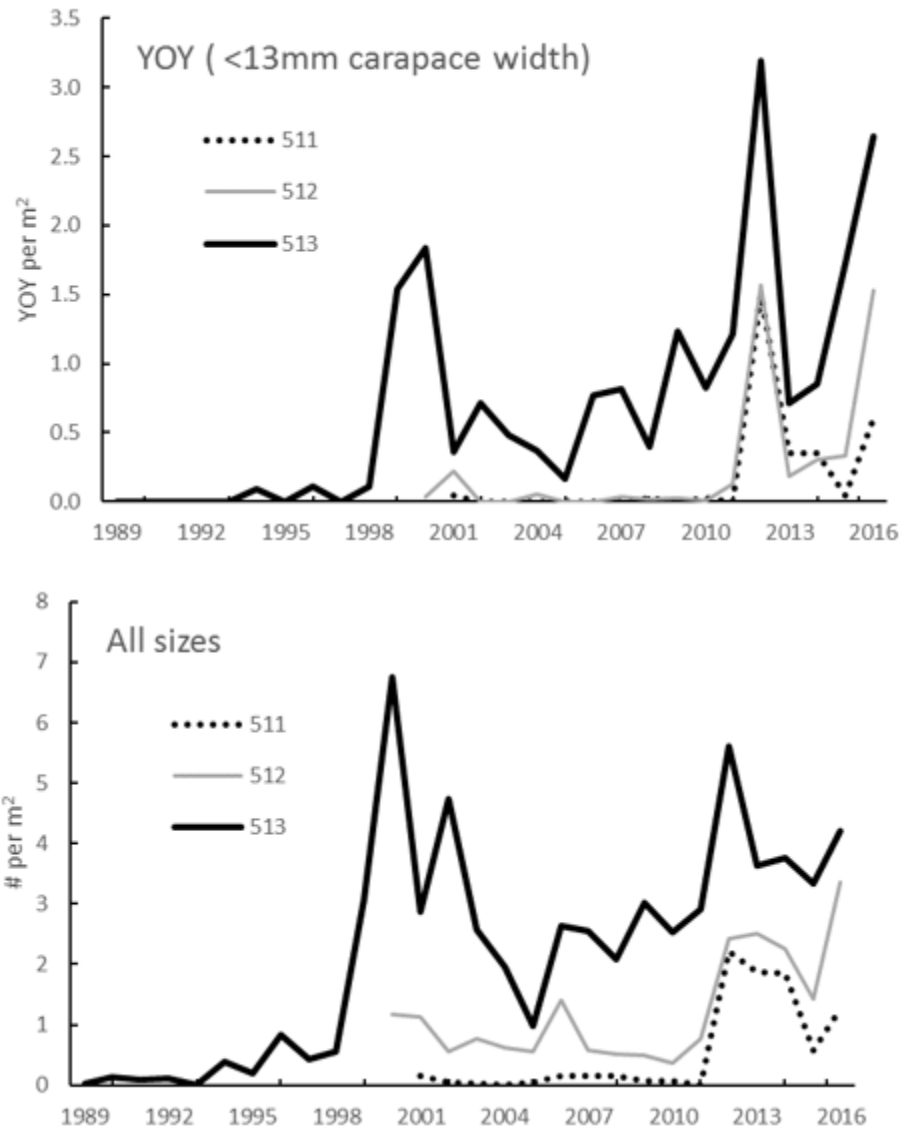


## 12.0 Tables

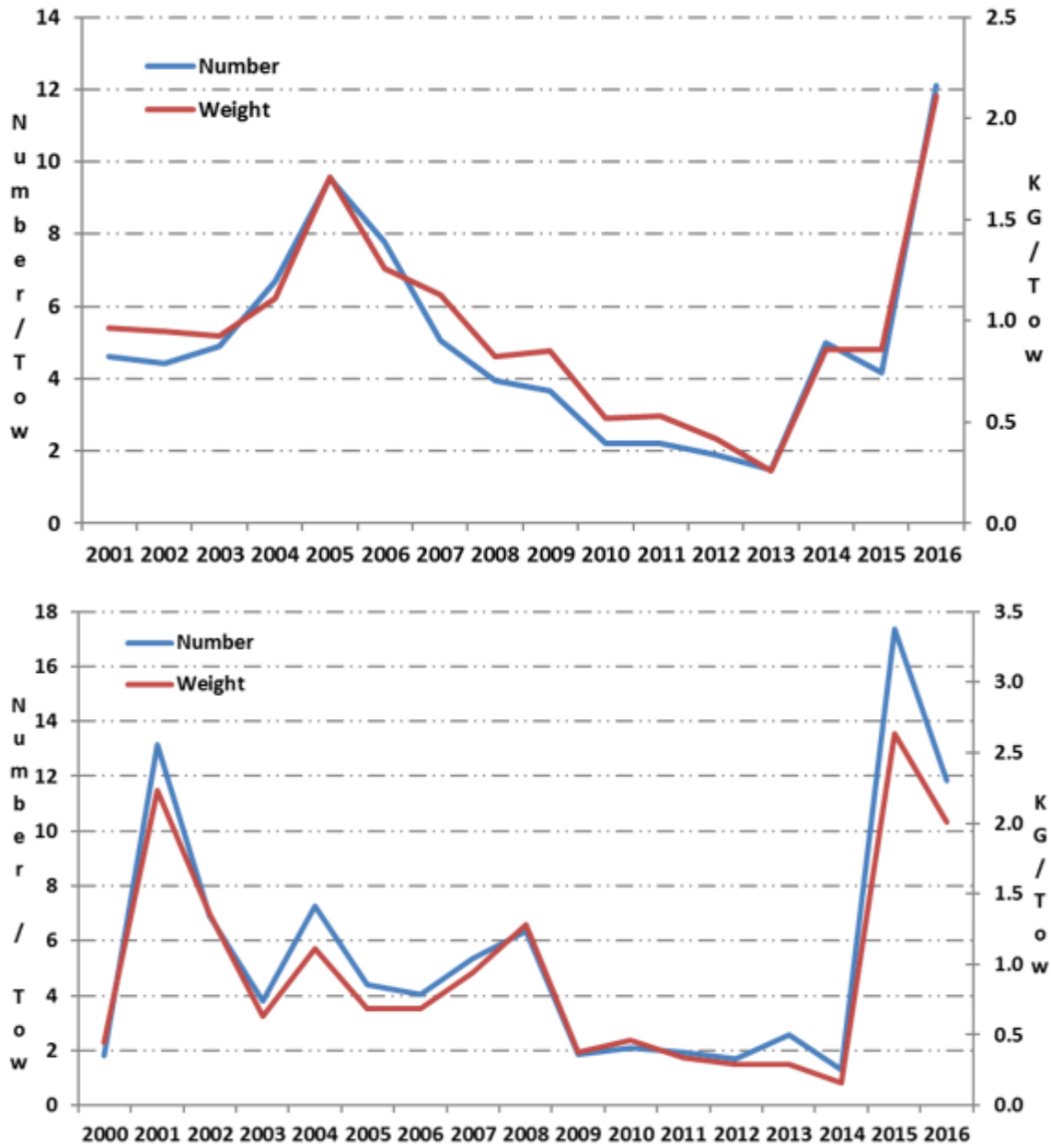
**Table 1.** Landings (in pounds) of Jonah crab by the states of Maine through Virginia. 2010-2015 landings were provided by ACCSP. 2016 landings were submitted by the states as a part of the compliance reports. *C= confidential data*

	ME	NH	MA	RI	CT	NY	NJ	DE	MD	VA	Total
<b>2010</b>	1,093,962	C	5,689,431	2,922,404	C	968,122	28,400		18,045	C	10,890,910
<b>2011</b>	1,096,592	C	5,379,792	2,540,337	C	69,440	26,286		92,401	C	9,273,622
<b>2012</b>	556,675	C	7,540,510	3,286,569	C	609	68,252		C	C	11,662,713
<b>2013</b>	379,073	340,751	10,087,443	4,397,734	51,462	C	7,803		C	C	15,474,240
<b>2014</b>	344,290	404,703	11,858,702	4,123,040	50,070	C	33,104	C	153,714	C	16,974,364
<b>2015</b>	309,715	C	9,096,374	3,861,260	7,989	C	68,116	C	30,244	C	13,565,974
<b>2016</b>	620,950	150,342	10,130,257	3,650,760	C	170,996	246,090	C	C	C	14,990,066

