

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

The Westin Crystal City
Arlington, Virginia
Hybrid

February 4, 2025

Approved March 18, 2025

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings** from October 21, 2024 (Page 1).
3. **Main Motion**
Move to initiate an Addendum to repeal all gauge and vent size changes in Addendum XXVII. The other sections of Addendum XXVII will remain in effect (Page 8). Motion made by Mr. Keliher seconded by Ms. Patterson.

Motion to Amend
Move to amend to include repeal of v-notch possession measures for state only permit holders (Page 17). Motion made by Mr. Kane, seconded by Ms. Patterson. Motion fails on (Page 19).

Main Motion
Move to initiate an Addendum to repeal all gauge and vent size changes in Addendum XXVII. The other sections of Addendum XXVII will remain in effect.

Motion to Table
Move to table this motion until we consider other motions to provide more detail on what is to come (Page 19). Motion by Mr. Hasbrouck, second by Mr. Borden. Motion passes (Page 19).
4. **Move to request the Policy Board task the staff to prepare and send a letter to Commissioners from ME and NH, with cc to both state governors, expressing extreme disappointment with ME's decision to renege on the adoption of Addendum XXVII's minimum size increase, as originally proposed by the ME delegation and supported by the NH delegation** (Page 20). Motion by Mr. McKiernan, second by Mr. Borden. Motion passes (Page 22).
5. **Tabled Main Motion**
Motion to initiate an Addendum to repeal all gauge and vent size changes in Addendum XXVII. The other sections of Addendum XXVII will remain in effect. Motion by Mr. Keliher, second by Ms. Patterson. Motion passes (Page 25).
6. **Move to adjourn** by consent (Page 26).

ATTENDANCE

Board Members

| | |
|---|---|
| Pat Keliher, ME (AA) | Bill Hyatt, CT (GA) |
| Rep. Allison Hepler, ME (LA) | Jesse Hornstein, NY, proxy for M. Gary, NY (AA) |
| Stephen Train, ME (GA) | Emerson Hasbrouck, NY, (GA) |
| Cheri Patterson (AA) | Joe Cimino, NJ (AA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Adam Nowalsky, NJ, proxy for Sen. Gopal (LA) |
| Doug Grout, NH (GA) | Jeff Kaelin, NJ (GA) |
| Dan McKiernan, MA (AA) | John Clark, DE (AA) |
| Rep. Jennifer Armini, MA (LA) | Craig Pugh, DE, proxy for Rep. Carson (LA) |
| Ray Kane, MA (GA) | Roy Miller, DE (GA) |
| Jason McNamee, RI (AA) | Michael Luisi, MD, proxy for L. Fegley (AA) |
| Eric Reid, RI, proxy for Sen. Sosnowski (LA) | Russell Dize, MD, (GA) |
| David Borden, RI (GA) | Pat Geer, VA, proxy for J. Green (AA) |
| Matt Gates, CT, proxy for Dr. J. Davis, CT (AA) | James (JJ) Minor, VA (GA) |
| Craig Miner, CT, proxy for Rep. J. Gresko (CT) (LA) | Allison Murphy, NMFS |

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

Ex-Officio Members

Corinne Truesdale, Technical Committee Chair

Rob Beal, Law Enforcement Committee Rep.

Staff

Bob Beal
Toni Kerns
Tina Berger

Madeline Musante
Caitlin Starks
Jeff Kipp

Katie Drew

Proceedings of the American Lobster Management Board – February 2025

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, February 4, 2025, and was called to order at 9:00 a.m. by Chair Patrick Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: All right, good morning, everybody. Welcome to the American Lobster Management Board meeting. I'm calling this meeting to order. My name is Patrick Keliher, I am a Commissioner from Maine, and I am going to be chairing this meeting until we get to the Item Number 7 on the agenda, at which time I will step away from the acting Chair role.

Because the conversations will revolve around Maine and New Hampshire, the Vice-Chair will also not be stepping in to Chair, so it will be turned over to Bob Beal to Chair that portion of the meeting, as long as there are no objections. Seeing no objections, that is how we will proceed. Hard to say from a timing standpoint, I think most of the agenda items are fairly short.

APPROVAL OF AGENDA

CHAIR KELIHER: If we do need to make up some time, just as a heads up, under Item 6, the Area 2 Lobster Conservation Management Team Reports, we will hold those until the next meeting, if we need to buy some time, within the agenda. Speaking of the agenda, are there any additions to be made to the agenda? Alli Murphy.

MS. ALLISON MURPHY: Thank you, Mr. Chair, if time allows, I have a few quick updates under Other Business.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Great, I'll add you to the list, thank you. Anybody else? Seeing no other hands, moving along to Approval of the Proceedings from the October 2024 meeting. I'm assuming everybody has had a chance to review those. Is there any additions or deletions to those? Seeing none; we

will approve those by consent, seeing no objections, thank you.

PUBLIC COMMENT

CHAIR KELIHER: Moving along to Public Comments on items that are not on the agenda. Does anybody have a public comment, again that is not on the agenda? Patrice McCarron, Maine Lobstermen's Association.

MS. PATRICE McCARRON: Good morning, my name is Patrice McCarron, I am the Executive Director of the Maine Lobstermen's Association, and I appreciate the opportunity to offer a brief comment. I am speaking to the issue of the removal of the 24/7 provision of the electronic tracking requirement under Addendum XXIX, because this issue is still really important to Maine lobstermen. We raised this with the Commission in April of '24, and appreciate your willingness to look into how this can be done. MLA remains confident that the Commission can collect the data it needs through the trackers without requiring the devices to track when lobstermen are not fishing. I just wanted today to reiterate our willingness to help Commission staff and the office of Law Enforcement in any way we can.

We believe that coming up with a way to define commercial fishing would be an effective way for Law Enforcement to differentiate when boats are commercial fishing versus being used for personal use. We really appreciate your willingness to continue to find a way to resolve this issue, thank you.

CHAIR KELIHER: Great, thank you, Patrice. As you know, we're still dealing with lawsuits on that. The lawsuit against Rhode Island is still being worked on to be resolved. The lawsuits in federal court in Bangor against the state of Maine was heard, and this 92-page decision came out on that, where we won that case.

But the plaintiffs are now taking us to Federal Appeals Court in Boston. I think it will be a conversation this Board will need to have at a future meeting, to determine whether we want to

deal with changes now, or wait until that next appeal case has been dispensed with. Ray Kane.

MR. RAYMOND W. KANE: I thought when we introduced tracking, if they paid a higher premium, as opposed to what they're paying now, or what ASMFC, the money we funded them with. I thought they could get a service where they shut it off when they're not fishing. No?

CHAIR KELIHER: No, the Addendum is clear that it needs to be on 24/7. We would have to initiate another addendum in order to make those type of changes.

MR. KANE: But they could be made.

CHAIR KELIHER: I think they could, but it will be obviously a conversation with the Board to determine what the right path forward would be. Thank you, Ray. Anybody else? Anybody else from the public that would like to make a comment on an item not on the agenda? Seeing none; we will go right to Item Number 4 on the agenda, which is a Progress Update on the Benchmark Stock Assessment, and I'll turn it over to Jeff Kipp.

PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENT FOR AMERICAN LOBSTER

MR. JEFF J. KIPP: Yes, I have a brief update on the ongoing benchmark stock assessment. Up on the screen we have the timeline with the major milestones of the stock assessment. The assessment timeline milestones in meetings that are in black show those that the TC and SAS have completed to date. We had our Data Workshop and First Assessment Workshop back in February and June of last year, respectively.

Since our last update to the Board, at the Commission's annual meeting back in October, the SAS has been meeting virtually on several calls. The full SAS met back on October 29, to focus on Model 3 indicators, getting those updated for the assessment, and discussing potential modifications and additions to those indicators going into the assessment. Back on December 9, the SAS met to discuss growth in reference point updates. We are

doing our best to evaluate all the available growth information for updated growth in the assessment, and to determine potential support for time-bearing growth. We also looked at shell disease trends on that call. Then on January 8, the full SAS met again to get an update on socioeconomic indicator updates, and discuss distribution abundance and habitat association modeling updates. A smaller subgroup of the full SAS has been meeting, earlier biweekly, and more recently weekly, to continue model development and get into more of the weeds on the assessment models and model progress, and troubleshooting issues for those assessment models.

Since we did last update the Board, we have finalized 2023 date inputs for the stock assessment, and added those to our time series. For the remaining assessment timeline, we actually do have our last in-person meeting, it's an assessment workshop next week, February 11 through the 13th. That is going to be up at the Great Bay National Estuarine Research and Discovery Center up in New Hampshire.

At that meeting we'll be reviewing the assessment models through 2023, and our reference points. We'll be reviewing our Model 3 indicators through 2023, and we'll continue some review of some supporting items to describe environment, distribution, recruitment and life history changes in the assessments.

Just for the final milestones, we do intend to take the assessment to peer review in August of 2025, and then we'll be presenting to this Board the assessment and the Peer Review Report at the Commission's annual meeting in October. That's it for the update on the assessment, and I can take any questions on that.

CHAIR KELIHER: Great, thank you, Jeff. Any questions for Jeff on the assessment? Sounds like we're on track, which is good. Jason McNamee.

DR. JASON McNAMEE: Just a quick one, Jeff. I saw the bullet on the socioeconomic indicators. Are those like external indices, or are they actually built into the population, not built into the population dynamics, but built into the model itself?

MR. KIPP: Yes, so those are external model-free indicators, they are not built into the stock assessment model, and we're working with a group out of University of Maine to develop those and approving more information on socioeconomic trends.

CHAIR KELIHER: Any other questions for Jeff? Seeing none; we'll move right along to Consider the Annual Data Update of the Jonah Crab Industries, and I think Corinne is going to do that.

CONSIDER ANNUAL DATA UPDATE OF JONAH CRAB INDICES

MS. CORINNE TRUESDALE: Good morning, everyone. I'm going to provide a brief update of our first annual indicator update for Jonah crab since the benchmark stock assessment. I'll go over the 2023 assessment just briefly. The indicators that we've updated through 2023, which means we added 2022 and 2023, for the time series we have from the assessment, and then describe a couple of proposed analyses from the Technical Committee for our next update in 2026.

Our 2023 assessment found, the first one for the species, found that three of the four Jonah crab stocks offshore southern New England and inshore and offshore Gulf of Maine, were not depleted to historical lows that we saw in the time series, mainly the Science Center's trawl survey in the 1980s and 1990s.

For inshore southern New England, it was determined that there was insufficient data to be able to make any inferences on stock status for that stock. During the peer review process, the panel noted that there was high uncertainty about stock status for all of the stocks indicated here, and know this because of high variability in the abundance indicators we had.

