

Proceedings of the American Lobster Management Board Hybrid Meeting
November 2022

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

**The Ocean Place Resort
Long Branch, New Jersey
Hybrid Meeting**

November 7, 2022

Approved January 31, 2023

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve Proceedings of August 2, 2022** by consent (Page 1).
3. **Move to rescind the following two motions passed in August 2022 and January 2022 meetings, respectively** (Page 13):
 - **Move to postpone consideration of public hearings on Draft Addendum XXVII until the Annual Meeting to allow the Plan Development Team (PDT) time to address challenges raised by existing Magnuson-Stevens Act language regarding possession of lobsters smaller than the lowest minimum size limit specified in the American Lobster FMP. This could include language which differentiates harvest vs. possession limits to reduce impacts on dealers and processors. The Law Enforcement Committee should also review new language that may be suggested by the PDT.**
 - **Move to rescind the ability to approve Draft Addendum XXVII for Public Comment, as amended Motion by Pat Keliher; second by Cheri Patterson. Motion approved by unanimous consent** (Page 14).
4. **Main Motion**
Move that the PDT simplify section 3.2 of Draft Addendum XXVII to the American Lobster FMP, by creating a single trigger level, that shall act as a backstop, protecting the stock from further declines. The PDT shall use the Technical Committee's trigger level recommendation (Sept 10, 2021 Memo to the Board), utilizing a three-year running average of the trigger index when it declines by 45% from the reference period (Page 14). Motion by Pat Keliher; second by Dennis Abbott. Motion amended.

Motion to Amend
Move to amend the percentage to a range of 30% to 45% (Page 17). Motion by Cheri Patterson; second by Eric Reid. Motion carried with one abstention (Page 18).

Main Motion as Amended
Move that the Plan Development Team simplify Section 3.2 of Draft Addendum XXVII to the American Lobster FMP, by creating a single trigger level, that shall act as a backstop, protecting the stock from further declines. The PDT shall use the Technical Committee's trigger level recommendation (Sept 10, 2021 Memo to the Board), utilizing a three-year running average of the trigger index when it declines by 30-45% from the reference period. Motion approved with one abstention (Page 19).
5. **Move to change the years in Issue 2 Option E to 2025 and 2027** (Page 20). Motion by Pat Keliher; second by Dennis Abbott. Motion approved with one abstention (Page 21).
6. **Move to adjourn** by consent (Page 25).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Bill Hyatt, CT (GA)
Stephen Train, ME (GA)	Sen. Craig Miner, CT (LA)
Cherie Patterson, NH (AA)	John Maniscalco, NY, proxy for J. Gilmore (AA)
Doug Grout, NH (GA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Joe Cimino, NJ (AA)
Dan McKiernan, MA (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	John Clark, DE (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Shanna Madsen, VA, proxy for J. Green (AA)
Colleen Bouffard, CT, proxy for J. Davis (AA)	Jay Hermsen proxy for A. Murphy, NOAA

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

Ex-Officio Members

Kathleen Reardon, Technical Committee Chair	Derek Perry, Jonah Crab Technical Committee Chair
Rob Beal, Law Enforcement Committee Rep.	

Staff

Bob Beal	Emilie Franke	Mike Rinaldi
Toni Kerns	Chris Jacobs	Adam Lee
Madeline Musante	Jeff Kipp	Anna-Mai Christmas-Svajdlenka
Tina Berger	Adam Lee	Caitlin Starks
Lindsey Aubart		

Guests

Richard Balouskus, RI DEM	Erica Fuller, CLF	Thomas Newman
Kurt Blanchard, RI DEM	Pat Geer, VMRC	Jeffrey Nichols, ME DMR
Sarah Bland, NOAA	Lewis Gillingham, VMRC	Victoria Oriole, CFARM
David Borden, RI (GA)	Jennifer Goebel, NOAA	Nick Popoff, US FWS
Colleen Bouffard, CT DEEP	Heidi Henninger, AOLA	Chad Power, NJ DEP
Michael Brown, ME DMR	Helen T. Heumacher, US FWS	Tracy Pugh, MA DMF
Josh Carloni, NH F&G	Matthew Heyl, NJ DEP	Daniel Sawyer
Patrick Cassidy	Jesse Hornstein, NYS	Nathan Shivers, CFARM
Heather Corbett, NJ DEP	Dierdre Keliher, ME DMR	Ethan Simpson, VMRC
Nicole Caudell, MD DNR	Jared Lamy, NH F&G	Melissa Smith, ME DMF
Jessica Daher, NJ DEP	Danni Logue	Somers Smott, VMRC
Wes Eakin, NYS DEC	Gregory Mataronas	Renee St. Amand, CT DEEP
Aubrey Ellertson, CFR Foundation	Genine McClair, MD DNR	ElizaBeth Streifeneder, NYS DEC
Catherine Fede, NYS DEC	Lorraine Morris, ME DMR	Kevin Sullivan, NH F&G
Marianne Ferguson, NOAA	Brandon Muffley, MAFMC	Pam Thames, NOAA
	Brian Neilan, NJ DEP	Jason Surma, Woods Hole Group

Guests (continued)

Mary Beth Tooley
Corinne Truesdale, RI DEM
Jesica Waller, ME DMR
Anna Webb, MA DMF
Craig Weedon, MD DNR

Ritchie White, CCA NH
Angel Willey, MD DNR
John P. Williams
Steven Witthuhn
Greg Wojcik, CT DEEP

Chris Wright, NOAA
Jordan Zimmerman, DE DFW
Renee Zobel, NH F&G

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in The Monmouth I Room of The Ocean Place Resort via hybrid meeting, in-person and webinar; Monday, November 7, 2022, and was called to order at 9:45 a.m. by Chair Jason McNamee.

CALL TO ORDER

CHAIR JASON McNAMEE: All right, I think we are good to get started here. Welcome everybody. Welcome to the American Lobster Management Board. We will call the meeting to order.

APPROVAL OF AGENDA

CHAIR McNAMEE: We were provided an Agenda. Does anybody have any additions, deletions, any comments on the agenda?

Okay, not seeing any hands or anyone moving to their microphones, so we'll consider the agenda approved as submitted. Actually, are there any objections to approving the agenda as submitted? No hands in the room. Anybody raise a hand online? No hands online. The agenda is approved as submitted.

We are still hybrid. There are some folks online, so that is kind of the tact I will take here is I'll check the room first for hands and then ask Caitlin to check the virtual hands for me.

APPROVAL OF PROCEEDINGS

CHAIR McNAMEE: The agenda is approved, next up we've been provided a copy of the proceedings from our August meeting. Any changes, deletions, comments on the minutes from the last meeting?

No hands in the room, anyone on line? No hands online. Are there any objections to approving the proceedings from the last meeting as submitted? No hands in the room,

no hands online. We will consider those meeting proceedings approved as submitted.

PUBLIC COMMENT

CHAIR McNAMEE: Next up we have opportunity for public comment for things that are not on the agenda.

Do we have anyone signed up for comments? Okay, no one has signed up. Is there anyone in the room who wishes to make a comment on something that is no on the agenda, please raise your hand? No hands raised in the room, no hands online either, so we'll conclude the public comment section there.

I'll provide other opportunities while we're in the agenda for public comment as well, but that was the opportunity for things that aren't currently on our agenda, so that you can raise them so we can get them on a future agenda.

UPDATE ON THE NORTH ATLANTIC RIGHT WHALE COURT CASES

CHAIR McNAMEE: Moving on to our next agenda item, we have our update on the North Atlantic Right Whale Court Cases, and I have been told that Chip is going to give that update.

MR. CHIP LYNCH: Good to see everybody here. I'll provide an update from where we were when we last met and spoke at the August meeting. Just to orient everyone, at the August meeting we had three cases that were somewhat up in the air. The first was the CBD versus the Agencies, et al. At that time when we met in August, we had just received an Opinion from Judge Boasberg a month earlier in early July, finding both NOAA's Final Rule defective and its Biological Opinion defective.

That is sort of the big case. That is the case that is really the engine that is moving things. But there were also other cases. There was the Maine Lobster Union case. That was the case that challenged the Area 1 closure. We had just

received a First Circuit decision in that case that had found the Agencies science to be reasonable. At that time, again we're talking now about where we were last August.

It was also the MLA case, the Maine Lobstermen's Association case. At that time, that as you all know is the flip side to the CBD, the Judge Boasberg case, where CBD is brought by a certain number of environmental plaintiffs. The MLA case was brought by a number of industry plaintiffs.

Even though we had heard from Judge Boasberg in the CBD case, we had not heard from Judge Boasberg in the MLA case. The issue at that time was how are we going to proceed and discuss the remedy part of the CBD case, when we haven't heard on the underlying merits of the MLA case? That is where we were in August, and a lot has happened since then.