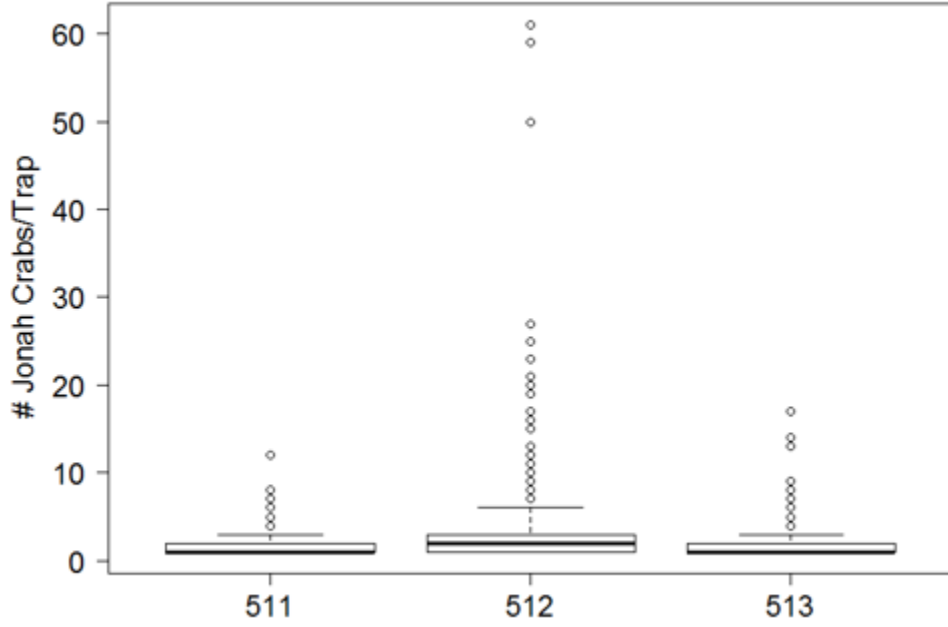
### 13.0 Figures



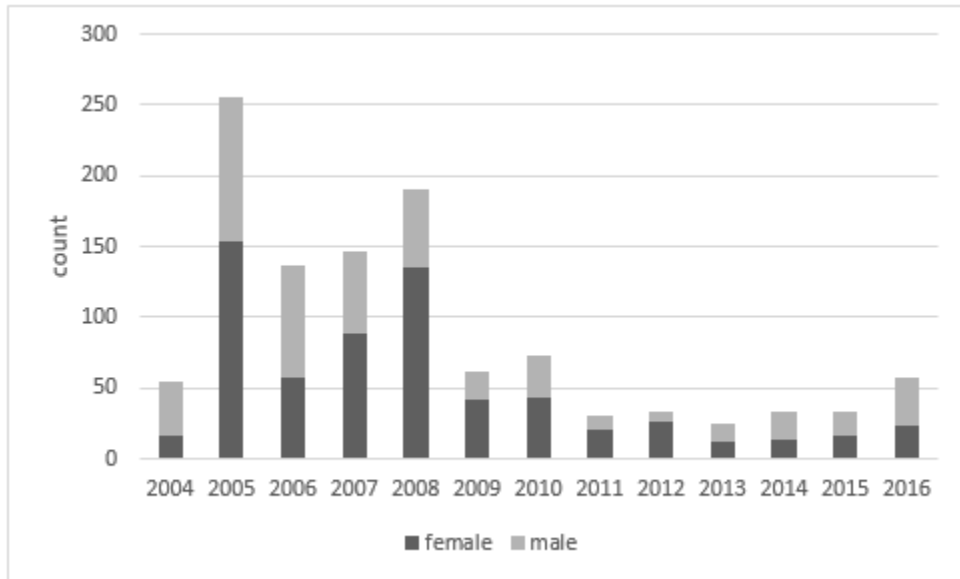
**Figure 1:** The density of Jonah crabs measured over time in the Maine Settlement Survey by statistical area. The top graph shows the density of young of year Jonah crab and the bottom graph shows the density of all Jonah crabs.