Then also characteristics of the fishery, where Jonah crab and lobster are highly linked, and so determining fishing effort for Jonah crab is really complex within trap data, but essentially found that there are some trends in some of the indicators,

including some abundance indices and in landings data that resembled the trajectory of a Canada stock, which showed really high growth in the fishery, but then really rapid decline in landings soon thereafter.

JONAH CRAB OFFSHORE SOUTHERN NEW ENGLAND INDICES

MS. TRUESDALE: As a result, the Technical Committee recommended an annual update of indicators for offshore southern New England in particular, where over 75 percent of the landings are coming from for Jonah crab coastwide, and providing that update annually to get ahead of any concerning trends that might show up in the fishery dependent data or in the abundance indices.

I'll note that we're providing updates to fishery dependent indicators today on a biannual basis we'll be providing the abundance indicators through fishery independent time series, so the Science Center's Trawl Survey and others potentially. Getting right into the update. We first looked at the number and proportion of trips landing Jonah crabs.

This is all crustacean trap commercial fishery trips, so for Jonah crab or lobster that are landing any quantities of Jonah crab. We can see on the left here that since 2014 there has been a pretty steady decline in the number of trips that are landing Jonah crab, with the lowest points of a time series being the most recent years that we have there.

For the proportion of trips overall that are landing Jonah crabs, there was an increase until about 2020, and we've seen a steady decline since then. If you look at Massachusetts specifically, it aligns with what we see for the stock overall. Massachusetts is the biggest player in the Jonah crab fishery, so we've had a decline in the number of trips overall until present day, with the lowest year being 2023.

Looking at the number and proportion of permits landing Jonah crabs, so this is for any given vessel or given permits if they landed any Jonah crabs in that year. You can see a variable over the time series on the left with the lowest years, in terms of the

numbers of permits landing Jonah crab with the most recent years.

Then for the proportion of permits, pretty steady over the time series with a decline in the most recent three years. I've mentioned getting an idea of catch per unit effort for Jonah crab is complicated by the fact that Jonah crab and lobster are linked together. But one analysis that the Peer Review Panel did just redo was to look at a highliner fleet. Here we have a fleet of Rhode Island vessels that are known to be big players in the Jonah crab fishery. They've been consistently targeting Jonah crab over this time series. This is looking at the landings per trip for that sub-fleet of vessels. You can see there was an increase to the peak in the fishery that happened in 2013 and 2014.

Variability after we see a decline in the number of pounds landed per trip with kind of a bounce-back that happened in 2023. I'll just mention here that we did do some supplementary analyses of the same data, showing that the catch-per-day on trips have declined, and the overall length of trips has increased over the same time period, indicating that this catch-per-unit effort may be confounded by market conditions and fisher behavior. I'll touch on this again in a few slides.

Looking at landings by state. We're not able to look at landings by stock area, that requires further analysis, which will happen at the next assessment. But landings by state, if we look at Massachusetts and Rhode Island, which account for, I think 95 percent of the landings in offshore southern New England.

You can see that there was a peak in the mid 2010's, and we've had a decline overall in landings in most recent years. We also looked at price per pound for Jonah crab and lobster in the assessment, trying to get a handle on how price may be linked to fisher behavior, and how the prices for each of them and the demand might be interlinked.

For lobster we see that the price sharply increased in 2021, and you have particularly low landings for Rhode Island and Massachusetts. For Jonah crab, prices increased sharply in 2022, when landings in Rhode Island and Massachusetts were relatively

high, although still at lower levels than what we saw in the peak of the fishery in the 2010's.

Jonah crab prices decreased in 2023, but are still higher than what we saw during the peak of the fishery around 2013, 2014. Overall, the TC determined that the status of Jonah crab appears similar to that of what we saw in 2021, the assessments terminal year. We're still in a place where data limitations preclude management recommendations that is related to the overall low availability of abundance indicators, and then those market factors that I was talking about before.

We've had conversations with the Advisory Panel and with Jonah crab fishermen over the last couple of years that really indicate that market factors are the driving factor in Jonah crab effort. We've had reports of vessels leaving the fishery or changing the level of effort that they dedicate to Jonah crab or lobster.

We've heard reports that dealers and processors are implementing trip limits over the last couple of years saying, you can only bring a certain quantity of Jonah crab with each trip. Then we just heard overall reports of there being low demand for Jonah crab in the last couple of years. I think that is part of a larger global market as well.

That leads to our recommendations from the TC. First the TC recommends identifying a process to track dealer and processors post trip limit. One suggestion was to interview processors and dealers, how each of the states conduct that, to get reports of how and to what extent trip limits or other limitations were placed on vessels in a given year, potentially. The other suggestion we have is to revisit Commercial Fisheries Research Foundation ventless trap data. This Foundation has done a lot of work to work with commercial fishermen. They deployed ventless traps in the commercial gear and then they collect biological samples from Jonah crabs within those. This time period was not decided. It was not recommended to be used as an abundance indicator in the assessment.

But we've had a conversation with the Foundation that indicates there have been recent developments in the way they collect their data, so

they have higher spatial coverage and they have more fishermen participating. They also have more years of data. We would like to leave it at that data source and have more conversations with the Foundation, and really explore its potential to be used in our indicator updates moving forward.

They also have been doing several projects that are related to looking at crustacean abundance around wind farm areas. We would like to see if there is a way we could leverage those data to interannual indicator update. That is everything I have for this portion, I'm happy to take questions.

CHAIR KELIHER: Thank you, Corinne. Any questions for Corinne? Emerson, go ahead, and then Jason.

MR. EMERSON C. HASBROUCK: Thank you, Corinne, for your report. One of the slides that you had up there, I think it was catch per trip, if you could go back to that, yes that slide. Maybe you mentioned it and I missed it. What is the horizontal dash line? What does that represent?

MS. TRUESDALE: Yes, and I'm sorry that is so small, it's landings per trip. We took a subset. This is actually four vessels in Rhode Island that we know are targeting Jonah crab, they are pretty big offshore vessels. It's the landings per trips, so like it would be the average number of pounds that are brought in of Jonah crab per trip for that year.

MR. HASBROUCK: So, the average, no I'm talking about the horizontal dash line.

MS. TRUESDALE: Oh, I'm sorry, that is the year. It goes from 2000, oh horizontal dash line, I'm sorry. That is the time series average. The average for all of those years of data, and that will show that in 2021 and 2022 we were below that average for the whole series.

MR. HASBROUCK: Average over the time series, got it, thank you.

CHAIR KELIHER: Jason McNamee.

DR. McNAMEE: Thanks, Corinne, nice job. Thanks for the update. I was wondering, so you've got some recommendations at the end there. Is the

idea with those recommendations if you're able to kind of pull those additional sources of data in that you can start to tease out some of these conflating factors that you guys are kind of noting as you're looking at the data? Can you get additional information like on, well you know one of them directly is these dealer-imposed limits, so that could be a factor that you kind of pull in to some of your analysis. Maybe there is some additional elements that you can pull in from the CFRF data. Is that the idea?

MS. TRUESDALE: Yes, that is a great question, and I think the answer might be a bit separate for both. The CFRF data is intended to be brought in as a potential direct abundance indicator. We don't have very many of those available, so we're hoping that we can bring that in and use that in combination with the Trawl Survey from the Science Center. The market factors, I think we've done so many analyses looking at landings over time and fishery dependent indicators.

But without an idea what is going on in the market, you know we keep getting these comments from industry that are essentially saying, if you can't take the market into consideration, we can't interpret these in a straightforward way. We're hoping this will start the process of being able to interpret those data, and really at least be looking at all the caveats associated. I think it's probably a first step, but we should probably start there with talking to the industry.

CHAIR KELIHER: Any other questions for Corinne? Ray Kane.

MR. KANE: Corinne, thank you for the presentation. Could you bring up the slide on price per pound, or how the prices have gone since the COVID pandemic, and has the PDT or anybody here at ASMFC reflected on the fact that prices pretty much for all fish are down, since everybody went out there when they were buying fish and cooking at home, and now that the pandemic is behind us, hopefully, prices across the board have been down for fishermen. Have you looked at that at all, or is that what Jason was? Jason, are you getting back to that.

MS. TRUESDALE: I think we do see that really obviously in the lobster data too, where 2021 is that really high price year, and I think that corresponds with the pandemic, and it's stabilized a bit since then. The extent to what is happening for Jonah crab, and I'm not sure, and that is something we can certainly look into.

I think when we first started looking at price, we expected there to be some interplay between Jonah crab and lobster that was more obvious or between supply of Jonah crab and demand for Jonah crab, and it doesn't seem that those trends are very obvious. That is part of what we see in the data. There is a lot to still be looked at there. But I think it is worth taking a look every year and combining that with everything else that we have available. But I don't think there is a straightforward answer for Jonah crab, at least at this point.

CHAIR KELIHER: Any other questions from the Board? Not seeing any; can you go put the recommendations back on the screen, please? We have recommendations that have been presented to the Board. I don't think we need a motion for this, but I just want to make sure that there is agreement, those at the table, to have them move forward with these recommendations.

Any objections? Great, I think we've got clear consensus to move forward with the recommendations, so thank you. Great, thank you very much, everybody. We are going to move right along to the LCMTs, the Lobster Conservation Management Team Reports. Back to Corinne.

CONSIDER LOBSTER CONSERVATION MANAGEMENT TEAM REPORTS

MS. TRUESDALE: Appreciate it. I'm going to provide a really brief summary of a Lobster Conservation Management Team 2 meeting that we held on January 22 of this year. Our LCMT met virtually a couple of weeks ago. We had 4 members in attendance and 1 additional lobster harvester from LMA 2.

The task was to review an analysis that the PDT recently conducted of changes in the fishing fleet

since Addenda XXI and XXII were implemented by the states. They were also asked to provide input on management measures that were implemented in the NOAA Fisheries Interim Rule for LCMA 2.

AREA 2 LOBSTER CONSERVATION MANAGEMENT TEAM REPORT

MS. TRUESDALE: This was specifically ownership cap and trap cap reduction. We're also asked to recommend management measures moving forward or potential alternatives. LCMT 2 had met in April as well, and it was a similar task where they were asked to comment on Addenda XXI and XXII, so many of the sentiments they provided echoed what they had said at that point in time.

But overall, the recommendation from the group was to manage to maintain status quo management measures, or those that were in place before the Federal Interim Rule. Their comments were that the fishery has responded to the reduction in lobster biomass already, as indicated by the PDT analyses, which show that there is an overall reduction in the number of permits, the number of traps, et cetera.