I'll sort of handle them in reverse order, and we'll end up at the CBD case. The MLU case has since been dismissed. The plaintiffs there decided not to proceed forward. In the MLA case, we received a court order from Judge Boasberg in early September. In that case the Judge found that NOAA's science was reasonable.

The court didn't go so far as to say that reasonable minds could differ, there could be differences of opinion as to which is the best course. But the court found that NOAA's position was reasonable. Promptly, MLA appealed that matter and was later joined by MLU, who was also an intervener in that case, and the state of Maine. They are appealing. This matter is now at the District of Columbia Circuit of Appeals, and in fact there was an agreement where all the parties agreed to brief that case in an expedited fashion.

For the same reasons that were discussed in the underlying case, there are issues here. We need to get answers before courts move in a different direction than other cases. The court

agrees to move forward, and the DC Circuit agreed to move forward in an expedited fashion, and in fact that MLA plaintiffs, or the Maine Lobstermen's Association, MLU and Maine are going to provide their first brief, I think on Wednesday of this week, followed by NOAA and the environmental members of that lawsuit, will be filing something in mid-December.

Then MLA gets the final word in a reply in early January. Court has then signaled that it will want to hear an oral argument on that matter. We would probably be in a position to hear back from the court with a final decision sometime August or September of 2023. That is spit balling, there is a lot that can happen at any time that could spur a court to come back with an earlier decision. But we're thinking about a late summer, early autumn decision in that case. All of which leaves us with the CBD case. We are completed briefing. As of August, we had yet to file our brief, but as of now we've all completed our briefing. By that I mean, briefing is when the parties, everybody involved gets to write down their arguments, why their position is correct and why their opponent's position is incorrect.

That is all done. We would normally be in a position to be hearing from the court at any time now, but the parties have agreed to NOAA's request that there be an oral argument in this matter. That is going to happen on Thursday of this week. After Thursday, we anticipate that the Court will be in a position to render a decision.

When we were here last, I think I told you all that we could expect a decision in late November, early December. I think that timeframe remains true, even though we're having an additional oral argument. A lot of that will depend on of course what the Court asks. But the positions of the parties have become a little bit more clear than they were when were last here in August.

Specifically, as it relates to the allegedly defective rule, we have the parties seem to, or at least NOAA has said that it can complete a rule that gets to PBR that is the potential biological removal target under

the Marine Mammal Protection Act, by December of 2024. The environmental plaintiffs originally said that was too long of a time, that it could be done in six months.

The industry side said that was too short of a time that it would really take much longer than two years, given the complexity of the matter. But it appears as though the parties have agreed to let that two-year timeframe stand in the briefing documents. Now that doesn't mean that the Court will accept that. But there is no opposition to NOAA's proposed two-year time schedule for the Rule.

The other part is the issuing a biological opinion that corrects the defect that the Court found. Again, we found that the plaintiffs had moved off the position of saying it can be done in six months. They are now agreeing that NOAA can do it, or agreeing to allow it to happen within two years. NOAA has tied its proposal to the development of ropeless on-demand fishing, which it thinks will take about eight years to happen. There is a difference of opinion there. I think a lot of the industry litigants here think that eight years is unduly optimistic.

That's really where the crux of the argument is right now. But again, it's narrowed a bit, so I could see the Court issuing an opinion soon after the oral argument. There are also a few cases involving wind power that also involve right whales. The Board would be interested in hearing the decisions on those when it eventually comes, simply because when the Court opines on the issues involving right whales it of course has reverberations everywhere, including species protected or a managed lobster fishery and Jonah Crab by this Board.

There are five of them, four of them involving the Vineyard Wind Project south of the Cape and the Islands, and then one of them involving South Fork, which is just sort of off of Rhode Island, Rhode Island/Connecticut and New York area. Those five cases are in various stages of

briefing, so it's behind where we are in the CBD case. All those cases have been brought in the Federal District Court in Massachusetts, in front of Judge Talwani. It looks as though those cases are lining up for a decision by the Judge sometime next spring, so in the May 2023 timeframe. There is a lot that's going to be happening within the next, well there is probably going to be a lot of things happening in the next few weeks. But there is certainly going to be a lot that is happening in the next few months. With that, Mr. Chair, I've concluded my presentation, and if there are any questions, I'm happy to entertain them.

CHAIR McNAMEE: Excellent, thanks so much, Chip, really appreciate that update. Any questions for Chip from the Board? Go ahead, Pat.

MR. PATRICK C. KELIHER: Not questions, I think, Chip, you nailed all the points. I mean he's living and breathing it, and I don't blame him for having his back to the wall. I think the take home for this Board is the timeframe around what may or may not come from the Courts in the CBD case, as it pertains to remedy.

There is alignment, Maine DMR and NMFS had very similar arguments on the timeframe for remedy, asking for two years basically to reach the potential biological removal. The real key take home here is that the CBD and the ENGOs, while they agreed to the two-year timeframe, they said they also wanted the two-year timeframe to achieve negligible impact determination.

That is closing this fishery, because as you heard from Chip, we are nowhere near having ropeless ready to be implemented, at least eight years. The timeframe here is really critical. On a parallel track the Agency is working on rulemaking to achieve this two-year timeframe that they laid out in their court brief.

The state of Maine and our other state partners, we're all approaching it a little bit differently, have been running utilizing the decision support tool to try to figure out where we're going to end up. I can

tell you, I just want to put this on the table, because it's going to come up again later in the agenda.

The changes to this fishery I think are going to be draconian, especially in federal waters, in order to achieve PBR. Once you achieve PBR, you then have to reach NID, which is 10 percent of PBR, which is an impossible bar to achieve. I'm very concerned about the direction and the timeframe we're going. There is no guarantee that Judge Boasberg will agree to two years.

In fact, Chip and I talked in the hallway this morning. He thinks he will. Our attorney's, who everybody's got an opinion, including attorneys, and they are disagreeing where the Judge may come down on this. We could be in a situation that we're going to be trying to come up with something sooner than two years. A lot of uncertainty. A lot of uncertainty for management, and tremendous uncertainty for the industry. I'll leave it at that.

CHAIR McNAMEE: Thanks, Pat. Chip, there was no question there, I don't think any reaction. Next up I had Dan.

MR. DANIEL McKIERNAN: Great presentation, Chip. Chip, my question has to do with a comment that the Commonwealth put forward to NMFS in the scoping period last month, and it had to do with the timeframe from which the 90 percent reduction in takes needs to be accomplished. In our comments we recommended that we reverse the clock and go back maybe into the middle of the decade. Right now, I believe it's beginning in 2017, 2017 was notorious for a lot of spikes in deaths of right whales, particularly in the Gulf of St. Lawrence.

My question to you is, when will we know NMFS position about whether or not we can get credit for that Mass Bay restricted area closure, and whether or not we could accomplish a 90 percent reduction in takes, but from an earlier timeline?

MR. LYNCH: I am aware of the issue, and it's really not a legal issue, it's a matter of the scientists talking about it with managers. Dan, I guess I don't have an answer as to when, because it's not something I really have control over. But I can say certainly that the GARFO staff, the Science Center, the federal people here are exploring all legally defensible options here.

I know that they are aware of that issue, and I know that they are talking about, again all possibilities that are legal. That is not much of an answer, but other than to say I hear you, and this isn't the first time I've heard that issue.

CHAIR McNAMEE: Anyone else with questions for Chip, before we move on to the next agenda item? Anyone online? Okay, I think you are off the hook, Chip. Thank you very much for that report.

REVIEW OF THE ANNUAL DATA UPDATE OF AMERICAN LOBSTER INDICES

CHAIR McNAMEE: We are going to move on to our next agenda item, and this is a Review of the Annual Data Update of American Lobster Indices. These are the non-model indices that get generated. I believe Chair of the TC, Kathleen Reardon has a presentation for us, so Kathleen, whenever you're ready, please take it away.

MS. KATHLEEN REARDON: Coming out of the 2020's American Lobster Stock Assessment, it was recommended to provide data updates to the Board between assessments to allow for evaluation of potential changing trends and stock abundance. The objective of this process is to present information that could support additional research, or consideration of changes to management between assessments.

The datasets that I will present are those that may indicate the exploitable lobster stock abundance conditions in the future. Those datasets are the trawl survey indicators, including recruit abundance and survey encounter rate, ventless trap surveys, sex-specific indices by statistical area, and young-of-year settlement indicators.

The updated data since the last assessment include 2019 data, 2020, 2021 and this is the second data update provided to the Board since the 2020 assessment. To show the relative status, we use a baseline from the assessment to understand potential changes in condition. For each time series below the 25th percentile is considered negative condition.