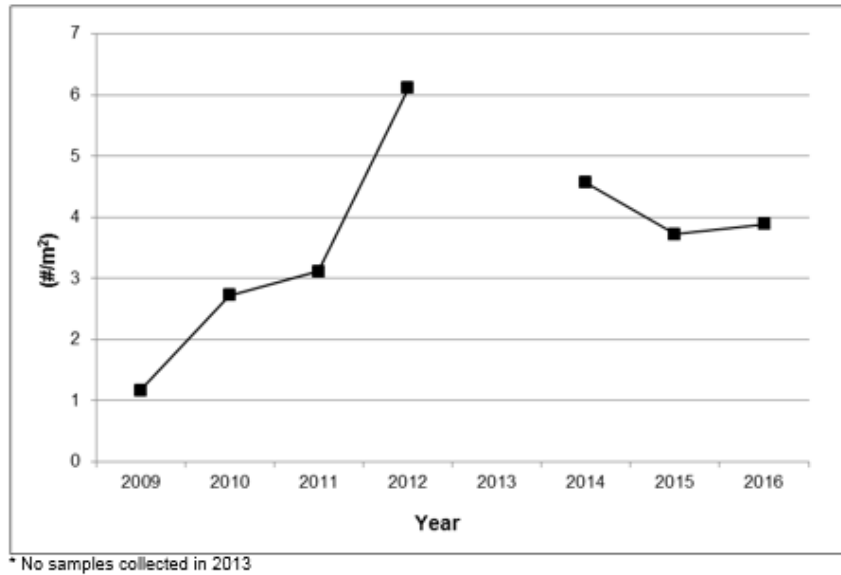
**Figure 2:** Maine-New Hampshire survey abundance indices for Jonah crab, 2001-2016. Results of the spring survey are on the top and results from the fall survey are on the bottom.



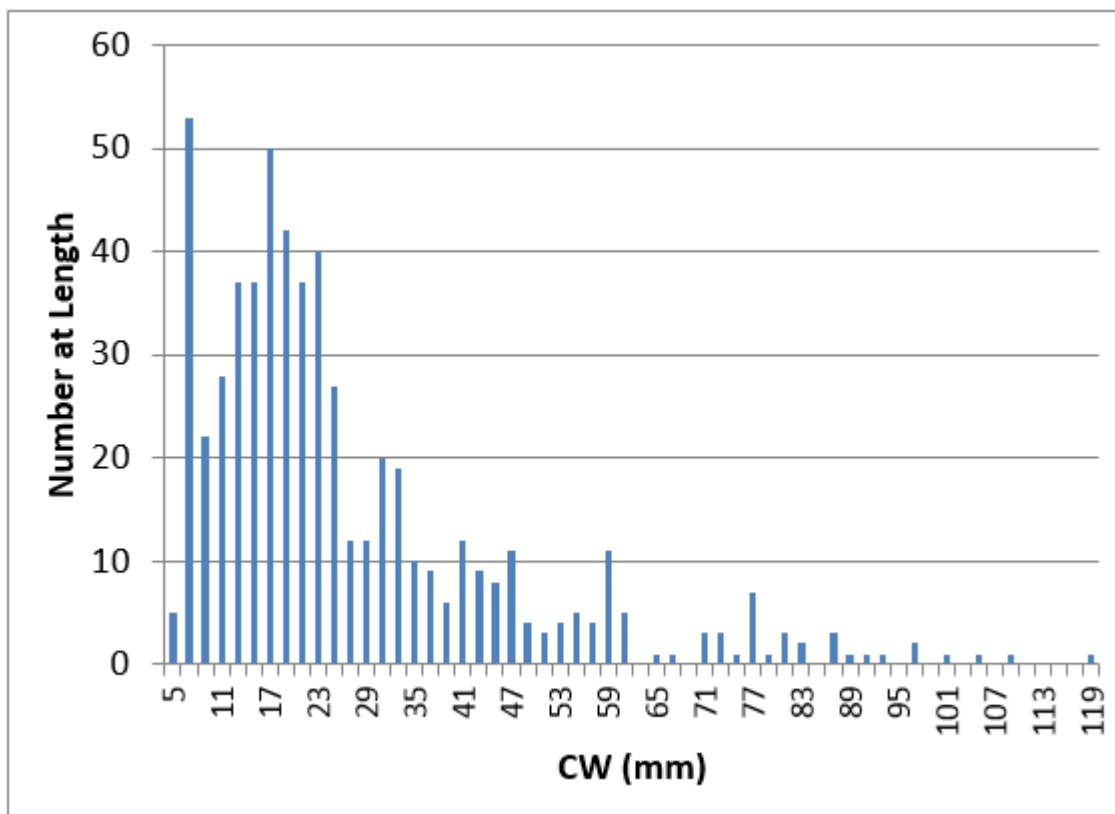
**Figure 3:** Catch per trap of Jonah crabs in the 2016 Maine Ventless Trap Survey by statistical area.