They also commented that this increased targeting of Jonah crab over the past decade or so has further reduced the lobster fishing pressure, so fishing effort was being spent more for Jonah crab than for lobster, and that would have relieved the pressure in a way that is not accounted for in any of the trap counts.

They also indicated that flexibility is needed for the people who remain in the industry, the banked traps beyond 800 actively fished trap cap. With this and with the recommendation for status quo, the team members highlighted the need for federal and state regulation consistency, so they recommended how that would be laid out specifically here.

For states they recommended supporting maintaining owner operator requirements for Rhode Island and Massachusetts, with 800 active trap caps, and an allowance of 800 additional banked traps for LMA 2. For Federal regulations to be consistent, they recommend maintaining an existing cap of 800 active traps for federal vessel

permits, with a federal entity ownership cap at 1,600.

In cases where a vessel owner had two separate permits under the same LLC or entity, they would be limited to that entity cap. They could still have 800 active traps and then 800 banked traps eventually. For more than two Federal vessel permits, they could be included in the same entity constrained to the entity cap.

Then there would be no limits on the number of Federal Licenses, they would have flexibility in building up permits this way, so it wouldn't matter how many Federal Licenses you had accumulated, you would still be subject to that entity cap overall. They had a couple of additional recommendations, but I'll note here that are maybe not directly related to the Interim Rule, but wanted to provide. The first was to allow individuals to transfer caps within an entity and not pay a transfer tax when doing that, which would give them flexibility in managing multiple vessels. If one vessel needed maintenance or something like that, or they lost one, they could transfer the traps between their two vessels more easily. Then another member recommended eliminating the transfer tax altogether during this discussion. That is the short summary that I have, I am happy to take questions on those conversations too.

CHAIR KELIHER: Great, thank you, Corinne. It looks like you had some really good conversations with this LCMT. As a reminder, we are also waiting on the LCMT 3 group to meet. I think these recommendations for now are kind of food for thought for the Board to consider at a future meeting. But before we leave this agenda item, is there any questions or comments on this particular item? David Borden.

MR. DAVID V. BORDEN: I also attended the meeting and listened to the deliberations. I thought Corinne did an excellent job of summarizing the conclusions, and I agree with the statement that you made. I think the Area 2 LCMT has basically discharged its task, and we should put this recommendation on the side until we get the Area 3. At that same time, we're going to get the benchmark stock assessment, and then once we put all those pieces

together, we can actually consider what the next step is.

CHAIR KELIHER: Thank you, David, I agree with that. Any other questions or comments for Corinne? Seeing none; thank you very much. We'll chew on this in the meantime. At this time, we're going to move to Agenda Item Number 7, which is an update on Lobster Conservation Management Area 1 Gauge, and probably New Hampshire may have, I don't know, Cheri, if you will have an update that you want to provide too. But at this time, I'm going to turn it over to Bob Beal to Chair this portion of the meeting.

UPDATE FROM MAINE ON LOBSTER MANAGEMENT AREA 1 GAUGE INCREASE

CHAIRMAN ROBERT E. BEAL: Thank you, Mr. Chair, and just to reiterate what Pat said about procedure. Since this issue involves Maine and New Hampshire in particular, and the Chair and Vice-Chair are from those states, the Commission procedures indicate that the Executive Director will step in and chair the meeting if the Chair and Vice-Chair states want to participate in the deliberations, so that's where we are. With that I'll go ahead and call on Pat Keliher, since his name is next to this agenda item.

MR. KELIHER: At this time, I would like to give some additional background to the Board, to understand how Maine got to the point that we are in right now. As you know, I originally made the motion back in 2017 to initiate Addendum XXVII. This FMP was meant to be one of the first of its kind, as I was reminded yesterday, besides Jonah crab, to create protective measures to ensure the stock was resilient in the face of a changing environment.

As you know, we are not overfishing and the stock is not overfished, but we can see changes in the juvenile abundance, and certainly in Maine landings, which have now declined by over 47 million pounds since 2016. Listen, I hope history shows that I was wrong, pushing for this proactive measure, but if I was right and the industry is wrong, there could be many lobster boats for sale in the coming years. After many years of delays to deal with whale regulations, we ended up finally implementing Addendum XXVII in May of 2023, only

to learn that we hit the trigger just a few short months later. This has certainly set off a chain of events that included more delays to deal with Canada, and to hear the growing outrage from Maine lobster industries, including all three trade groups that represent harvesters. For Maine sharing a boarder with Canada creates very unique difficulties, and like the recent enacted tariffs, which have now been put on hold, thank goodness, it creates a level of uncertainty with trade that we frankly cannot fathom.

Most sitting around this table are not aware, but the amount of frozen and live product that is sent to Maine from Canada and from Canada to the U.S. is valued at hundreds of millions of dollars, 2 to 3 hundred million going in each direction. Our countries lobster industries are linked together in a way that makes disruption incredibly difficult to solve.

It also highlights the need for us to work more closely with our neighbors to the north to solve these pending resource problems, problems that they are also seeing. Now we have all been in difficult meetings and situations with our industries over time, but this was unlike anything I certainly have seen.

Those supporting a gauge change were not expressing their views, and I want to make sure it's clear that there are those within the state of Maine that do support a gauge change. Those who are opposed to the gauge increase were very vocal, to the point that some were completely out of line, and this certainly caused me to react in a way that surprised some. But I couldn't take the attacks on me, my staff and the Commission any longer. We are all looking at the long-term sustainability of the resource, not just short-term impacts, as was being expressed at our hearing. As you know, I put Maine in the position of possibly being out of compliance with the Commission plan.

Know this, I did not have the votes at my own Advisory Council meeting, who I must have both advice and consent on all rules before they are made final. I took this action with the approval of the Governor, knowing I would need to come back

to this Board with a path forward. I want to stress that if I had of waited for our Advisory Panel to vote, it would have been after this meeting, which would have put us in a very difficult situation to try to create some resolve or resolution prior to our spring meeting.

Mr. Chairman, knowing all this, I would like to make a motion, and I think staff has that for the Board. **I would move to initiate an Addendum to repeal all gauge and vent size changes in Addendum XXVII.** The other sections of Addendum XXVII will remain in effect. If I get a second, I will give a bit more justification.

CHAIR BEAL: Is there a second to that motion? Cheri Patterson, thank you. Then I'll go to you, Pat, and Cheri after that.

MR. KELIHER: I want to make it clear to the Board that rolling back resiliency measures is the wrong thing to do, absolutely the wrong thing to do. It's not at all what I wanted to have happen, but we need to do something, but that something is now going to need to come from the industry. I am committed to the long-term sustainability of this lobster resource, and as importantly, the coastal communities that it supports. But as I just mentioned, I was going to be in this place regardless, so we need to find a different path forward. It has become clear that the Maine lobster industry is focused on the short term, even though we do have many people that are worried about what the next year or two are going to bring for price and landings.

Even after multiple zone council meetings and having Kathleen Reardon go above and beyond holding small group harbor meetings, we were unable to convince the industry that now is an appropriate time to act. By repealing parts of Addendum XXVII, we don't have to worry about noncompliance or meeting a conservation equivalency standard in a very short timeframe.

We need to start from a blank slate, and we need to challenge the industry to step up with ideas that will meet the goals of the resiliency issues that were laid out in Addendum XXVII. I am cognizant of the impact that this could have on staffing, if we move

in a direction of repealing and replacing in the same motion.

What I'm proposing is a process that would only take one quick Addendum, and my goal is to not take a lot of staff time, so I would suggest we move forward with a single public hearing done online. I do have some thoughts on the next steps in Maine, which include multiple rounds of zone council meetings and Lobster Advisory Council meetings to build support from the industry on possible next steps.

There has been a lot of talk about the issues around the LCMTs. We now have LCMT members name from the state of Maine, and I know they've also been updated in both New Hampshire and Mass. I think at some point we need to bring the LCMTs together, but Dan McKiernan and I have discussed this and I completely agree with my fellow Commissioner that in order to get them engaged, we need to give them something that is coming from the industry, and not start with them at the tip of the spear.

This is going to take some time, and I think that time needs to come over the course of this summer, get the assessment report in October. We may also have some additional economic information that I think will be critical for our conversations in Maine. With that I will shut up, thank you, Mr. Chair.

CHAIR BEAL: Cheri, you have comments as the seconder?

MS. CHERI PATTERSON: New Hampshire has been struggling with Addendum XXVII since we went to the last public hearing/information process, which was Addendum XXXI, I believe. We didn't get much of a pushback when Addendum XXVII initially came through, and was voted on by this Board.

I believe in large part it had to do with it was a resiliency reaction, Addendum XXVII being a resiliency reaction, and no one figured that we would have to act as fast as we did, that the trigger was tripped very quickly at the 35 percent level. Now that it is at 44 percent, or roughly, I don't think we have much more time to assure that we can maintain some resiliency action from this Board.

That being said, as Pat indicated, I think due to the pushback that we have been getting from the lobster fishing industry, they are the ones that are going to have to come forward or have discussions in regards to how to maintain the lobster industry that they want to have available to them. Thank you.

CHAIR BEAL: Thank you, Cheri. I assume there is going to be a number of comments and questions on this motion, so a show of hands for folks that want to comment on the motion. I'll kind of go around. Dennis, is your hand up? I'll go to Dennis, Doug and then Steve Train, and then we'll just work our way around the table.

MR. DENNIS ABBOTT: I don't know exactly what I would like to say, but first I'll start by saying that I applaud Pat Keliher for what he did starting in 2017. It's been a long journey, and it was a change where we were trying to look ahead. I do have a concern moving forward that before we can get anything out of the lobster industry that is helpful, we really need from them a buy-in that there is a problem.

I think that is one of the big issues. I don't think anyone is going to come forward and tell you how to fix something if they don't think it's broken. You know you have a letter in front of you from our Governor of the state of New Hampshire, and the Governor even states that yes, there is a decline in yields, but offers nothing forward. She also comments that she spoke with legislators and fishermen and the public.

The three people she didn't speak to are the three people sitting here. We've had no input whatsoever in the composition of that letter, which is troubling to me as a commissioner, but she's the Governor, you know I realize that. In her last paragraph she mentions that to ensure the survival of an iconic and historic industry in our state and our region, and to support our nation remains competitive, I ask you to rescind these guidelines.

It's our purpose also to ensure the survival of the iconic and historic industry. I don't think anyone has any other objective than doing what we think in the long run is best for the lobsters and for the harvesters that work in this industry. I go along

with Pat's motion, but I do have concerns about getting buy-in from the people on the outside.

CHAIR BEAL: Doug.