Between the 25th and 75th is considered neutral, and above the 75th is a positive condition. The terminal indicator status for each index is a five-year mean, and we compare the five-year mean from the assessment, including 2014 to 2018, to the most recent and updated five-year mean of 2017 to 2021. Some notes to consider. COVID-19 had impacts on sampling efforts in 2020, and will continue to impact our updated five-year mean in this period of 2017 to 2021. Also, the Massachusetts Southern New England Ventless Trap Survey reduced the spatial area sampled in 2021 due to issues with industry participation. The ventless trap indices have been recalculated to only consider the areas that have been sampled over the whole period. The figure shown on the slides only display the annual values of the time series, but the memo in your materials includes tables with the assessment and updated five-year mean values.

The red dots and lines in all of the figures represents the updated data since the last assessment, while the black dots and bold lines are the data time series considered in the assessment and time series, determining the 25th and 75th percentiles. The solid gray line is the 25th, below which is negative, and the dotted gray line is the 75th, above which is positive.

Between the gray horizontal lines represent neutral conditions. I'll start with the Gulf of Maine young of year indices. All updated five-year means were neutral, which is an improvement from the assessment, because both southwest areas were negative during the assessment. But, when we look at individual

years, the 2021 young-of-year indices fell below the 25th percentile into negative condition for the three most northeast areas, reversing some of the improvements that we saw in the previous years in those areas.

For the Gulf of Maine Trawl Survey recruit indices, the indicators remained positive, but showed some signs of decline since the assessment. The Maine/New Hampshire Fall Trawl Survey updated five-year mean changed from positive in the assessment to neutral in the update, while the others remained positive since the assessment.

Looking at individual years, the 2021 values for three of the four inshore indicators were neutral, and the only available 2020 value was also neutral. This is notable, because these were the first observed neutral annual values since 2014 or 2015 for these indicators. The offshore indicators from the Science Center Trawl Survey remain positive.

It is important to note that five of the six indicators were not available in 2020, due to COVID sampling restrictions. For encounter rates in the Gulf of Maine, all four updated five-year means for the inshore indicators were neutral, whereas only one was neutral in the assessment, showing declines in index condition.

The updated five-year mean for the two offshore indicators remained positive. Again, five of six indicators did not collect data in 2020. For the Gulf of Maine, Ventless Trap Survey indicators, the surveys have shown declines since the stock assessment. For the updated means, seven of eight updated means were neutral, and one was negative compared to four positive, four neutral, and no negative means during the assessment.

Two additional indices in Statistical Area 512 moved to negative conditions in 2021, while the values in 514 were among the lowest values observed. Switching to Georges Bank recruit abundance from the Science Center Trawl Survey, conditions were similar to the stock assessment, where both means remained neutral since the assessment.

The 2021 annual values were both positive and relatively high. These indicators tend to be noisier than some of the other abundance indicators, with higher interannual variability and lack of discernable trends. For encounter rate in the Georges Bank, we have seen some decline in the fall since the assessment, so that fall mean changed from positive to neutral, but spring remained positive. No indicators were available for Georges Bank in 2020. For Southern New England the updated five-year means for young of year were all negative, while only two of three were negative in the assessment.

There has only been one non-negative annual indicator observed since the assessment, and no young of year have been observed in Massachusetts for the past seven years. For recruit abundance from trawl surveys in Southern New England, conditions were similar to the assessment, with some slight decline offshore.

The spring offshore updated mean changed from neutral to negative, while the other updated means were unchanged, with five recruit abundance indicators remaining negative, and the other two indicators, one inshore and one offshore, remaining neutral. Six of the eight indicators were unavailable in 2020.

For Southern New England encounter rates, the conditions have deteriorated since the assessment, with all updated means and negative conditions, with two changing from neutral to negative since the assessment, and all annual encounter rates indicators negative in 2021. For Southern New England Ventless Trap Survey, all updated five-year means were neutral, which is unchanged from the stock assessment.

It is important to note that the ventless trap survey has only taken place in Southern New England during depleted stock conditions, coinciding with adverse environmental regime.

Interannual variability can be misleading without the context of the longer time series encompassing varying stock conditions.

As noted earlier, the Massachusetts Survey reduced its spatial coverage, so the prior years were recalculated to include only the consistent reduced survey area. The female index, calculated with the reduced survey area and Statistical Area 538 was similar to the index from the broader historical survey area reviewed last year. The 2018 and 2019 values for the male index changed from neutral for the historical survey, to negative for the reduced survey area.

In summary, the Gulf of Maine indicators show declines from time-series highs observed during the stock assessment. Georges Bank indicators show conditions similar to the assessment, but there are also no young of year or ventless trap indicators available for this sub-stock area. In Southern New England, indicators show continued unfavorable conditions with some further signs of decline since the assessment. Thank you for your time, and I will take any questions.

CHAIR McNAMEE: Thank you so much, Kathleen. There is no action item here, but this information kind of plays into our next agenda item, so it's important to kind of clarify any questions that you might have on this information. Looking around the table here for any questions for Kathleen on the indices. Go ahead, Steve.

MR. STEPHEN TRAIN: Kathleen, if you don't mind, the Gulf of Maine indices you had up, if you could find them again. You said there were a lot of things that were neutral, because they were between the bars. Is that correct? I know you're supposed to present the facts and science and maybe not voice an opinion. But it seemed like when I was looking at those, those one that you said were neutral, not positive and negative, they were still between the bars, but they were continuing declining the whole time.

You didn't voice a comment on that, and thank you. But as someone who is dependent on this resource,

when you see continuing declines and you say, well it's neutral. Yes, we were at all-time highs seven years ago or six years ago. But obviously, whether neutral or not, it's a pretty bad indication at this point. Am I wrong?

MS. REARDON: It is one of the reasons that this was recommended coming out of the assessment to share this information between assessments, because we can look at trends. It does complicate matters, because we don't have 2020 in a number of the surveys. The only survey that went, I'm pretty sure, is the fall Maine/New Hampshire Trawl Survey in 2020.

For many areas the only number, we have 2019 and we have 2021. There is a difference in those, but when we're looking at the five-year means, it's 2017 to 2021. That is why I noted here that all of the 2021 numbers, except for I think the spring, we have definitely been seeing those declines.

CHAIR McNAMEE: Anyone else with question for Kathleen? Any hands online? All right. With that, why don't we go ahead and move on to our next agenda item. Kathleen, you'll hang out with us in case any questions come up? Great.

**CONSIDER NEXT STEPS ON DRAFT ADDENDUM
XXVII ON INCREASING PROTECTION OF
SPAWNING STOCK BIOMASS OF THE GULF OF
MAINE/GEORGES BANK STOCK**

CHAIR McNAMEE: Okay, our next agenda item is to Consider Next Steps on Draft Addendum XXVII on Increasing Protection of Spawning Stock Biomass of the Gulf of Maine/Georges Bank Stock.

I think we're going to start off with a brief presentation from Caitlin, and then I think we have a few procedural things we need to take care of from our last meeting, and then we can get on with the possible action on this item from there. Caitlin, whenever you're ready, you can get us oriented to the task here.

MS. CAITLIN STARKS: I'll go over where we currently stand with Draft Addendum XXVII on increasing the protection of spawning stock biomass in the Gulf of Maine and Georges Bank stock. I'll start off with some brief background on the draft addendum, and then very briefly review the proposed management options, considering the Board had seen these a number of times.

Then I'll outline the concerns that have been brought forward related to the proposed gauge size increase, and then lead the Board into discussion on how to move forward today. For a very quick recap on the background. The Board originally initiated this addendum in August, 2017, and the focus at that point was on standardizing management measures across the lobster conservation and management areas within the stock, to increase stock resiliency.

Then Draft Addendum XXVII was put on hold for several years, as the Board had to prioritize work related to right whale risk reduction efforts and then resumed work on this addendum after the 2020 benchmark assessment. Then at that point, the objective of the agenda was changed to focus on using a trigger mechanism that when a trigger is reached it would result in automatic implementation of measures that would increase the overall protection of spawning stock biomass of the Gulf of Maine and Georges Bank Stock. After the re-initiation of work on Draft Addendum XXVII in February of 2021, the Board approved the Draft Addendum for public comment in January of 2022.

However, after that Lobster Board meeting, the Policy Board decided to delay the release of the Draft Addendum for public comment, to allow for additional information to develop that could impact the public comment and the scoping meeting. Then at the August meeting this year, the public comment period was further delayed to give the PDT time to discuss a concern relating to how changing the minimum gauge size would impact trade under the Magnuson-Stevens Act. That is where we left off with Draft Addendum XXVII. Today we're discussing it again.