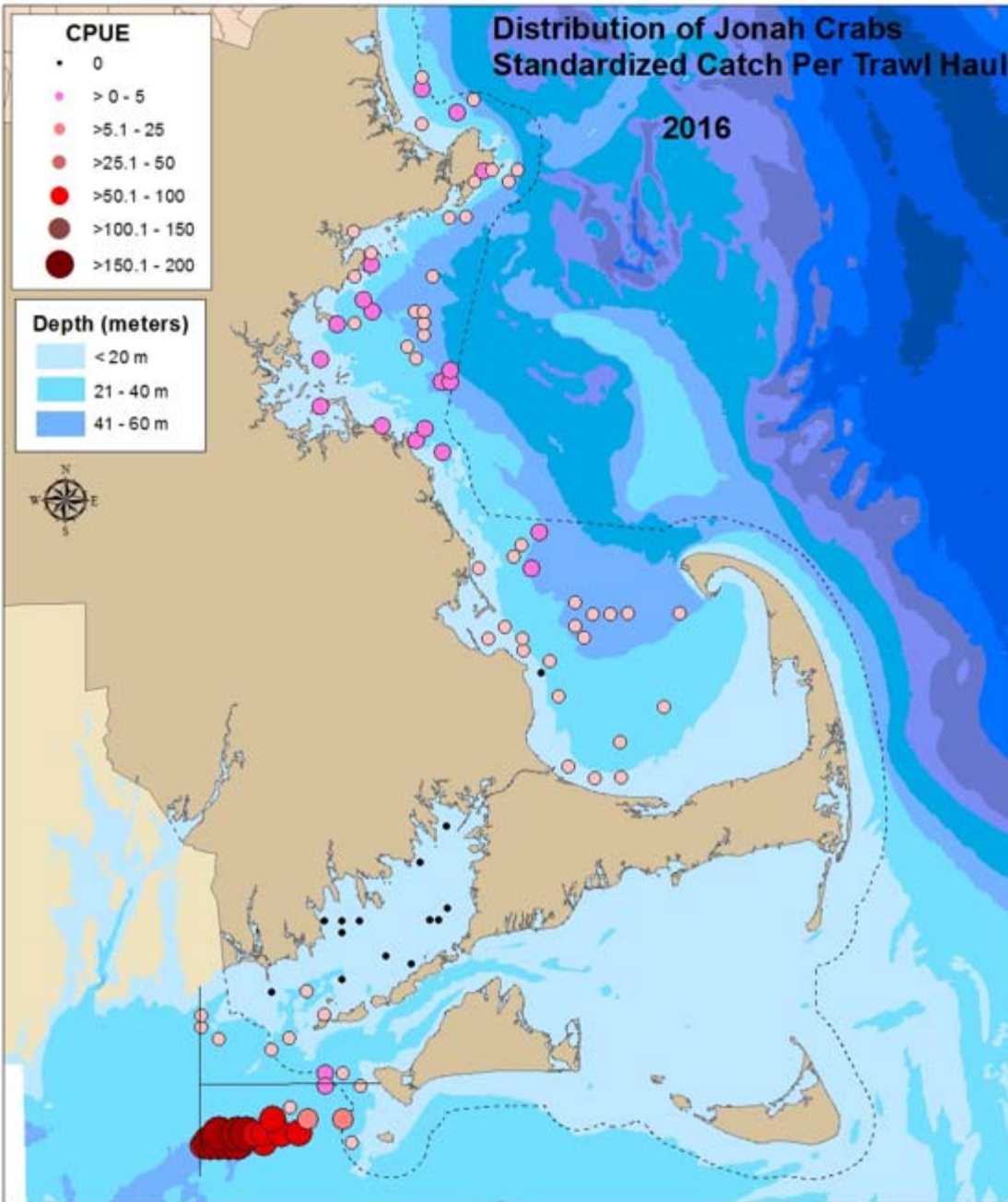
**Figure 4:** Observed crabs from the Maine Sea Urchin Survey (statistical area 511).