MR. DOUGLAS E. GROUT: As has been stated, Addendum XXVII was one of the first proactive management actions that the Commission had developed. At that time, we began working on it, lobster landings in Maine, New Hampshire and Mass had been increasing for 30 years, and we knew this trend would not continue forever.

In light of what happened to the southern New England stock in the nineties and early 2000s, we knew when the downturn did occur, we needed to take some action to build more resiliency into the population and soften the inevitable downturn. This fishery, as has been stated, is just too important economically and socially to our three states, to repeat what had happened in southern New England.

Furthermore, during the development of Amendment XXVII, we began to see early signs of the impending stock decline, when the TC told us of declining young of the year indices. Increasing the minimum size for lobsters by an eighth of an inch over a three-year period, once the multiple ventless trap and trawl surveys had documented a 35 percent decline, pre recruits, seemed like a good way to put more eggs in the water quickly to help soften this observed decline. After all, Gulf of Maine lobster fishery is one of the few fisheries we manage that currently allows harvest of individuals that are smaller than the size at 50 percent maturity.

I continue to commend this Commission, this Board taking action to help stabilize this very important fishery. However, recent events in the state of Maine and New Hampshire have made it impossible to implement the minimum size increase measures at this time, without all the LMA 1 states implementing the gauge increase.

Without all the LMA 1 states implementing the gauge increase, it would have minimal effect on increasing the number of eggs in the water. It is for this reason that I reluctantly will support the motion

to initiate an Addendum to remove the gauge and vent changes in Addendum XXVII. Finally, I challenge the lobster industry, the three states and the LCMT to come up with appropriate new measures that will put more lobster eggs in the water.

The downturn in the Gulf of Maine lobster population has just begun. There has been a 40 percent decline in pre-recruits in the trawls, and there has also been a 24 percent decline in lobster landings in our three states since the peak in 2016. Let's work together to ensure that there is a soft landing.

CHAIR BEAL: Next I'll call on Steve Train from Maine. He was hoping to be here in person, but his flight was canceled yesterday, so he couldn't make it down this morning. Steve, are you available? Why don't we move ahead to one more speaker in the room, then I'll try to come back to you, Steve. I saw Joe Cimino's hand was next moving around the table.

MR. JOE CIMINIO: A lot of people spend time talking about how brief they're going to be, I always chuckle at that. I'll warn you right now, this is going to be a little bit long winded. As current chair of the Commission, there are a lot of things I see in this. We're going to be having discussions at Ex Com and Policy Board about the importance of certain management decisions for some folks at the table, but it's less important for others. I happen to be a state in particular right now that this is in a way less impactful to.

But I do want to say that we need to continue that cooperative management and stay supportive of each other. I am supportive of this motion, and I appreciate all the comments from the folks that have very well explained our intent here. I think one of the things that wasn't mentioned is how important this proactive management was is that the Commission and the Councils spent a great deal of time talking about Climate Scenario Planning, and how do we manage for this constantly changing environment?

The idea behind what we were doing, the idea behind vetting these issues with the public on

triggers that may happen in the future, I think is the most proactive and one of the most important tools we can use. Yet some of the sand slipped away under our feet on this. I think we do need to regroup. You know I've heard for decades people say, I wish you could take the politics out of fisheries management. When you're talking about industries that infuse billions of dollars into the economy, you're never going to take the politics out of it, so this is the situation we're in. I will take one more moment to draw a parallel to striped bass, because I think you know we were recently faced with a situation where we were talking about management actions that had projections showing almost no difference.

But there were huge socioeconomic impacts for certain states. I don't know that those states got the sympathy from other states on exactly what that would mean to us. I hope as we sit around this table for every species, we give the same consideration.

CHAIR BEAL: I've been asked online to identify the speakers, so that was Joe Cimino from New Jersey. I'll keep moving along, Emerson Hasbrouck from New York.

MR. HASBROUCK: I'm sympathetic to the needs of New Hampshire and Maine, but I'm a little concerned because there isn't anything here to follow up repeal of all the gauge and vent size changes. I don't know if there is another motion that is expected to come along.

But I am a little hesitant to support something where the Addendum is totally to repeal all gauge and vent size changes, without discussing what we're going to do in its place. I don't know if the maker and the seconder of the motion have any thoughts about that, or if there is another motion to follow on to address that.

CHAIR BEAL: Pat Keliher.

MR. KELIHER: Yes, thanks, Emerson. I understand the horns of the dilemma you're impaled on here. The intent from some other states is to bring forward another motion that would talk about a process, a letter and then urging a process of the

states to bring forward something back to his Board to initiate an additional resiliency addendum.

CHAIR BEAL: I'll try to go back to Steve Train. Steve, can you comment?

MR. STEPHEN R. TRAIN: This is hard to say, because I do a lot of work with Pat. I am not going to support this motion, they'll outvote me. I'm not going to oppose it, because I understand it is a political nightmare in the state of Maine. I am going to abstain. I don't believe all the work we've done since this Addendum was initiated was in vain.

We've had a lot of detail; we've had a lot of data. I would be willing to bet that we'll be down another 10 million pounds of landing this year. Last year when we were down, people said, well, people didn't go, oh two years ago when we were down, people didn't go very hard the price was down. Well, the price was up this year. I would like to see the excuse this time.

I do believe we have a problem, and as fisheries managers when there is a stock in decline, we have two basic tools. We have to reduce fishing mortality or we have to reduce spawning stock biomass. If our options are limited to those tools as managers, because we can't control the environment, and we tried at spawning stock biomass, it apparently has failed. I would like to see the possible alternatives on fishing mortality. People that is effort restriction, and people hate that. I don't see where we move forward from here. I understand what is going on, I understand why we have to do it. When this event happened in Maine, my phone blew up, people saying, what are we going to do now, not oh good, we beat him. I got one of those calls, I got seven of the other within two hours. This is not universally supported, but apparently it is the majority.

CHAIR BEAL: Dan McKiernan from Massachusetts.

MR. DANIEL MCKIERNAN: I reluctantly support this motion. Massachusetts already enacted its regulations back in December. We kind of knew the schedule and we knew the gauge manufacturers needed time, so we already got it done, so this is

really painful for me. I did a little bit of history searching.

I went back to 1990 and I was reading some documents from the last time a gauge increased in Area 1, it was 1989 and 1990 those changes were scuttled by the industry, and in fact this is how the Commission received lobster management from the Federal Government, because my recollection and my impression that NOAA Fisheries was kind of sick and tired of managing lobsters, when the industry kind of stepped in and refused to go along with the conservation measures.

The issues back then were the same, economic loss, the need for consistent regulations among states and the challenge of the Canadian market. We're seeing the whole thing play out again, exactly the same 35 years later. The gauge increase is really a third rail of lobster management, so I totally understand why it failed, because it failed 35 years ago.

I do want to make a comment about this alleged 30 to 40 percent loss that we see in the press, and now we're seeing in letters from elected officials. It's a complete farce. The Maine biologists the New Hampshire biologist, the Massachusetts biologist, all working in Area 1. We work so hard to collect accurate data aboard commercial fishing vessels, and we know from our data that this would be about a 12 percent loss.

If we had negotiated, maybe a 32nd, that would have been a better outcome than scuttling this. I really implore and I really urge the fishing industry to sort of stop the nonsense and criticizing lobster science. There is no better assessment anywhere than what we have right now for lobster. The amount of effort that goes into cooperative research with lobstermen for the ventless trap is amazing, and it's very, very accurate.

The index that the TC put together that has now declined by about 39 percent, lo and behold, Maine landings went down by about 39 percent. Congratulations to the Technical Committee for creating a very, very impressive and reliable index. It's just very, very frustrating for me to be in this position, but I understand the realities of the

politics of the situation. I just regret that we got so far down the road only to turn around. We might have a motion to amend, so if you could prepare for that once we finish with the comments.

CHAIR BEAL: Jeff Kaelin from New Jersey.

MR. JEFF KAE LIN: I am from New Jersey now, but I was in Maine for 25 years, and I am also very disappointed with where we are here. I retired my Maine lobster license when I moved to New Jersey. I was still waiting for a plaque for that, Pat, someday. I never was a fulltime inshore lobster fisherman. I worked in the offshore lobster fishery for about five years.

When I was younger, I taught my boys how to catch a lobster up in the northern part of Penobscot Bay. I'm really disappointed with where we are here, particularly since the Commission, the Board has given the industry more time to consider moving ahead with some kind of measures to increase the resiliency of the fishery.

I'm really disappointed with some of the things I've been reading in the press about how we're a bunch of out-of-control federal bureaucrats, it's a knee-jerk reaction that brought us here, and so forth. I wanted to commend Ms. Patterson for her comments that focused on the science in the Trade Press, because I think that's really what we need to stay focused on, and I think the lobster industry needs to step up and come up with something that they'll go along with.

Do they want escape vents that are larger? Do we want trap limits? What are the options that we have to preserve this fishery for the long haul? One of the comments in the Trade Press was, in '83 when the gauge increases were put into place, for the following three years the industry almost collapsed.

Well, I worked on Capital Hill at that time. I worked with Bill Cohen, the Senior Senator of Maine at the time. We worked alongside George Mitchell, the Mitchell Bill, we've talked about that over the last several months, regarding this particular problem we have here. I'll just say that since those gauge increases went into effect back then, landings

increased by 76 percent and the value of the fishery has increased by 90 percent.

It didn't collapse. The Canadians need these lobsters. They will find a way to buy a small little lobster. Whether they're going to go along with the gauge change up there or not, I have no idea. Probably not. I spent 15 years in the sardine industry working across the border in New Brunswick, and it's all about Canada up there. We can't sit back and wait for Canada to come along with a solution that is going to be able to change this situation that we're in here. I'm extremely disappointed with where we are.

Hopefully, the next motion has some conservation equivalency ideas, and I was also on the Marine Resources Committee in Maine at one point in time too, so there aren't a lot of options. I'm extremely frustrated, and I think the industry needs to step up, get focused on the science. Bring people along with them, those people like Steve Train, who is a leader in the industry, who sees the value in moving ahead.

Even though we have nothing to protect really in New Jersey in this matter, I really feel compelled to speak today, because we need to move ahead and I'm really looking forward to what kind of options the industry is going to come up with, because something has to be done here to react to this warming water situation that we have, which is a real problem. Our herring quotas just went down 89 percent this last year, because of the warming oceans. Where does the lobster industry want to go? Status quo just isn't an option, and I'm really disappointed. But like my colleague here, with Joe, we'll probably go along with this today, but I'm not enamored with how we have been painted as out of control managers and so forth. It's just like Dan said, you've got to focus on the science, some of the best science that exists on the east coast, so thank you for allowing me to vent for a couple of minutes.

CHAIR BEAL: I had Roy Miller from Delaware.