To quickly refresh everyone's memory, I'm just going to run through the proposed management option. The proposed options are separated into two issues. We have Issue 1, which addresses the standardization of a subset of the management measures within the LCMAs and across the LCMAs in the Gulf of Maine/Georges Bank stock.

Issue 2 considers applying either a trigger mechanism or a predetermined schedule to implement biological management measures that are expected to provide increased protection to the spawning stock biomass. Under Issue 1, the two main options are A, status quo or B, which is to implement some standardized measures upon approval of the Addendum.

Within Option B there are four sub-options that define what those standardized measures include. Sub-Option B1 includes standardizing measures only within areas where there are current discrepancies. E2 includes standardizing the V-notch requirements across the Areas in the stock. E3 is to standardize the V-notch possession definition across the areas in the stock, and B4 is to standardize the regulations for issuing additional trap tags for trap tag losses.

Then Issue 2 again focuses on implementing management measures to increase protection of the spawning stock biomass with options that consider changes to the maximum and minimum gauge sizes, along with corresponding vent sizes. These are the five options under Issue 2. A is status quo, no additional changes to measures.

B is that the gauge size changes would be triggered by a 17 percent decline in the trigger index, and then additional changes triggered by 32 percent decline in the index. Option C is that gauge size changes would be triggered by 20 percent decline, and then additional changes with a 30 percent decline. Option D is for a 17 percent decline in the index to trigger a series

of gradual changes in gauge sizes over several years, and then Option E considers changes to the minimum gauge size in Area 1 only, on a predetermined schedule, as opposed to using a trigger index.

These are the proposed measures that would be implemented if each of the two triggers is reached under Option B, and that is an increase in the Area 1 minimum size at each trigger, and a decrease to the maximum size for Area 3 and Outer Cape Cod on the second trigger. This is identical to Option B, except that the trigger levels are different at 20 and 30 percent. Then Option D considers implementing a series of gradual changes in the gauge sizes that would be initiated by one trigger being met, which is set at 17 percent decline in the trigger index. Here we have the Area 1 minimum gauge size increasing to 3 and 3/8 of an inch in increments of 1/16 of an inch, and the maximum gauge size for Area 3 at Outer Cape Cod would decrease to 6 inches in increments of 1/4 inch.

Then Option E would establish a schedule for changing the Area 1 minimum gauge size and vent sizes, no change to increase the spawning stock biomass, with no changes occurring for Area 3 and Outer Cape Cod. This is the updated trigger index through 2021. This is the most recently available data that we have for the trigger index, and a combined index is shown in the top left corner, upper left corner, with each of those surveys that go into the trigger index in the other three panels.

Each of the proposed trigger levels that are considered in the Addendum are shown with the horizontal black lines in the graph. Go from top to bottom that is 17 percent, 20 percent, and then 30 percent and 32 percent. On this next figure there are some additional red lines for reference, which are not currently considered for trigger levels in the Addendum. The second line from the bottom represents a 45 percent decline from the reference period, which is one of the options that was previously removed from the Addendum.

That 45 percent decline was meant to approximate the 75th percentile of the moderate abundance

regime. Then the bottom line is a 51 percent decline, and that is not included in the Addendum, based on the Technical Committee recommendation that this would not be a proactive trigger level, because this level approximates the abundance limit reference point from the stock assessment, which is a point below which the stock is considered depleted, because the stocks ability to replenish itself is diminished.

The 2021 value for the trigger index is 0.765, which is a 23 percent decline from the reference value. That means at this point the top two proposed trigger levels have already been surpassed. At the last meeting, the Board discussed this concern regarding the minimum size that is proposed for Area 1 in the Addendum under Issue 2, and the implications that could have for commerce, given the language in the Magnuson-Stevens Act.

Magnuson-Stevens prohibits the import and sale of lobster smaller than the minimum possession size currently in effect under the Commission's FMP. Since the Addendum proposes an increase in the minimum size in LCMA 1, which is currently the smallest minimum size at 3 and ¼ of an inch. The increase would go to 3 and 5/16 of an inch, and that would mean imports would then have to follow the new minimum size of 3 and 5/16 of an inch.

This could have impacts on the market and supply chain. At the last meeting the Board tasked the PDT with discussing this issue and offering some potential paths forward. The PDT met October 6, 2022. Unfortunately, based on this discussion, there is not a clear answer on how to move forward.

The PDT discussed that in Maine dealers do rely on Canadian lobster imports during the spring, when the U.S. fishery can't supply them. If that minimum size does increase, that would affect their supply during that season. The PDT discussed a possible solution, which would be

to add language to the Addendum to say that the increased gauge sizes implemented through this Addendum would not apply to imported lobster. However, NOAA has advised that if the Commission were to put that type of language in the Addendum, it would need to demonstrate why it is acting counter to the MSA provision that I discussed, by showing what the economic impacts associated with the increased minimum size would be applying to imports.

Another concern was whether language to that affect would then open up the market such that lobsters of any size could be imported from other countries. In that case, there were concerns that imports of even smaller lobsters coming into the U.S. could have a negative effect on the market here.

All this being said, the PDT does recommend moving forward with the Draft Addendum, given the continued declines in the indices that we're seeing. We also had a meeting with the Law Enforcement Committee to discuss this topic last month. The general feedback provided by the LEC is that if imports were allowed to be smaller than the minimum size that is in effect in the U.S., it would create additional challenges for enforcement.

In particular, it would open up opportunities for the illegal sale of lobster that are caught in the U.S. below the legal minimum size. The LEC said that enforcing the differences in size is easy when the lobsters are coming in through the borders, but it is not as easy once those lobsters get to the dealers in the U.S., because at that point they are usually comingled, and it would be very hard to maintain separation of U.S. and non-U.S. origin lobsters.

In some states that currently have a larger minimum size than Maine's, they've dealt with the issue of different minimum sizes in trade by requiring dealers to have special exception permits, in order to possess lobsters from Maine or Canada that are under the state's minimum size. They have requirements on those dealers to report all shipments of those smaller lobsters, keep records of

all their transactions, and they're not allowed to sell those smaller lobsters within the state.

That could be something to consider if imports were allowed to be smaller than the Area 1 minimum size. The LEC also touched on the topic of standardizing management measures under Issue 1. They reiterated that wherever possible they would use support measures being standardized within and across the LCMAs in the stock.

With that I want to set the Board up for discussion and guidance on how to proceed with Draft Addendum XXVII at this time. I see a few paths forward here, which is one that the Board could take the document out for public comment as is, and use that as an opportunity to get input on the impact of increasing the minimum gauge size, given the way MSA is written.

That would mean that the size increase would apply to imports as well. Second, the Board could direct the PDT to make modifications to the management options in the document, such as the trigger levels, or measures proposed, or some kind of language on the MSA issue, to specify that the gauge size changes under the Addendum would only apply to U.S. lobster harvest.

This is where the guidance from NOAA has been that if we were to go that route, we would need to provide some substantial information on potential economic impact, to justify why the size limit should not apply to imports. Then with this second option, I'll also note that because this Draft Addendum was already approved for public comment, we would need a motion to rescind that motion from before, in order to make changes to the Addendum today. Then lastly, the Board could always choose to postpone action until a time certain or indefinitely.

With that the next steps, just for a quick possible timeline. I think this is the fastest that

we could get through this addendum development at this point, given where we are in the year. If the Board were to agree to take the document out for public comment as is, we could get that posted relatively quickly this month, and schedule public hearings.

I'm not sure we could get hearings to actually happen before the holidays though. I put early January as a rough timeline for those, and then the AP would meet in January as well, and the Board could consider the document for final action in February, 2023 at the earliest. This is an example, obviously things would move back a little bit if we were to make changes to the document. With that I am happy to take any questions.

CHAIR McNAMEE: Excellent, thanks so much, Caitlin, and thanks so much for kind of laying out the next steps for us there at the end. Let's start off with questions for Caitlin, before we get into our discussion. Are there any clarification questions? I see Shanna. Go ahead.

MS. SHANNA MADSEN: Caitlin, have the CESS Committee been consulted yet to see if there is enough information to get that economic impact statement off the ground?

MS. STARKS: In short, no. We've talked with the states though, and it seems like it would be pretty hard to dig up the economic information on imports. Toni.

MS. TONI KERNS: Caitlin and I have not had a conversation yet. But I did have a conversation this morning where, I think we might have a different path forward to getting around the Mitchel provision. I'm going to continue to work on it. If this document does move forward with some additional work, I will be able to resolve that prior to the February Board meeting. But I'm not sure we need it.