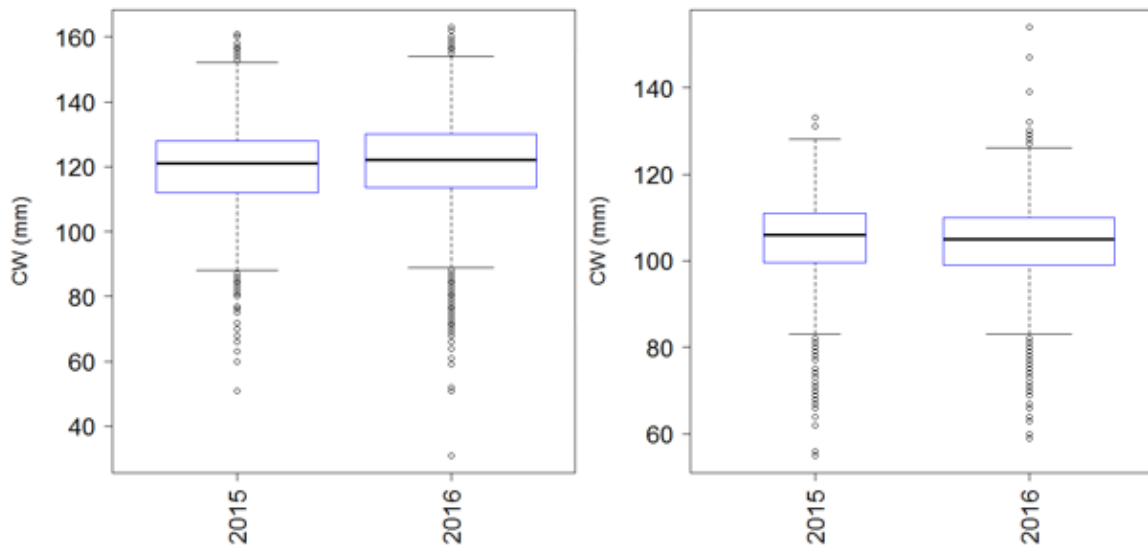
**Figure 5:** Catch per unit effort (#/m<sup>2</sup>) of Jonah crabs during the American Lobster Settlement Index Survey, in New Hampshire, from 2009 through 2016.



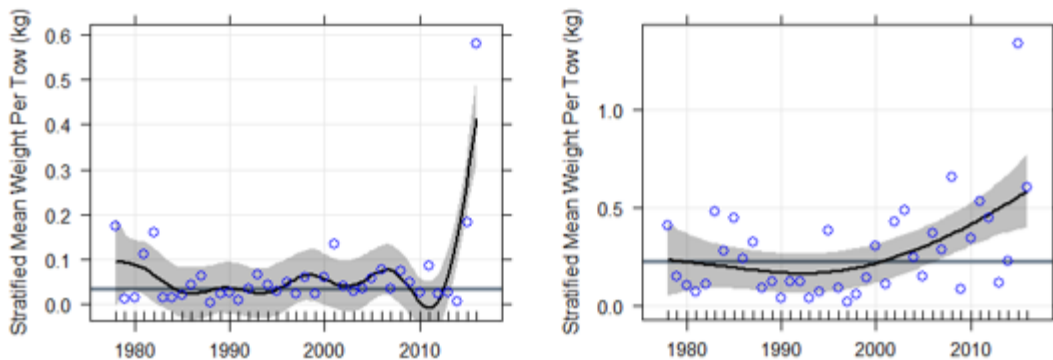
**Figure 6:** Size frequency of all Jonah crabs caught in the 2016 MA DMF Lobster Settlement Survey.



**Figure 7.** 2016 Catch per unit of effort (CPUE) from MA DMF Ventless Trap Survey. Catch is standardized to a six pot trawl consisting of three vented traps and three ventless traps.