MR. ROY W. MILLER: As someone from well south of where this argument is taking place, nonetheless we'll be expected to vote on this motion. That may be something that we're going to discuss tomorrow,

somewhat, is whether we should vote and how we should vote on an issue that may have little direct impact on us.

I was wondering if Pat or Cheri could give us an idea for what's ahead, following up on what Emerson said and what Jeff just said. What would the industry be willing to offer? Do they acknowledge that there are signs of a problem? You must have some idea of what might be acceptable to industry. That would give me a little more direction on how I should vote on this particular matter.

CHAIR BEAL: Pat or Cheri, okay, Pat.

MR. KELIHER: There's the 64-million-dollar question right there, Roy. What will they accept, what will they want to do? It is clear, you just heard from Steve Train. There are others, many others within the industry that are seeing the declines, right? I think the idea of what they will accept is unknown right now, but if they want to deal with resiliency, the gauge was the most equitable way to do it.

Will they settle for a 32nd change in the gauge over time? Will they want to deal with closed seasons, trap reductions, effort reductions? Dave Borden and I have talked many times about permit stacking. Maybe permit stacking is a time where we need to be talking about those type of things. But it can't be a conversation with the Maine industry that is just looking at others to solve their problems, they are too big.

The Maine industry can't expect to solve their problems on the backs of others. It is imperative that they come up with something. I do believe that they see a need. There is a vocal, I don't know if it's a majority or minority, quite honestly, Roy, but there is a very vocal group that is saying we don't need to do anything right now, and they are wrong. They are dead wrong. We need to find something to do that helps stabilize this. The comments that I've heard today around this table are spot on, and it will be a sad frigging day if we don't do something.

CHAIR BEAL: Cheri.

MS. PATTERSON: Roy, I'm going to challenge you a little bit. I do think that the states south of the Gulf of Maine states have a vested interest in this, and it's not necessarily to do with the resilience of lobster, but the ASMFC process. Yes, Maine and New Hampshire, and I'm sure, Mass, is going to be struggling with our industry because of firm beliefs and misinformation that is out there. We're just going to have to grind through working with our industry members to see if they understand where they are going and where this population lies at this point in time. But please, make no mistake, this is an ASMFC process, something that we've all really invested our professional careers in. I felt that it works very well, so it really does take the village to work through these issues. Thank you.

CHAIR BEAL: David Borden, Rhode Island.

MR. BORDEN: I'm opposed to the motion, just so everybody understands my position, basically because I think it is the wrong thing to do for the resource. I think it is the wrong thing to do for the commercial fishing industry, and I think just as importantly I think it is the wrong thing to do for the coastal communities up and down Maine, that in some cases have 95 percent reliance on lobster for their economic wellbeing, but the reality, as Pat has noted.

We're in a position where we've got two governors that have basically outlined positions that are counter to what I think the majority of us would like to see, and we have to reconcile that. The way we do that is we pass this motion. Hold our noses, pass this motion, and basically, I know there is another motion that is going to be offered, as far as a path forward. I think Dan is going to make that motion and I'm happy to second it. But my suggestion, Mr. Chairman, is that if someone wants to make a motion to amend this, we do that and then we basically call the vote.

CHAIR BEAL: Roy, did your hand go back up after Cheri commented?

MR. MILLER: It did, Mr. Chairman, and I'm just trying to read between the lines on which way Cheri would like us to go to continue to be useful and thoughtful participants in ASMFC process. Are you

suggesting that we support the motion or oppose the motion? Because right now I'm not sure which way you would have us vote in this particular matter.

MS. PATTERSON: That is going to have to come from you. Those thoughts are going to have to come from you, I just really wanted to point out that it is all the states that make these decisions on a population that has a range from Virginia to Maine. It is not necessarily just the three states that are grappling with this right now.

CHAIR BEAL: I have Mike Luisi, then I'll come back to Dennis Abbott. Mike Luisi from Maryland.

MR. MICHAEL LUISI: I come from a state where this type of consideration, change is difficult, you know I understand that, and we are constantly facing challenges about decisions that are made at ASMFC. I wasn't going to be the first person to bring up striped bass today. Joe Cimino brought that up earlier. I am relating to this issue, bringing it back to my own home, and if this was a striped bass discussion, kind of what would the mood be in the room.

How would we be thinking about whether or not this was an appropriate action to take or not. I am very focused on the process, and that was brought up earlier. Somebody brought up the fact that the process here is very important. As I sit and think about what we've done, and I credit this Board for taking those proactive steps to work towards resiliency. When the pressure got too strong, now we're in a position where we're saying, well, let's try to come up with something new, which I fully support. I just don't think I can support the concept the way it is laid out in this motion. I would prefer to see something in here, where if the states want to go back, work with their industry, come up with some solutions, bring it back to the Board in a reasonable amount of time. That would be the process that I think would be better sold to the Board here today, rather than just repealing something because it was difficult, expensive, and it just wasn't what the industry wanted.

I think if you go back and ask the industry. If there is no structure established around the process for getting the industry to engage and to come up with

some solutions, I don't know that we'll find the success that I think we all started this process out trying to get to. The way it stands right now, I'm leaning towards opposition to this motion.

However, if somebody were to make a motion that would kind of break it down and establish a little bit more of a feedback process to the repeal, and maybe task within a year that we come back and revisit industry discussions and solutions, then I would be more inclined to support, with the understanding that change is difficult. We need to work through those changes, and to do them in a way that are going to be sound, effective and efficient. That is my comment, Mr. Chairman.

CHAIR BEAL: I had Dennis Abbott, and then Bill Hyatt. Then I'm going to ask if there are any motions to amend or substitute, or is the Board ready to vote on what is on the screen. Dennis Abbott.

MR. ABBOTT: Just as an aside, a lot of the newspaper articles have referred to us as a federal agency in one form or another. We are not. We are a compact of states who have agreed to sit around this table and solve things collectively. That is the basis of the Atlantic States Marine Fisheries Commission.

But you know to Roy, and also to Mike Luisi. We're all holding our nose on this. I don't think anybody likes this. But I think we do have to accept the reality. I know we do here in New Hampshire, and I'm sure in Maine. We're not going up against the governors. You can talk about what we can bring forward today, tomorrow or the next month.

You are not changing Governor Ayotte's mind, and you're not changing Governor Janet Mill's mind at this point in time. I think that it is important that we accept this motion. If I had my way I would say crap on it. We're going to move ahead with what we've already put in regulation in the state of New Hampshire, what Massachusetts has put into regulations and what Maine was trying to do, but it aint going to happen.

If we go out of here thinking that all right, we're going to move ahead. We're not moving ahead.

There will be a bigger fracas in our states, and it also ends up more corrupting, you know what we try to do. You know that myself through the years, I'm pretty black and white. and we're in kind of a gray area here, which I don't like to be in. But the black of it is, is we've got to adopt this motion and then we have to listen to what Dan McKiernan and a few others have carefully crafted to try to find a way forward. Thanks.

CHAIR BEAL: Bill Hyatt from Connecticut.

MR. WILLIAM HYATT: This is just a comment on process. You know I'm hearing a lot of hand wringing, a lot of consternation about the vote that we're going to have to take on this. I'm also hearing repeatedly a lot of mentions to a motion that is a follow up motion. Is there any process by which it might ease the vote on this in order to see that follow up motion, before the vote on this motion is taken?

CHAIR BEAL: Having two motions up at the same time gets messy pretty quick, but Dan McKiernan may be willing to talk about what his intentions are, and then everyone will have the understanding of what is going to come next, after this is voted on. I'll go to Dan McKiernan, then I saw Emerson, you have your hand up. Then we'll decide if there are any changes to this motion. Dan, go ahead, please.

MR. MCKIERNAN: My motion, which I intended to follow once this motion or amended motion passed, and I can understand, Bill, why you would like to see this. It's to do this, to request the Policy Board to task the staff to prepare and send a letter to the states of Maine and New Hampshire expressing disappointment with the decisions to renege on the adoption of Addendum XXVII's minimum size increases, as originally proposed by the Maine delegation and supported by the New Hampshire delegation.

The Lobster Board suggests the letter should include the following points, and I'll read them. Acknowledge Maine officials and industry's concern for uniform rules in the Gulf of Maine with abutting Canadian LFAs, Lobster Fishing Areas, which influence a refusal to support the Addendum, provide the history of the issue, justification charts

showed declines in landings, describe the years of deliberations, postponements and delays.

On behalf of the Maine industry, note that the objective was to be proactive, risk-averse, precautionary, aiming to minimize the long-term decline of the Gulf of Maine stock. Request Maine and New Hampshire officials to begin scoping discussions with industry leaders, and I think this is what you're looking for.

Begin scoping discussions with industry leaders and appropriate zone council, and relevant fisheries associations within the respective states, to identify mutually agreeable conservation strategies and schedules for future Addenda. Develop proposals to the degree possible, before the Board considers incorporating them into any future Addendum affecting the biological productivity of the Gulf of Maine lobster fishery, and request that Maine and New Hampshire delegations to update the Commission at each quarterly meeting of its progress.

In essence, it's a, you broke it, you own it, and we want to see what you want to come up with, before we invest staff time and a lot of man hours to come up with another plan that could get scuttled at the eleventh hour by a hundred angry Maine fishermen. I want to see what the state of Maine and secondarily New Hampshire, but more on the state of Maine.

I want to see what they can come up with, because I want buy-in. We come down here in good faith, we negotiate, we work with the industry. We delayed this Addendum twice to help out the industry, then to have it scuttled at the eleventh hour for reasons that we all could have seen coming, is unacceptable. You broke it, you own it, what have you got?

CHAIR BEAL: Emerson Hasbrouck from New York.

MR. HASBROUCK: I have two issues that I want to raise. One is to address the issue that Dennis just brought up, and I understand that the states or the Commissioners from Maine and New Hampshire are in a tough spot. Where their governors have said, we are going to do this, we are not going to do that.

I don't think that as a Commission we should be, I'm going to say held hostage.

That might be a little bit too strong, by governors saying that they want to do this and they want to do that, because what precedent are we going to set? Maybe next time it's the governors of New York and New Jersey who are totally opposed to what we want to do with summer flounder, and they say, we are not going to implement in our states whatever the Commission comes up with for summer flounder.

Maybe it's going to be the states of Maryland and Virginia who say, we don't like what the Commission just came up with for striped bass, it doesn't benefit the people in our state, so we're not going to go along with what the Commission just came up with, with striped bass. I just caution us heading in that direction.

Again, I have sympathy for the Commissioners from those states, but do we want to start to go down that road? Then the second one is, I mentioned it, I don't know, a half an hour ago, about what do we do here? We're going to repeal all gauge and vent changes with this motion, and we don't know what else is coming along, and several other Commissioners have echoed the same thing.