CHAIR McNAMEE: Follow up, Shanna? Okay, any other questions? Dan, go ahead.

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MR. DAN McKIERNAN: Caitlin, in one of your slides it says that the PDT recommends moving forward with the Draft Addendum, given the decline in indices. Did they have a preferred trigger, because I know there was some series of triggers? But are there some triggers that they would embrace, and other triggers that they would not embrace?

MS. STARKS: I would say the PDT has not made a recommendation on what triggers would be most appropriate at this time, given that we just got the updated information to show where we are with the trigger index. I don't have a recommendation from them.

MS. McKIERNAN: But I think that the graph you showed said some in red that were not favored by the PDT.

MS. STARKS: Madeline, if you could put up that slide, which is Slide Number 15. I put them in red, just because they are not currently in the Addendum. They have been discussed previously by the TC and PDT. The 45 percent level was included in the Addendum originally, and removed by the Board to try to focus on those more proactive trigger levels.

That one was recommended as a potential option, it's obviously less conservative than the others. The 51 percent decline level is coming to the point where the TC did not recommend using that, because it is getting to the abundance limit.

MR. McKIERNAN: But did the TC embrace 45?

MS. STARKS: The 51 percent is approaching the abundance limit, and I might have forgotten the second part of your question.

MR. McKIERNAN: The question was, did they assess the usefulness of 45, because 45 is great. But it was the Board that rejected 45.

MS. STARKS: Yes, the Board was the one that removed the 45. The TC did say it was a viable option.

CHAIR McNAMEE: Okay, next up I have David Borden online. Go ahead, David.

MR. DAVID V. D. BORDEN: I've got a question for Caitlin. I'm getting feedback.

CHAIR McNAMEE: We can hear you now, yes it was a little stilted there. But I think you're back.

MR. BORDEN: Okay, so my question, I have a number of questions, but I'm going to try to deal with those at the appropriate time. On the question of timing, and I guess it's a question for staff. There are things in this Addendum that need to be fixed. I support the Addendum going out to public hearings.

I think it is really critical to get industry's feedback, and particularly during the time period of the spring, slowly starting when there is the least amount of activity so we can kind of maximize the input from the industry. My question to the staff is, there are a number of provisions that need to get reworked in this Addendum. If we were to do that in the next month or so, is it possible that we could finalize on a final document, either via a new pot, or the pot (feedback on recording)?

MS. STARKS: I am getting advice from Bob that we could do a virtual Lobster Board meeting separately to address this issue.

MR. BORDEN: Okay, so I would just offer the opinion. I think that would help, and then my second point, last one. This point is, I think it's kind of important to talk through some of these issues separately, instead of comingling the issues, so I'm going to talk about triggers, have an entire session on triggers we might issue. Thank you, Mr. Chair.

CHAIR McNAMEE: I have Steve Train next. Go ahead, Steve.

MR. TRAIN: Caitlin, I had a lot of similar questions to Dan, and there were numbers that are

disconcerting. I mean we haven't done anything yet, and we've already mowed through two triggers that were possible. I was going to ask if the numbers, get it back up there. What is that final number where the star is? Where are we currently? What level are we at now?

MS. STARKS: We're at a 23 percent decline from the reference value.

MR. TRAIN: We're at a 23 percent decline with nothing being done yet.

MS. STARKS: Correct.

MR. TRAIN: This is the most valuable fishery in the northeast. I'm sorry, I can't believe we waited this long.

CHAIR McNAMEE: Go ahead, Ray.

MR. RAYMOND W. KANE: Not to confuse the public, is there any need to have the 17 and 20 percent decline, being how we're already beyond that, or 23 percent, so when you go out to the public and they look at these graphs. They are going to look at 17 and 20, and they are going to reflect, as Steve just did, and say, well why are we even talking about those trigger numbers, we're already beyond that. Maybe that should be removed from the graph.

MS. STARKS: Right, so I think that is part of the guidance I'm looking for today, is if the Board would like to modify the triggers that are included in the Addendum. If the intention is not to take action until a trigger is met, then I would suggest removing 17 percent and 20 percent from the document, since they've already been reached. I think if that is the case that would be easy modification to make, to change the options to only have those later two triggers. But there might be some more Board advice that I could ask for on what those trigger levels should be.

CHAIR McNAMEE: Go ahead, Pat.

MR. KELIHER: I've been struggling with this particular issue for a long time. You know we've kicked the can down the road now twice. It is a situation, as I said earlier, about uncertainty. We didn't know if we would have any decision from Judge Boasberg yet, on what the remedy was going to be and what that timeframe is going to be.

All of the scenarios that we're running from a Decision Support Tool perspective, are going to benefit the lobster stock while we're in the process of trying to protect whales, with severe trap limits and the expansion of closed areas. It's those unknowns, not having that information on the table, that continues to lead me kind of wanting to delay, but at the same time, and as I've talked to others around this table.

We obviously have a mandate to protect this resource. We've got a public trust obligation, and I would urge the Board that we take the approach of working through the whale rules, but also putting a backstop in place now, that would protect us from further declines. Dan actually asked the question that I was going to bring up to Caitlin, regarding the third trigger option that we actually removed from the document, as a potential to utilize as a backstop in the interim, to figure out where we're going to be with whale rules.

I think there are some other tasking of the TC that we'll have to talk about, probably at the winter meeting. But in thinking about this, I think a backstop approach might be the best approach. I have prepared some motions that staff have, to get to that when the time comes.

CHAIR McNAMEE: Thank you, Pat, and I'll just remind the response to David Borden's question was, you know this type of thing could happen and still have a process in time for the spring. David Borden, go ahead, David.

MR. BORDEN: I have a question just going back to 17 percent of the volume. Caitlin, was that originally recommended as the industry target?

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MS. STARKS: Yes, so the 17 percent trigger, I think was associated with the industry target. I'm just going to verify that.

MR. BORDEN: My understanding is that was based on a discussion that industry wanted to be proactive, and didn't want the decline in economic viability. Is that correct?

MS. STARKS: That industry target came out of the stock assessment, so it was proposed by the Stock Assessment Subcommittee, not industry.

MR. BORDEN: I thought the industry gave us a recommendation and the TC and Stock Assessment Committee basic relayed it to the Board. It was industry based anyway. (Interference on recording)

MS. STARKS: David, I'm going to defer to Kathleen. I think she will have a clear explanation of where the 17 percent. Well, the 17 percent is related to the trigger index for this Addendum, but the fishery industry target was a reference point that was put forward by the Stock Assessment Subcommittee.

MS. REARDON: The 17 percent is the 25th percentile of the highest regime in the last stock assessment. Within the Stock Assessment Committee, we were talking about the abundance limit, which would be around 51 percent, but we recognized that there would be economic concerns, and more of an industry concern. That is why we introduced that 25th percentile of the highest regime. It just happens to be statistically 17 percent. That was why it was put forward within this Addendum.

MR. BORDEN: Okay, I just voiced an opinion that I think it's appropriate to have a range so we can put into anything that goes to the public. Believe me, I spin a lot. It's been an awful year, with a lot occurring. If you looked at what the lobster industry is concerning right now, it's this really poisonous mix of issues all coming to a head together, not the least of which is the declining lobster industries fuel

prices of \$6.00. There was a discussion on the Business Channel today talking about \$9.00 diesel fuel prices, cost of bait is \$300.00 a barrel, where it is normally \$100.00 a barrel, and insurance prices have gone through the roof. All of that, in combination with the whale issue and the wind issue is kind of a poisonous mixture for the industry.

Having said that, I think we've got to balance this whole, and go back and reflect on the origin of this. The state of Maine representative basically proposed this, for the most honorable of objectives. They wanted to get ahead of the curve on this, and avoid the situation that occurred in Southern New England.

Because of this kind of poisonous mix of issues, I think if we take this out, we've got to have a range. I think that's important to do. It is going to generate a discussion from a number of industry people about the need to be conservative. Most people that I know in the industry are not going to like the gauge increase, so I'll just state the obvious.

But when they start looking at declines like this for a billion-dollar fishery that you start talking about 20, 30, 40 percent declines. People are going to get very concerned about the longevity of their financial businesses. I think we should have a full range of items in the triggers, to generate a discussion on it.

MS. STARKS: Thanks, David. I just want to clarify one thing here. Are you suggesting keeping the 17 percent and 20 percent trigger levels in the document, despite the fact that they've already been surpassed? If that's the case, if the document were approved, would that mean those management measures would automatically go into place, if one of those options were adopted with those trigger levels?

MR. BORDEN: I'm not suggesting that. What I'm suggesting is it is important to keep in mind that the industry wanted to be proactive when we started this. Granted, it was a period of historic highs. The industry wanted to be proactive and get ahead of

the issue, and that is one of the reasons we ended up with 17 percent.