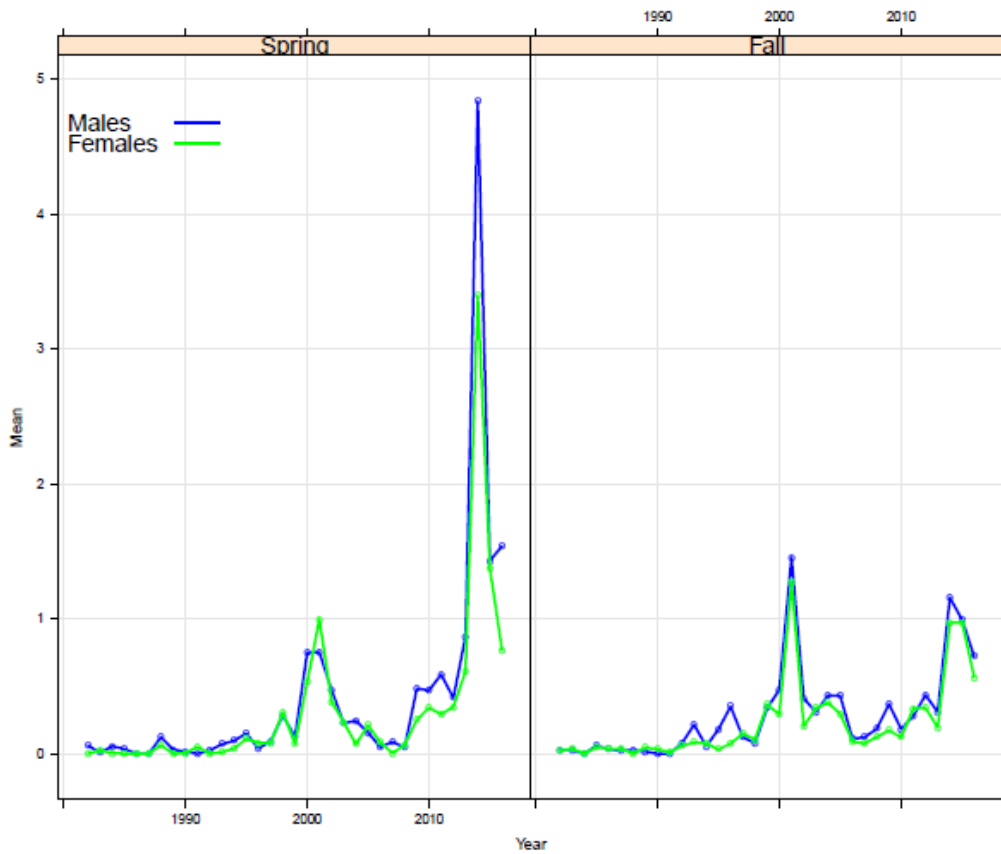
**Figure 8.** Male (left) and female (right) size distribution from MA DMF Ventless Trap Survey. The survey started measuring Jonah crabs in 2015. Black line is monthly median, top of the blue box is the 75th quartile, the bottom of the blue box is the 25th quartile, dashed lines are 1.5 times the interquartile range, circles are outliers, and box width is representative of sample size.



**Figure 9.** Jonah crab (sexes combined) stratified mean weight per tow from all regions of the MA DMF Spring (left) and Fall (right) Trawl Survey. Black line is the generalized additive model fit, grey line is the time series median, shaded area is  $\pm$  two times the standard error of the predicted value.