Then we heard something from Dan, but I'm a little hesitant to vote on this and not know what we're going to do in conjunction, if this passes. Therefore, I move to table this until we get, I'm not sure what the proper procedure is, but I **move to table until we consider whatever other motions may come along, to provide more guidance in terms of how we're going to go forward.**

CHAIR BEAL: All right, we've got a motion to table, is there a second? Emerson, let me make sure I understand what you're asking. You want to set this motion aside for a while and see Dan's motion, probably put up on the Board and have some deliberation on that. Then we'll either the Board can then decide to vote on the motion that Dan was discussing, or pull this one back off the table and vote on this one first. Is that what you're asking for?

MR. HASBROUCK: Well, kind of. But I want to know what we're going to do if we repeal all gauge and vent size changes. What are we going to do going forward? I welcome Dan's motion or any other motions, the substitutes or amendments to Dan's motion. But I don't want to bring this motion back until we know how we're going forward, if we vote on this. If we initiate an Addendum to repeal gauge and vent size changes. I want to know what we're going to do in its place before we bring this back.

CHAIR BEAL: Emerson, could I ask you to **hold your motion to table** for one minute, and I want to ask the Board, are there any motions to amend or substitute the motion that is on the screen right now, so we can do that without tabling this motion. Yes, Ray.

MR. KANE: I'm looking to support from both the maker and the seconder, and if you're ready. Include the repeal of the v-notch possession measures and maximum gauge effecting Outer Cape Lobster Management Area state-owned permit holders.

CHAIR BEAL: That is a **motion to amend**, right, Ray? Is there a second for that motion to amend? Cheri seconds that motion. Ray, do you want to comment on why you've proposed this amendment?

MR. KANE: You know once again, in our meeting this was discussed, and the Outer Cape lobstermen went conservation equivalency 25 years ago, and we had substantial trap reductions, and thereafter, every time a permit was sold there would be a 10 percent trap reduction. They are fishing roughly 470 traps.

Once again, we're going to take away an established management plan, and what are we going to give back to these harvesters? One of the closing remarks that I heard was that Maine lobstermen were more concerned about what is going on in Massachusetts and Cape Cod than what is occurring in their own backyard.

You've heard all the arguments about the science. I applaud Pat Keliher for bringing this forward seven years ago, his concerns that he didn't want to see

what happened in the Gulf of Maine what occurred in southern New England, Long Island Sound. But I would like for the Commission to look at this and be inclusive of this amended motion.

CHAIR BEAL: Cheri, any follow up?

MS. PATTERSON: No, thanks, I seconded for conversation and discussion.

CHAIR BEAL: Thank you. I've got a question for the maker of the original motion. The way I read the original motion, it included repealing all gauge and vent changes. That was not limited to Area 1, that was across all the gauge and vent changes that are included in Addendum XXVII, so I assumed that meant or included the Outer Cape. Was that your intention?

MR. KELIHER: That is correct, that is our intention.

CHAIR BEAL: Ray, I think the piece of your motion that deals with maximum gauge affecting Outer Cape is not necessary. The v-notching is not included in the original, but the Outer Cape gauge changes and vent changes were included in the intent of the original motion. I think if you still want to move forward with a motion to amend that would repeal the v-notching possession measures, I think that is probably appropriate. But I think the other provision is already taken care of in the original motion.

MR. KANE: Thank you for the clarification, Mr. Chairman. I would like to include the v-notch possession measures in this motion. Once again, I think for the first time the state may have gone out with harvesters this past season for these particular harvesters that fish only in state waters, and a lot of their catch are v-notch lobsters.

CHAIR BEAL: This is a little unconventional in that there is a motion and it was seconded, but I think we're clarifying it based on the intent of the original, and Cheri, you're okay with just focusing on v-notching for the motion to amend?

MS. PATTERSON: Yes. Again, I seconded for discussion.

CHAIR BEAL: Yes, fair enough. Any comments or questions about the motion for v-notching? I've got Pat Keliher and then David Borden.

MR. KELIHER: V-notching is a critical component to all lobster management, but I think it would be worthwhile to have Caitlin clearly lay out on the record what the document does for v-notching in the Outer Cape.

MS. CAITLIN STARKS: The current regulations for Outer Cape Cod state that state permitted fishermen in state waters have a v-notch definition of 1/4 inch without setal hairs, and federal permit holders have a definition of 1/8 inch with or without setal hairs. What the document Addendum XXVII did was standardize that to the most conservative measure, so that state and federal permit holders would have the definition of 1/4 inch without setal hairs.

CHAIR BEAL: Any questions of Caitlin or the maker and seconder, or comments on this one? Yes, Craig Pugh, from Delaware.

MR. CRAIG D. PUGH: This is directed towards Ray. I know you are part of the fishery or had been part of the fishery. I'm looking for some clarification of how this benefits them, and then in the future, because it looks as though, working with industry seems to be the only goal that might reach an accord, from what I'm understanding around the table.

All the mails from this Board I think will fail, according to what I'm getting, as far as the information back from the other states. If we're going to work with this, it looks like bringing in people like yourself, Steve Train, into this conversation where it will have an effect, seems to be where we must go with this. I am concerned about a deeper knowledge of what you know of your fishery and your state, and how this affects them, and whether or not it will be accepted.

MR. KANE: So, the question is?

MR. PUGH: The reception of this, what do you perceive the reception of this being in your state as a previous commercial harvester? It's one thing to

be from the Commission and have that attitude, it's a whole other thing to be from the fishery and have that attitude. You know one has, if you're a commissioner here then you want to have the confidence in the Commission. But if you're in the industry, sometimes you lack that. How do we bring that together?

MR. KANE: This was posed to me last night by another Commissioner, and I believe eventually when Maine does devise a plan, or comes back to the Commission, that we can all look at and the Technical Committee can study, that is after Pat's gone on the road, and worked with his harvesters. I believe this v-notch can be dealt with on a state level. How does that read now, Caitlin? Is that immediate, the v-notch?

CHAIR BEAL: Actually, Caitlin wanted to clarify one thing.

MS. STARKS: I misspoke earlier, the definition from Addendum XXVII is that both state and federal permit holders would use a 1/8 inch with or without setal hairs for all permit holders in Outer Cape Cod. I hope that helps clarify that point. These were required to go into place by July 1, 2025. That specifically was supposed to go into place by this July.

CHAIR BEAL: Great, thank you. Other comments on the motion, on v-notching only. Yes, Doug Grout from New Hampshire.

MR. GROUT: I have to say, I've always been a little uncomfortable with this one little carve out with the v-notch definition for a small number of lobstermen on the Outer Cape. Everybody else is dealing with at least an eighth of an inch, and in some cases, like the states of Maine and New Hampshire, because we decided to be more conservative, we have a no tolerance at all. That is our thing, and we have a big support from our industry to all they wish that everybody had to apply this. I've always been very uncomfortable with this, and I'm going to be reluctant to support this amendment.

CHAIR BEAL: We've got Steve Train from Maine online. Go ahead when you're ready, Steve.

MR. TRAIN: I think what people need to understand that just hear this as a management tactic. A v-notch lobster was already caught by somebody and returned to the water to be protected. That is where the V came from. That we let anybody keep these things after somebody has thrown them back, makes absolutely no sense at all to me, and I'm opposed to this.

CHAIR BEAL: Other comments on the motion to amend. We're getting close to a time crunch here, so we need to take some votes, I think. Let's vote on this motion to amend, then we'll go back to Emerson's idea of tabling this while we consider Dan's motion. Yes, we'll have a two-minute caucus, if that works for everybody.

All right, let's get back to the table. I think two minutes are up. As everybody is wandering back to the table, we have one more comment on this motion to amend, by someone that hasn't made any comments yet today, Representative Armini from Massachusetts. Go ahead, please.

REPRESENTATIVE JENNIFER ARMINI: Hi, everyone. I understand the confusion that some people are expressing here about the v-notch. You know sort of why is this happening? The small number of harvesters have this exception. I get that confusion. At the end of the day, it comes down to one thing, 25 years ago a deal was made. These harvesters, in exchange for increasing the gauge and going with lower trap limits, made a deal, and that deal was they could keep these v-notched lobsters. That's it, it's very simple. That is what this is about. This is about maintaining a deal. Now, I understand why some of you may be uncomfortable with that. I wasn't here 25 years ago, so I wasn't part of that discussion. But I know a deal is a deal. That is what we're asking of you, to maintain that deal. That's it.

CHAIR BEAL: Great, thank you! Let's go ahead and vote on the motion to amend. I'll read it into the record one more time. **Move to amend to include repeal of v-notch possession measures for state only permit holders.** Motion by Mr. Kane, second by Ms. Patterson. **All those in favor of the motion please, raise your hand, one vote per state.**

One vote in favor, Massachusetts. Those states opposed, one vote per state, please, raise your hand. Eight in opposition, any abstentions? Two abstentions, the state of Maine and National Marine Fisheries Service. Any null votes? Seeing none; the motion fails for lack of majority. That brings us back to the main motion. Is there still some interest in seeing the motion that Dan McKiernan read to everyone, before action is taken on the motion that is on the board? Emerson.

MR. HASBROUCK: Point of order, Mr. Chairman. You asked if I would hold back my motion to table until we considered a motion to come forward to substitute or amend, and we just did that. I'm back to my motion to table, until we know what is going to happen here going forward.

CHAIR BEAL: Okay. There is a **motion to table**, is there a second to that? Ray Kane. The intent is to set aside this motion and see if there are any other motions that will help clarify what will happen if these portions of Addendum XXVII are repealed. **Is there any opposition to tabling this motion while we have that discussion on what the next steps might be? Seeing none; Jason McNamee, from Rhode Island, are you opposed to the tabling?**

All right, there is one state in opposition to tabling this motion, but it seems the majority of the Board is comfortable with it. This motion will be tabled, we'll have a discussion now on what the path forward is, if these sections of Addendum XXVII are repealed. With that, anyone have any comments or clarifying statements or other motions that will help the Board understand what happens if portions of Addendum XXVII are repealed. Dennis Abbott, go ahead, please.

MR. ABBOTT: Is Dan going to put his motion up on the board?

CHAIR BEAL: That's up to Dan.

MR. MCKIERNAN: I would like to.

CHAIR BEAL: Go ahead, please.