It's almost like we need a short history of how the trigger has declined. I think for the range, I think we need a number higher than 23, 26, 27 or whatever, up to something like 45 as the range in the document. I don't think, to answer your question directly, I don't think we should start out with a trigger that is automatically triggered. We might as well just take a proposal to public hearing and say, we're going to raise the gauge, or whatever mechanism we choose.

CHAIR McNAMEE: We're starting to drift into a comment, so I just want to make sure, you know does anybody have any remaining clarifying questions for Caitlin, just to make sure you have the info you need, before we start to have our deliberations here? Not seeing any hands, any hands online? No, okay. Pat, I saw you raise your hand. Go ahead, please.

MR. KELIHER: I think what I would like to do to start this process is make a motion that would rescind prior motions. Then there are some conversations around some changes to the document that seem to be drowning on potentially one or two different options. I'm wondering if we couldn't maybe even take a five-minute break to have some caucus time to kind of maybe fine tune something. But I'll leave that up to you. If the staff, look at that, has pulled up the motions. I'll go ahead and make that now, Mr. Chairman, and we can go from there.

CHAIR McNAMEE: Okay.

MR. KELIHER: Did you have something, Toni? No, okay. **I would move to rescind the following two motions passed in the August 2022, and the January 2022 meetings respectively. Move to postpone the consideration of public hearings on the Draft Addendum until the Annual Meeting, to allow the PDT time to address challenges raised by existing MSA language regarding possession of**

lobsters smaller than the lowest minimum size limit specified in the American Lobster FMP.

This could include language which differentiates harvest vs. possession limits to reduce impacts to dealers and processors. The LEC should also review the new language that may be suggested by the PDT, and then also move to approve. Hold on, what's going on here?

MS. STARKS: That's the motion to approve it for public comment. That needs to be rescinded.

MR. KELIHER: Okay, so it's a little bit different than the way I drafted, sorry. **Then also move to rescind, the ability to approve the Draft Addendum for public comment as amended.**

CHAIR McNAMEE: Okay, do I have a second to the motion? I saw Cheri Patterson, thank you, Cheri. This is the sort of procedural element I talked about earlier that we needed to sort of take care of, depending on how we wanted to go here. We've got a motion on the table. Discussion on that motion. I saw Dennis first. Go ahead, Dennis.

MR. DENNIS ABBOTT: Yes, I'm in favor of the motions, I believe. But I would just like clarification from Bob Beal as the process for rescinding a motion at this point in time.

CHAIR McNAMEE: Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: A few years back the Commission passed a special rule that is included in the Rules and Regulations of the Commission, and it effects amending or rescinding previously approved actions. It differs a little bit from what's in Robert's Rules of Order, but essentially, in order to approve this motion, which would rescind those two previous motions, it would need a two-thirds majority vote of the entire voting membership of the Board. It is a special rule that was approved by the Full Commission a few years ago.

CHAIR McNAMEE: All set, Dennis? Great.

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CHAIR McNAMEE: We have a motion on the board, it's been seconded. Pat, anything remaining you want to say, it's sort of procedural? Any further discussion on the motion? Anybody online with a hand raised? Okay. I think we are ready to vote. I guess what we'll do is, I'll first do. Have I mis-stepped here? I'm seeing some chatter, so I'm just making sure I haven't done anything wrong. Okay, good. I'm going to first look at the table for a vote, and then we'll count hands online as well. I'm sorry, I should stop looking over there. Every time you move, I think I've done something wrong. All those in favor of the motion around the table, please raise your hand.

MS. KERNS: Jason, I'm going to read the names out loud, since we have people on the webinar, just like we have been. I have Massachusetts, Connecticut, New York, Rhode Island, New Jersey, Virginia, Delaware, Maryland, Maine, and New Hampshire, and those online.

CHAIR McNAMEE: Is that everybody?

MS. KERNS: I need those online to raise their hand if they are in favor.

CHAIR McNAMEE: Folks online, please raise your hand if you approve the motion.

MS. KERNS: No hands online.

CHAIR McNAMEE: Okay, no hands online. All those opposed to the motion, please raise your hand around the table first. No hands around the table. Folks opposed to the motion online, please raise your virtual hand. Okay, no virtual hands online. Any abstentions around the table, please raise your hand.

Not seeing any abstentions, online, any abstentions to the motion, please raise your hand. Okay, no hands online. All right, so with that I guess that is unanimous. The motion is approved. Thanks for that, Pat. All right, so

that gets us started with procedural element. Senator Miner, go ahead.

SENATOR CRAIG A. MINER: With the passage of that action, what if anything does that do, in terms of our obligation to do something, seeing as it was postponed back in January and in August, the motion was postponed? That action now says that we didn't postpone it. I believe. We also didn't take any action. Have I got that right?

CHAIR McNAMEE: I think the intent here is to sort of free us now to be able to make modifications. I think currently as we stand right now you are correct. But we can now take additional steps to not make that be true.

SENATOR MINER: I'll accept that, but I would have thought that we actually could have taken action, even though those were in place, because they were specific to a day at which time, we would take them. That's all right.

CHAIR McNAMEE: Go ahead, Bob, for a response.

EXECUTIVE DIRECTOR BEAL: Essentially where the Board is now is Addendum XXVII is no longer approved for public comment. You've got a document that sort of reverted back to draft form when you rescinded the second motion up there, which is approving the Draft Addendum for public comment. Now the Board has this document open for editing, and then any changes that the PDT makes or the Board makes today, can then be approved for public comment in a subsequent motion, and then we can have hearings after that. Essentially all this did was clear the slate, unapproved the Addendum for public comment, and now you can manipulate it anyway you want.

CHAIR McNAMEE: Great. Good? Okay. All right, so now we're sort of free to make modifications or other adjustments as needed. I see Pat with a hand raised. Go ahead, Pat.

MR. KELIHER: I have another motion prepared that would task the PDT. Mr. Borden talked about getting something out to the public this spring.

That is the intent within the motion that I'm going to make. It sounds like there may be some other thoughts around this, but I thought it would be good to put this motion up, and if I get a second, I can give a little bit more clarity.

I would move that the PDT simplify Section 3.2 of Draft Addendum XXVII to the American Lobster FMP, by creating a single trigger level that shall act as a backstop, protecting the stock from further declines. The PDT shall use the Technical Committee's trigger level recommendation (from the September 10, 2021 memo to the Board), utilizing a three-year running average of the trigger index when it declines by 45% from the reference period.

CHAIR McNAMEE: Okay, we have a motion by Pat Keliher. Is there a second to that motion? Seconded by Dennis Abbott. Discussion on the motion? Pat, I'll give you first crack at it.

MR. KELIHER: I realize this is a change, but again this change is to put something on the table while whale rules continue to be worked on. Mr. Borden talked about all of the challenges facing the lobster industry, and the uncertainty from the expense side to the wind side to the whale side.

There is a lot at stake right now. My belief that we do have some time left to continue to deal with this issue, but I was unwilling to just continue to delay, without having something in place, again to act as that backstop. I guess I'll just stop there, Mr. Chairman, we can deal with it as comments come.

CHAIR McNAMEE: Dennis, do you want to make a comment as the seconder?

MR. ABBOTT: No, I'll pass at this time to my more learned.

CHAIR McNAMEE: Okay, around the table, folks wishing to make a comment on the motion. I see Steve Train.

MR. TRAIN: Thank you, Pat, for straightening some of this out and getting us a backstop. If we could get that other table back up there for a minute that showed the rate of decline, or the declines where we are. I would really appreciate it if somebody could pull that up. There is a lot going on in the industry. We're dealing with whale restrictions, law suits, fuel costs, increased bait cost, possible displacement by windmills, and other things.

It is a maelstrom, and the one thing that we keep thinking will get us through all this, besides being right, is we have a healthy resource. That right there may still be a healthy resource, but it's going in the wrong direction. That star is at 23 percent. We're talking about twice the length of that down before we do anything for the backstop. What was the figure on the dotted red line, the one we said we wouldn't use, because it was already at the limit?

MS. STARKS: Fifty-one percent.

MR. TRAIN: We're coming almost close to that line before we do anything, which I guess is better than doing nothing. But to me, 45 percent is too far away. I'll support it over nothing, but it's already. If we're hoping that the health of the resource is going to save us from all the other problems, we're going to make sure we've got a healthy resource.

CHAIR McNAMEE: Okay, looking around the table for other comments on the motion. David, we see you online, but I'm going to go to Doug Grout first.

MR. DOUGLAS GROUT: Just a clarification. I was trying to go through the document, and currently is the trigger in the document based on a five-year running average, or a three-year running average?