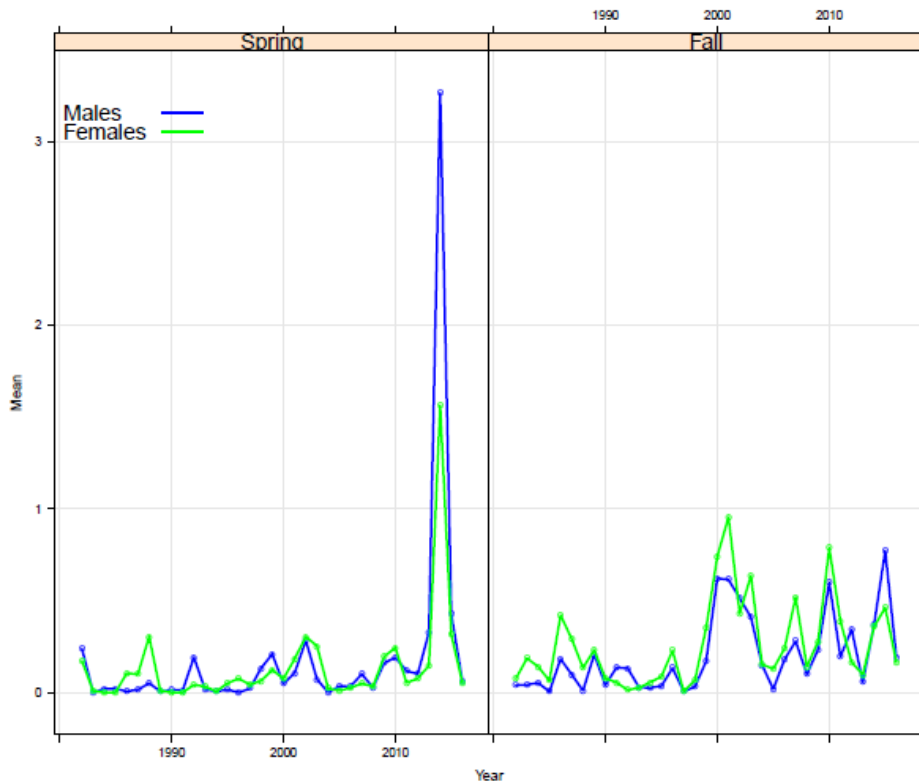


**Figure 10:** Stratified mean catch (#) per trap in a VTS haul for Jonah crabs (Source: RI DEM).

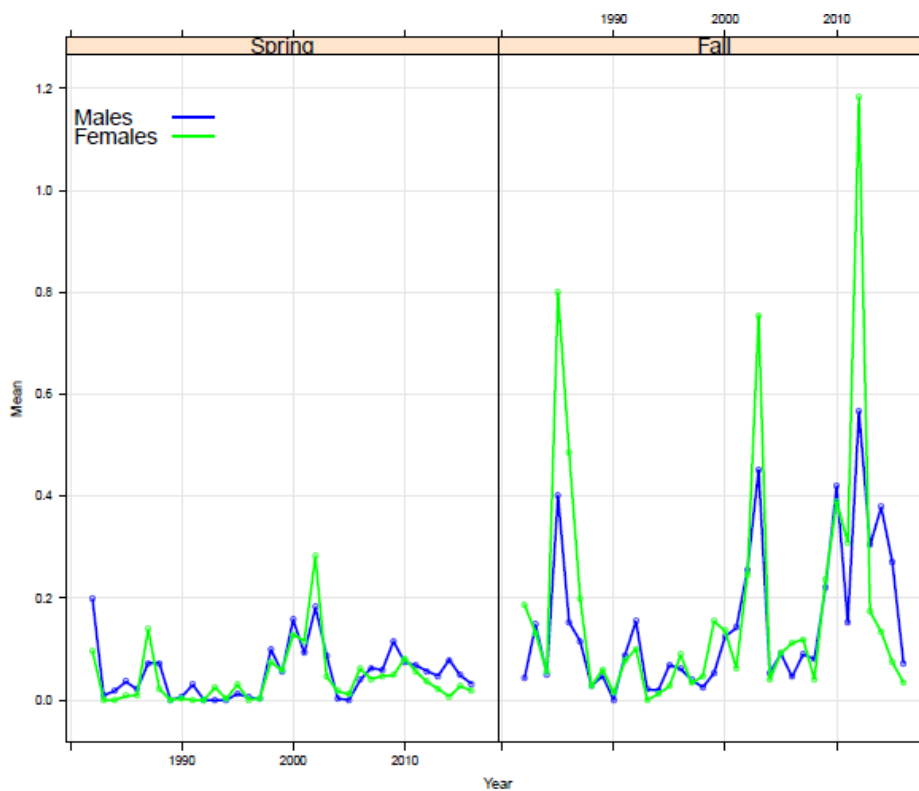


**Figure 11:** NMFS Jonah crab index from the bottom trawl survey in the Gulf of Maine.





**Figure 12:** NMFS Jonah crab index from the bottom trawl survey in Georges Bank.



**Figure 13:** NMFS Jonah crab bottom trawl survey index for Southern New England.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

Mr. Robert E. Beal  
Executive Director  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200A-N  
Arlington, VA 22201

SEP 07 2017

Dear Mr. Beal:

Thank you for your letter recommending that NOAA's National Marine Fisheries Service fully implement regulations in the Exclusive Economic Zone consistent with the measures approved by the Atlantic States Marine Fisheries Commission in Addenda XXI and XXII to Amendment 3 of the Interstate Fishery Management Plan for American Lobster (FMP).

We were actively evaluating the measures in Addenda XXI and XXII when the Commission reported the results of the 2015 lobster stock assessment in October 2015 and began the development of draft Addendum XXV. At its October 2016 meeting, the Commission's Lobster Board decided to wait and reassess Addenda XXI and XXII after the finalization of Addendum XXV, when it would have a better understanding of how and if the measures are still relevant to the lobster management program. We agreed with the Board's approach and informed them that we would postpone our rulemaking action based on the two addenda.

At the August 2017 meeting, the Board took final action on draft Addendum XXV, disapproving it because many of the management plans submitted by the fishing industry were technically inadequate to achieve the egg production goals set forth there. Now that the Board has made its decision to take no further action to address recruitment failure in the Southern New England lobster stock, we can more clearly assess the utility of the measures in Addenda XXI and XXII in a rulemaking action as they relate to the current state of the fishery and the lobster management program.

I appreciate your interest in this matter. Should you have any further questions or concerns, please contact Peter Burns, Greater Atlantic Regional Fisheries Office, at (978) 281-9144.

Sincerely,



Chris Oliver