MR. MCKIERNAN: I apologize, this probably violates the Pierce Rule, in terms of needing one screen. But

in essence, it's the leading paragraph is to **request the Policy Board to task staff to prepare and send a letter to the states of Maine and New Hampshire expressing disappointment with the decisions to renege on the adoption of Addendum XXVII's minimum size increase as originally proposed by the Maine delegation and supported by the New Hampshire delegation.** Then the following five bullets are suggestions of what should be in this particular letter, and I can read those if you would like. Moreover, I'm guessing that the Chairman, and maybe the Vice-Chair, myself, would have a final review of the letter that the staff would put together, since it is going to be a Policy Board vote to put that letter out. Would you like me to read the five bullets that follow?

CHAIR BEAL: I don't think you need to, they are not necessarily part of the motion, they are just clarifying what the letter would include, is that correct?

MR. McKIERNAN: Yes, and thank you for that.

CHAIR BEAL: Okay, great, so everybody can see what the content will be up on the screen, but it is the motion is just the first paragraph that ends with supported by the New Hampshire delegation. With that, David Borden seconded the motion, and are there other comments or thoughts on this?

One of the key parts is this Board is recommending to the Policy Board for this letter to be sent. If you approve it here today, we could have another vote on this tomorrow at the Policy Board meeting, so if there are different provisions you want to include in the letter, things that are on those bullets that you don't want to include.

All that is fair game for discussion tomorrow, but this letter has to be initiated by this Board and brought to Policy Board. With that, are there any questions or comments on the motion or the bullets that follow it? I'll go with Roy Miller from Delaware.

MR. MILLER: Thank you, Mr. Acting Chair. My only concern with this particular motion is it's not time certain. When would the letter be sent, and when would the process that the letter recommends be

carried to fruition, at least some thoughts along those lines?

CHAIR BEAL: I think from the staff side of things, we can send the letter out in the next couple of weeks, we can do that pretty quickly, and get a good review of the Chair and Vice-Chair and get it drafted. I think getting the letter out quickly is easy. The process in the state of Maine, I think Pat has talked a bit about meeting with industry and beginning to work with them, and that is not going to be a real fast process.

I think you know, the other underlying piece here that hasn't been talked about a lot is the notion that we're getting a new stock assessment in October, and we'll need to, you know the results of that may be informative as well on some of the next steps, and how urgent or not urgent the next steps are. The one thing that we didn't talk about earlier is timing of an Addendum if we go down that road.

This is a putting my staff hat on versus a standard Chair hat. You know the Addendum XXVII as it is written now includes the requirement for implementation by July 1st of this year for the gauge increases. This can get really complex pretty quickly, but the Mitchell Provision would kick in, because that provision is included in the Commission's FMP on July 1st. If the Board really wants to appeal those sections, we have to move with the Addendum relatively quickly as well, to get that drafted around the public hearings. Hopefully, as Pat suggested, maybe just one virtual hearing, and then voted on prior to July 1st, so that Mitchell Provision, the impacts of the Mitchell Provision don't kick in and potentially impact imports. That is probably a lot more than you asked for, Roy, but that is some of the background on timing and other things that are at play here as well. I'll go to Dan, as the maker of the motion, he can look at that.

MR. McKIERNAN: Yes, I would like to clarify one point. In my haste to get this motion over to staff, I must have given a previous version. What I stated on the record was for a letter to the states of Maine and New Hampshire, references to both states, and it appears that I sent, yes, this needs to go to Maine and New Hampshire, not just to Maine cc to

Governor Mills. It should go to both Maine and New Hampshire.

CHAIR BEAL: Send both governors, Dan?

MR. McKIERNAN: Yes, please. We'll make that adjustment while we're talking through the motion. Jeff Kaelin, from New Jersey.

MR. KAE LIN: I'm a little concerned about the third bullet, Dan. I don't think we should expect or wait around for the Canadian government to agree to anything that we want to do here. I'm making that comment after about 30 years of experience working over the border into New Brunswick, as I said earlier in the sardine and the salmon farming business.

But I do know that there was a meeting of the U.S./Canada Lobster Town Meeting in Bar Harbor just recently, Commissioner Keliher. I just wondered, what was the tone of the Canadians who may have been there? I don't think it's in our best interest to wait around for the Canadians to agree with anything we do, but I am curious what the tone of that meeting was. If I could ask Pat to describe that for us, Mr. Chair.

CHAIR BEAL: Pat, go ahead, please.

MR. KELIHER: Dan McKiernan was also there, and we presented jointly to the group. I think the overarching concern from the Town Hall Meeting was really revolved around tariffs. I mean we hears a lot in Day 1, but the focus on Day 2 was really about tariffs and the impacts on both sides. I would say that we did talk about this particular issue and the gauge issue.

There are references to changes in the Maritimes of both their CPUE and declining harvest in some areas. But I also heard, and I'm not sure if Dan did, but I did hear there that because we're now not saying, okay, we changed our gauge, now you need to change yours. They feel like there could be an honest discussion.

Now again, this was 150, 200 people at one meeting, right, so it's hardly a full representation of the entire Canadian industry. But I did hear that on

several occasions, and we heard that at our meeting with Canada in St. John this summer as well, that they felt like they were being forced into change. Will this alleviate that? I don't know, but I respect your time on those cross-border issues, and I hear you and I know they would be difficult to try to get those type of agreements.

CHAIR BEAL: Emerson, go ahead, please.

MR. HASBROUCK: I think it was Roy who raised the issue of, is there a time certain here? Maybe I missed the response. I mean this is kind of open-ended, other than providing updates at each quarterly meeting. Theoretically, we could be here ten years from now. I don't know if I'll be here ten years from now. But the Board could be here ten years from now, still getting quarterly updates and we haven't done anything.

My friends to the north, if you think that things can't happen to the lobster resource, and if you think they cannot happen quickly, just take a look at what happened in Long Island Sound back in the late nineties. Then also, what has been happening to the southern New England stock of lobsters. Our lobster fishery ended within four years.

I'm not saying that's going to happen up north, I'm just saying, take a look at what happened in Long Island Sound. But anyhow, back to the time certain here, where are we? I'm also concerned about consensus positions to the degree possible. If I can get a response to Roy and my question, and then I think I may make a motion to amend to delete to the degree possible.

CHAIR BEAL: Pat, are you able to comment on timeline? I know its tricky, but any information would be helpful, maybe.

MR. KELIHER: Yes, first of all, Emerson, because of what happened in southern New England, that is why I made the motion in 2017. I am acutely aware of what could happen. I think from a time certain standpoint, the Executive Director mentioned it and I may have mentioned it earlier, but we do have an assessment coming in October.

I think between now and that October meeting we will have had two, if not three rounds of zone meetings to help further the conversation. I would

be more than happy to present at that October Board meeting around the issues that we have discussed with industry, and give a full report back. It then would be up to the Board to make a determination to implement a new Addendum to address resiliency at that time.

The timing is in the Board's hand is why it may not be time-specific here, I think clearly, I can on the record say that we will be coming back with progress updates, and it will be up to this Board to determine whether a motion should be made for next steps. If you have an amendment here, just for the record, I'm supporting this motion.

I clearly anticipated some sort of a letter and communication back to the state of Maine at the time, when I made this decision, and I think this has been well thought out. But if it makes people happier to have something time specific in here about a report back, related to those first rounds of conversations, then I could support that as well.

CHAIR BEAL: That is helpful. Back to what I mentioned earlier. You know the motion itself is only the top paragraph. The bullets on the bottom are the supporting language that staff will consider as they are drafting this document, and we're going to have another shot at this. You guys are going to have another shot at this tomorrow during the Policy Board. Since we're running over on the Lobster Board timeline here, I suggest that we try not, let's not try to wordsmith all these bullets at this meeting, let's sort of sleep on them overnight, and if there are changes tomorrow during the Policy Board, hopefully we'll have a little bit more time and won't be behind during the Policy Board, and we can perfect those bullets, if that is okay with everybody, since we have another crack at this tomorrow. Okay, so I see a lot of heads shaking, so let's go ahead and are there any other comments on the first paragraph, the notion of sending a letter to Maine and New Hampshire summarizing essentially the conversation we've had today?

Let me try this, I don't know if we can get away with it. But **are there any objections to this motion of sending a letter off to Maine and New Hampshire that is founded on those five bullets, with the understanding of another shot at it tomorrow.** I

think National Marine Fisheries Service, Alli has her hand up. I assume you're abstaining from this, is that correct?

MS. MURPHY: Correct, thank you.

CHAIR BEAL: Great, so **there is definitely one abstention. Are there any objections to this motion? All right, seeing none; this motion carries.** It will be brought forward at the Policy Board meeting tomorrow. Are there any other motions that anyone has or wants to make relative to what is expected.

If the main motion that is currently tabled is passed, what would happen next, is the question that the Board is trying to wrestle with now. The motion that was just passed clarified that quite a bit, and Pat's comments on the record as well. Is there anything else that needs to be said or motions made before we take the main motion off the table? David Borden from Rhode Island.

MR. BORDEN: I think it would be helpful for Caitlin just to outline what the elements are that will go into effect in the Addendum, so that everybody is clear on that.

MS. STARKS: Yes, so in Addendum XXVII, the measures that are currently going into effect for July 1, 2025 is that for Outer Cape Cod we would be standardizing the v-notch possession definition to be 1/8 of an inch with or without setal hairs for all permit holders. That is not included in the motion that was tabled.

This is already gone into place, actually. The trap tag provision went into place January 1st of this year, and that was to implement regulations for LCMA's 1 and 3 to limit the issuance of trap tags to equal the harvester trap tag allocation, so no surplus trap tags would be issued until trap losses occur and are documented.

MR. BORDEN: Thank you.

CHAIR BEAL: Is there any objection to taking the main motion off the table and considering that? All right, seeing none, can you put the main motion back up please, Madeline. Any other comments?

Adam Nowalsky from New Jersey, you have not commented, so I'll give you a shot at it.

MR. ADAM NOWALSKY: I went along with Addendum XXVII, because it was my sentiment that if our partners in Maine and New Hampshire felt this was an acceptable management way forward, I trusted their judgment and supported them. In light of where we are today, I am not going to express opposition to this motion for the same reason. However, I find myself in a position of not being able to support it either, because for better or for worse the actions of this Commission have been to trust in the joint actions that we have taken, regardless of whether or not certain constituents or certain governors from individuals or a couple or three states, yell and scream and say, this isn't going to work for us.

Commission goes forward with it anyway. There is an appeal process if someone does not go in compliance with it. There is a process to take it to the Secretary of Commerce. That has happened in the past. Just purely from procedural perspective, from how this Commission has operated in the past.

Again, I can't support this for that reason, but I'm not going to be in a position to tell Maine and New Hampshire that is going to lead me to support more opposition. I am going to abstain on this motion. I have lobbied my commissioners from the state of New Jersey. I believe that is ultimately going to be our position.