MR. KELIHER: Three.

MR. GROUT: Okay, thank you.

CHAIR McNAMEE: Okay, the answer to that was three years. Next up I have David Borden online. Go ahead, David.

MR. BORDEN: I have a slightly different view, as I echoed before. I think we need a range in this document. I support what Pat has proposed for 45 percent, but if you go back and reflect on the comments that Steve Train has made today, who is a key player in the Maine industry.

I think he has been arguing steadily for another set of alternatives that would be more conservative, not because he necessarily wants those to implement, because he wants to promote a discussion and dialogue among the industry. I'm kind of in the same position. I would be happy to offer a motion to amend at the appropriate time.

I think we should insert something like a range from something that is higher than we are now, say 26 or 27 percent, so we've got some separation between where we are and actual action. Then take that range out to public hearing. That is my position, and if I get some positive feedback from other Board members, I'll offer a motion to amend.

CHAIR McNAMEE: The idea there would be to amend the motion to add some other potential options in there. We'll let folks' kind of think about that for a minute, and I had a hand from Cheri, so go ahead, Cheri.

MS. CHERI PATTERSON: I agree with Dave. I think that we should present a range over a single target number that is going to put us on a brink, as opposed to being proactive, more proactive, I should say. I would like to also propose a range when the time comes. But I also think it would behoove us all to take a beat, and maybe talk amongst ourselves, before we get to the decision.

CHAIR McNAMEE: Yes, so let me just take one more pass around the table, to see if anybody wants to make a comment right now. I think what I will do is take like a five-minute break for folks. There has been some talk about some additional levels to kind of drop in here, not very specific at this point.

I'm hoping the little break will give people some time to think about the specific range or values that they would want to drop in there for potentially an amended motion. I suppose it could be just a second motion as well, as long as folks are okay with this one. However, folks want to approach it is fine. I have Dan McKiernan.

MR. McKIERNAN: Yes, before we break, I just want to plant this idea in our collective heads. If this rule were already enacted, we would be looking at the 2019 through 2021 trigger value reported today in 2022, and it would trigger two-gauge increases, one in 2023 and a second gauge in 2025. We are essentially enacting a rule that creates like a four-year timeline between the introduction of the value and the final action. I hope that that makes people pause and think about, maybe we need to accelerate this Amendment.

CHAIR McNAMEE: Eric.

MR. ERIC REID: My question is, we were having a discussion about 17 and 20 percent, and now we're talking about perhaps something above where we are now, 25 or 26. That is the numbers that I've heard. What does that do after we come back from the public? If we do a range, are we bound by that range, or can we go to 17 percent or 21 percent in final document?

CHAIR McNAMEE: Good question, I'm looking over at Caitlin.

MS. STARKS: I believe you would be bound by the range that is included. Whatever trigger level is implemented would have to fall between the lowest and the highest.

MR. REID: That would be what goes out to the public. Okay, thank you.

CHAIR McNAMEE: Dan.

MR. McKIERNAN: Just a follow up. I think to answer Eric's question. I think Option E is simply scheduled changes to minimum gauge size. There is

actually an option that ignores the trigger and just takes gauge increases, so that is kind of built in.

CHAIR McNAMEE: I'm looking around the table, not seeing hands. Any hands online? I'm seeing a no, so why don't we, let's see, it's 11:20, let's take five minutes. I'll check in at five minutes. Let's make it ten, because I think this takes a little bit of thought. We'll be back at 11:30 to bring this motion back up.

(Whereupon a recess was taken.)

CHAIR McNAMEE: All right, so just to recap, we've got a motion on the table made by Pat Keliher, I think seconded by Dennis Abbot. Then we took a quick break, so folks could kind of construct an amended motion, because it seemed like that was where the discussion was going around the table.

I'm going to ask that we make sure we clarify two things before we kind of wrap this up here. The first is to clarify whether we are now, remember the original construct was to have two triggers. There was sort of like an entry trigger and then like another trigger. It's important to clarify whether or not we're now defaulting to just a single trigger.

Then to go along with that, that impacts the steps, in particular the gauge increases. I would suggest that if we are going to a single trigger that we just drop to that second step. But that is something I think we want to clarify. Then the second thing to clarify is under Option 1D, and that is the years that we're talking about here.

Maybe you will want to keep the ones that are there, but I'll just sort of flag that for you so you can take a look to make sure. With that, let me look around the table to see if anybody has come up with an amended motion, and I see a hand from Cheri Patterson. Go ahead, Cheri.

MS. PATTERSON: If you can bring up the motion. I would like to move to amend the percentage to a range of 30 percent to 45 percent.

CHAIR McNAMEE: Okay, motion on the table by Cheri. Is there a second? I see Eric Reid seconding the motion. We have a motion it's been seconded. Any discussion, Cheri, I'll go to you first?

MS. PATTERSON: I think that this gives us a little bit of comfort in knowing that we're not going to be reacting when we hit a 45 percent level, which is a pretty severe trigger to wait for. The range of 30 percent was within the range that the PDT had indicated, and if you want to bring up the table so people can see it again, or the chart.

Then I think that this gives us some buffer to work within, as the Atlantic Large Whale Take Reduction Plan becomes modified over the next year or two, or at least we'll have a clearer idea as to whether we're going to be realizing any resiliency from a modification to that plan.

CHAIR McNAMEE: Eric, do you wish to make a comment?

MR. REID: Yes, thank you, Mr. Chairman, I'm more comfortable with a range that is more proactive than 45 percent. As uncomfortable as it is, I'm comfortable having a range and being more proactive. Sort of in line with Mr. Train's comments about protecting the resource.

CHAIR McNAMEE: Ray Kane, go ahead.

MR. KANE: I can support this motion, but my concern and maybe Caitlin could answer this, it probably has to go back to the PDT. But 30 percent, this is a three-year running average, so it was 18, 19, 20 that was included?

MS. STARKS: Twenty-twenty-one was the final year.

MR. KANE: Oh, '21 was, because with COVID and what not. Any projections on when we're going to hit 30 percent? I mean when you look at that graph it's quick. I support this motion, Cheri and Steve,

but I'm concerned that we're going to hit 30 rather quickly.

CHAIR McNAMEE: Ray, I think your comments about the rate of decline is a good one. But I don't think we have that information at hand to answer.

MR. KANE: Thank you, Mr. Chairman.

CHAIR McNAMEE: You're welcome. Any other hands around the table for discussion? Not seeing any around the table. Anyone online? No one online. I think we are, well maybe I'll offer a quick opportunity for public comment. We've got a motion on the table, and so I'll first look in the room. If there is anybody in the room wishing to make a public comment on this. Okay, not seeing any hands in the room. Any online hands? All right, so back to the table here. Why don't we go ahead and call the vote? All those in favor of the motion, please raise your hand.

MS. KERNS: Clarifies the Motion to Amend.

CHAIR McNAMEE: Thanks, Toni, yes this is to approve the Motion to Amend offered by Cheri Patterson and seconded by Eric Reid.

MS. KERNS: I have Rhode Island, Massachusetts, New York, Connecticut, New Jersey, Virginia, Maryland, Delaware, Maine and New Hampshire.

CHAIR McNAMEE: Any hands online, those to approve the amended motion? Okay, no hands, are there any objections to the Motion to Amend? Looking around the table first, please raise your hand if you object to the motion. No hands around the table, any hands online? No hands online. Are there any abstentions that folks wish to cast? Looking around the table first, please raise your hand. No hands around the table. Anyone online?

MS. KERNS: NOAA Fisheries.

CHAIR McNAMEE: NOAA Fisheries is abstaining. Great, and I guess I forgot to ask about null votes. I think I'll go ahead and ask, even though I think that accounts for everybody. Any null votes, please raise your hand around the table. Not seeing any hands, any online? No. **That approves the Motion to Amend, and it was unanimous with one abstention.**

Now we're back to the Main Motion. I can't turn my head quite far enough to read it, but I'm assuming it's up on the board here. Back to the main motion, any discussion on the main motion before we take a vote? No hands around the table. Any hands online? Okay, let's call the vote. Go ahead, Dan.

MS. McKIERNAN: I'm just working at the language. Is it clear that this Board will pick a number in a final addendum, as opposed to having a document that says in a Final Rule when it declines by 30-45% giving us discretion? I just want to be sure that the document captures the fact that after the final approval there will be one number.

CHAIR McNAMEE: Caitlin, did you want to respond to that?

MS. STARKS: Yes, thank you, Dan, I would like clarification on that as well, and I think it would need to be clarified whether the intention is to just have one single trigger, where the final gauge size changes that are proposed in the Addendum go into place, not the first step, but the second step.