But I do want to reflect that Chairman Cimino has stated his support, and regardless of what our state's position is, I don't think that is going to change his support. But I suspect we're actually going to have a vote of abstention on this topic for the reasons I've stated.

CHAIR BEAL: Yes, Dennis.

MR. ABBOTT: Adam, to your points. I think looking at things realistically, I think we've tried to do that. What do you think the odds are if we fail in this motion and you find New Hampshire and Maine out of compliance? A noncompliance finding is forwarded to the Secretary of Commerce at some point in time later this year.

What do you think in the real world the odds are that the Secretary of Commerce is going to go along with our finding of out of compliance? We'll be right back. I believe we'll be right back where we are today. I wouldn't like to be there. We surely don't want to be there in any instance.

CHAIR BEAL: Dennis, is that a rhetorical question or are you looking for a response from Adam? Which one? Nothing, you're all set? You just wanted to state, okay. Any other comments or questions or burning needs to say anything else on this main motion? Not seeing anything, let's take a two-minute caucus and then we'll vote. Matt Gates from Connecticut.

MATTHEW GATES: Could we just have a few more minutes for the caucus?

CHAIR BEAL: Okay, four minutes?

MR. GATES: Yes, I think that will do.

CHAIR BEAL: All right, four minutes. Let's go ahead and wrap up the caucuses, and folks get back to their seats and we'll take a vote here. Okay, while everyone is wandering back to their seat. You know one thing that I was remiss in not doing was asking if there is any public comment. We're way behind on time right now, I know that. But this is a big deal. I probably can entertain maybe two or three public comments at a couple minutes each and that's it, just to keep things moving. Are there any members of the public that would want to say anything? Patrice McCarron, please come to the microphone.

MS. McCARRON: Thank you, Mr. Executive Director/Chairman. Patrice McCarron, I am the Executive Director of the Maine Lobstermen's Association. There is a lot I could say about this. My list of notes got very long through the discussion. But I think the most important thing that I want to convey to the Lobster Board is that we understand how hard this is, and we understand and respect the need for a governing system for the lobster industry that works.

You guys are kind of going out on a limb to pull this back. This is really, really important to the Maine

lobster industry. The proposal with the gauge, with the standardization among LMAs, with the five-plus years that came through the system was very, very tricky for people to understand, and we lost buy-in. We had flagged a lot of issues with this early on.

But I don't think anybody truly understood how much this was going to blow up. What I want to convey to you today is that the Maine Lobstermen's Association is 100 percent committed to working with our state, to work with other industry leaders, to work with other associations, to attend the zone council meetings and try to reframe this issue of the need to have resilience in the lobster fishery with our members.

One of the things that we want to do is sort of take it away from the controversial items of, you know the trawl survey or the percent of economic loss. I mean the devil is in the details. I think there is a lot of truth on a microscale for a lot of the things that are thrown out there. But in the end, we want this lobster fishery to be successful and profitable.

We're going to go back out and say, with out 2024 landings, which are down, if we didn't have a high price, if we had an average price, what action might people want to take? Just an idea of how we're going to reapproach this and just really want to convey our commitment and our gratitude to the Commission for considering this motion. Thank you.

CHAIR BEAL: Thank you, Patrice, other commenters in the room? Yes sir, come up to the microphone and introduce yourself, please.

MR. DUSTIN DELANO: Thank you, Chair, members of the Lobster Board. My name is Dustin Delano and I'm here today on behalf of the New England Fishermen's Stewardship Association. I'm not going to go into depth on a lot of different things. Obviously, there were some great discussions that were had here and completely understand the frustrations.

But instead, I would like to emphasize the critical importance of a fisheries management process that collaborates closely with the very harvesters whose livelihoods depend on sustainable practices. While

our opposition to this measure may suggest otherwise, I want to make it clear that we hold the utmost respect for the Commission and the regulatory processes that it has to follow. Our intent has never been to undermine the authority of this Board, or to show any disrespect to it's Commissioners, rather we have sought to stand up for lobstermen, dealers, processors in the communities, people whose businesses and way of life would have been severely impacted here. That was a true belief of fishermen. I would echo what Patrice said as well, that we are committed to going back out to our industry. We want to do this in a way that makes the most sense for harvesters and that is a burden that they can actually swallow. Thank you for your time.

CHAIR BEAL: Thank you, Dustin, appreciate it. I think I have time for one more comment. I'm just going to call on Beth Casoni, given that she represents the Massachusetts Lobstermen's Association, and then represents a number of folks that are involved in the industry. Beth, you have two minutes. I think you are unmuted on our end, so if you unmute yourself, you should be all set.

MS. BETH CASONI: First, I would like to thank the Commission for this difficult conversation, and I would like to thank Director Commissioner Dan McKiernan for your motion. I think that sends a message loud and clear. Massachusetts has gone through the rulemaking process, and I know my phone has rung a lot over the last couple years.

The fishermen in Massachusetts, I'm looking at the data from 2017 back to current 2023. Our traps fished have gone down exponentially over the years, and our catch has remained the same. We land between 15 and 19 million pounds consistently, and you know, I really hope that Maine and New Hampshire can get together and come up with some solution. We don't want to go through this again. The stress that it has put on the industry across the region is surreal.

Trap dealers have felt it, marine stores have felt it. Fishermen are dealing with it trying to plan ahead, and to touch on the Outer Cape. The 40 or less fishermen fishing in the Outer Cape are not going to save New Hampshire and Maine. We need to look

at real solutions that are going to help the resource. Massachusetts has less than 750 active fishermen. We need to look for real conservation on effort. Thank you, so much.

CHAIR BEAL: Thank you, Beth, appreciate the comments. Matt Gates, one last comment, hopefully, very last.

MR. GATES: Yes, hopefully it will be the last one. I think an FYI to the group. We can't support the motion as it is, because of the open-endedness of this end of the letter. I just wanted to put that out there that that is the reason. Connecticut won't support it.

CHAIR BEAL: **Let's go ahead and vote on the motion. The motion has not changed since Mr. Keliher read it into the record a while ago, so with that, those in favor of the motion, please raise your hand. Caitlin is going to call the states.**

MS. STARKS: New Hampshire, Delaware, Maryland, Virginia, Massachusetts, Rhode Island, Maine.

CHAIR BEAL: **Those in opposition, please, raise your hand.**

MS. STARKS: Connecticut.

CHAIR BEAL: **Any abstentions?**

MS. STARKS: New Jersey, New York and NOAA Fisheries.

CHAIR BEAL: **I think that is all the votes, so I don't think we could have any null votes, because they are all accounted for. The motion carries, 7 in favor, 1 in opposition, 3 abstentions.**

CHAIR BEAL: Caitlin and I were just having a little bit of a sidebar conversation about the timeline for this, and I think to draft this Addendum isn't a super complex staffing issue.

What we're going to do is try to draft this over the next few weeks, and we'll schedule a virtual meeting of the Lobster Management Board sometime in late February, early March, and then

assuming it passes at that meeting for public comment, we'll have a 30-day public comment period.

The intent now is just to have one virtual hearing, you know online hearing for the whole coast to participate in as much as they want, and if we need more hearings we can discuss that going forward, but they would have to occur within that 30 day public comment window, and then staff would summarize public comment, bring that forward in the final decision on this Addendum, which I think will be Number XXXII.

Addendum XXXII will take place at the Commission's Spring meeting during the first full week of May. Is everybody comfortable with that timeline moving forward? All right, seeing no objections to that. I think there was one other "Other Business" item that Alli had if time permits. Are the updates really quick, Alli?

OTHER BUSINESS

MS. MURPHY: Yes, thank you, Mr. Chair. I just wanted to let everybody know, in 2024 we identified a few processes as ripe for potential modification to better complement the states. I have two things to chat about here quickly, and then a third item. First is our Federal Regulations that allow a substitute vessel to haul traps to shore for an inoperable vessel.

Historically we prohibited that substitute vessel to retain lobsters to comply with the interstate lobster plans permit consolidation provisions. It has come to our attention that several states do allow lobsters to be retained when issuing similar authorizations, so we intend to consider potential modifications to our regulations to better match the states under certain circumstances. I'm just letting the states know that we'll likely be reaching out to you, to learn more about your processes and how our regulations could better reflect that.

The other is regarding trap tag issuance. We have an MOU with the New England states that largely allows the New England states to authorize trap tags for federal permit holders. There are a few instances where NOAA Fisheries does authorize federal only trap tags, and this typically happens

when somebody lands in a state that they don't live in.

There have been a few instances over the years and one more recently, where a federal permit holder sought federal trap tag authorization from us while their state license or permit was sanctioned, or they were unable to fish in state waters. We also want to look into potential regulatory changes that might allow us to consider a state's decision about issuing trap tags when we consider issuing federal trap tags. I'll leave it there to see if anybody has any thoughts on that.

CHAIR BEAL: Thank you, Alli, we are behind on time, so maybe those are handled best offline. But I am going to turn the meeting back over to the actual Chairman of the Lobster Management Board. Yes, Alli.

MS. MURPHY: I have one more, quick thing, it's for folks that were following the Council's actions over the last few months. Both the New England and Mid prioritized actions for 2025 to consider alternative gear marking or modifying their gear marking regulations that might allow future use of on-demand gear.

This action is going to work a little bit differently than typical council actions with GARFO staff, kind of leading the charge on developing that action, but then would go to the Councils for approval. We developed a PDT FMAT and we're looking to kick off work on that later this month.

For efficiencies, we were hoping to complete a single rulemaking that would affect both our Magnuson Council managed fisheries, as well as consider similar changes in the federal lobster regs. We're pleased that Caitlin is on that PDT FMAT to represents the Commission's perspective, and I would just like to ask for time at upcoming board meetings during 2025 to update the Commission on the Council progress.

CHAIR KELIHER: Great, thanks, Alli. I think on that last item; those updates would be very welcome. I know in the first two updates, for several of the states, we really appreciate the fact that you have willingness to move forward with changes on those two items. I think it will be really important and it will create a lot of clarity for the industry as well, so when we're dealing with a federal permit holder, they know that those things can be happening in both state and federal waters, so thank you very much for that, it's much appreciated.

ADJOURNMENT

CHAIR BEAL: Is there any other item to be brought before the Board? Seeing none; I just want to express my thanks for a very difficult decision on that last motion. I understand the difficulties associated with it. I understand the feelings on both sides. It was very appreciative to hear the industry leads to go on record and be committed to looking for some additional changes to help deal with resiliency, so thank you very much, and I look forward to those for future conversations. Meeting is adjourned.

(Whereupon the meeting adjourned at 11:06 a.m. on Tuesday, February 4, 2025)