CHAIR McNAMEE: Okay, why don't I first look to the, we're back to the main motion here, so go ahead, Pat.

MR. KELIHER: Dan picked up exactly what I was going on, because the original motion, the intent was to have a single trigger. Just for clarity, the Board will choose a trigger from a range between 30 and 45 percent, based on the public comment that we receive.

CHAIR McNAMEE: Thank you, Pat, so that is clear for the record now, thank you. All right, we're back

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to the Main Motion, and I think we're ready to vote. All those in favor of approving the Main Motion, please raise your hand around the table first.

MS. KERNS: We have Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Virginia, Maryland, Delaware, Maine and New Hampshire.

CHAIR McNAMEE: Okay, any hands online to approve the Main Motion?

MS. KERNS: No hands.

CHAIR McNAMEE: Okay, thanks for that, any objections to the motion, please raise your hand around the table. No hands around the table. Any hands online? No hands online. Any abstentions to the motion looking around the table? No hands raised around the table. Any hands online?

MS. KERNS: NOAA Fisheries.

CHAIR McNAMEE: NOAA Fisheries abstains, and then finally, any null votes looking around the table first? No hands around the table, any hands online? I'm going to assume no. All right, so the motion stands approved. Thanks for that everybody. Any further discussion on this topic? Oh right, so the other clarification that we need is the years that we're talking about. That is in Option E. Caitlin, do you want to clarify what we're looking for by way of clarification?

MS. STARKS: Sure, I just want to ask from the Board if there was an intent to modify this option in the document. Currently the years that were proposed for changing gauge sizes were 2023 and 2025. This is the option that doesn't involve the trigger, it's just a scheduled change to the gauge sizes.

CHAIR McNAMEE: Okay, thanks for that. If folks are okay with this, you know 2023 is not too far off, but if folks are okay with this, we

can stick with it, but we can also modify those if folks wish. I see Pat.

MR. KELIHER: These dates were chosen when the document was being developed two years ago, right, so in my mind they have to be moved out with the corresponding timeframe if we're going to leave them in the document. That would be 2025/2027, I believe.

CHAIR McNAMEE: I think a motion is in order here to make that modification.

MR. KELIHER: So moved.

CHAIR McNAMEE: Let's give it a minute to get up on the board. Oh, go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: Thank you, Mr. Chair. Just for efficiencies sake, if there is no objection to changing those two dates around the table, I think it can just be made as a direction to the PDT. You won't need a motion.

CHAIR McNAMEE: That's much better, but let's see. Let's not count our chickens just yet, because I see Dan has got his hand raised. Go ahead, Dan.

MR. McKIERNAN: Yes, I appreciate Pat's recollection, but practically speaking, I would be comfortable with 2024, 2026. If we're going to go to instant gauge increases, there is no reason to wait two more years. I mean 2023 is too early. February of 2023, if it's enacted, I couldn't get rules in place for another five or six months, but I could certainly do it in 2024. I think we should just move it that one year to each of those steps.

CHAIR McNAMEE: Okay, so I'm going to see if we have some sort of agreement, and I'm looking over at you, Pat, and so the answer to that is no. We probably need to then go with a motion here. Pat, do you wish to introduce that motion?

MR. KELIHER: Bob just whispered in my ear the question the comment that I was going to bring up. We have to have gauges made, right. Nobody is going to even start building them until a Board

process went forward, was finished, finalized and voted on. My Major is probably running out of the room right now.

But Major Beal did contact all of the manufacturers in gauges, and to get gauges based on supply chain issues and all kind of other complications, we wouldn't get them done. It wouldn't be done for that timeframe. **I would move that we push these out to 2025, 2027.**

CHAIR McNAMEE: Okay, so there is a motion. Pat, you are making that as a motion, correct? Motion on the table to basically add two years to each of the years currently in this Option E. There is like some Jimi Hendrix feedback going on there. I think it's gone away. I think we've got the motion up on the board here. Is there a second for that motion? Seconded by Dennis Abbott. All right, so we've got a motion on the board to extend the existing years by two years for Issue 2, Option E. Discussion. Senator Miner, go ahead.

SENATOR MINER: What happens if the trigger is hit before the dates?

CHAIR McNAMEE: I believe there are sort of two things. I think this one is kind of these automatic gauge increases, without the triggers, unless I'm thinking about the wrong one. But the triggers have their own set of rules, and so I think gauge increases would occur when that trigger was hit under that regime.

SENATOR MINER: Well, I don't think this says that, and I just get concerned that if we have put out a range for public discussion, and choose a point at which we'll know what the trigger is. If the trigger is reached before 2025, does this supersede the trigger?

CHAIR McNAMEE: Caitlin is going to help us clarify.

MS. STARKS: There are two completely separate options, so this is Option E, and it does

not involve a trigger mechanism at all. These are simply just scheduled changes in advance. If this option was selected, the final approval of the Addendum, then there would be no trigger mechanism.

CHAIR McNAMEE: Go ahead, Senator Miner.

SENATOR MINER: Follow up, so if the trigger was achieved prior to these dates, would the trigger then trigger the gauge? What does the trigger, trigger?

MS. STARKS: The trigger options are separate. In those trigger options, if we're using the 45% or 30 % range trigger. If that option is selected to use a trigger mechanism, then it would trigger gauge increases at that time. But that is a separate option from these years, so if this is chosen to use the scheduled years, there would be no trigger mechanism, we wouldn't be monitoring that index, we would just make these changes at these times.

SENATOR MINER: Thank you.

CHAIR McNAMEE: Dan, go ahead.

MR. MCKIERNAN: I appreciate Pat's insight, in terms of the amount of time gauges have to be manufactured. But I think what Craig is referring to is, there is a disconnect here, and I guess the real question is, if we come back next summer or fall, and one we've tripped the trigger, exceeded the trigger, then the gauge increase has to take place. What Pat is describing for us is the fact that it takes a long time to build gauges, so are we de facto building in another year of delay for the gauge increase?

In my mind there is already a lot of gauges, well actually not that particular gauge. That is a special size, the intermediate size. I think we had better wrap our heads around this, and maybe figure out. Maybe through the public hearing process. We learn if the gauge manufacturers can actually produce enough gauges in time to do it within one year.

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CHAIR McNAMEE: Toni.

MS. KERNS: Perhaps while the PDT is working on the document, the states can talk to the manufacturers, and when we come back to the Board to approve the document for public comment, we'll have better clarity.

CHAIR McNAMEE: Pat.

MR. KELIHER: Yes, I would volunteer Major Robert Beal from Maine Marine Patrol to pull that information together for the Board.

CHAIR McNAMEE: Thanks, Pat. Okay, so we've got a motion on the table here, it's been seconded. Any additional discussion on this before we call the vote? Not seeing any hands around the table, so let's go ahead. All those in favor of the motion, please raise your hand. Sorry, around the table first.

MS. KERNS: Jay, I can take the webinar at the same time.

CHAIR McNAMEE: We'll do them all at once then. Please, both in the virtual world and the real world here in the room, please raise your hand if you approve the motion.

MS. KERNS: I have Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Virginia, Maryland, Delaware, Maine and New Hampshire. No hands online.

CHAIR McNAMEE: Okay, any objections to the motion, please raise your hand, both here in the room and online.

MS. KERNS: No objections.

CHAIR McNAMEE: Okay, any abstentions in the room or online?

MS. KERNS: NOAA Fisheries.

CHAIR McNAMEE: Then finally, any null votes please raise your hand.

MS. KERNS: No null votes.

CHAIR McNAMEE: Okay, so the motion stands approved. Great. Caitlin, anything else we need to clear up before we move on from this topic? Toni, go ahead.

MS. KERNS: I was going to ask about the timeline. There was a suggestion to do a Board meeting in December. But if it is the intention of the Board to finalize this document at the May meeting, then I'm not sure what the December approval gets you. I don't think that if we do a December approval of the document, it will be very tight to pull off public hearings between December and the winter meeting. I'm not sure that that would be viable for us. If there is a desire for that, then I would like to know if that is what the Board is wanting.

CHAIR McNAMEE: Go ahead, Dan.

MR. McKIERNAN: I think May final approval would be ideal, because it would give us a chance to meet with the industry at the wintertime trade shows.

CHAIR McNAMEE: Okay, I heard one voice of support for that. I'm seeing thumbs up around the table. Anyone have a different feeling or take on that, either in the room or online? Please, flag me down, raise your hand. Nobody in the room, anybody online? Did you have something, Caitlin? Go ahead, Caitlin.

MS. STARKS: Sorry, just want to clarify, make sure I have my head on straight here. It is the intention of the Board to come back in February and approve the document for public comment?

CHAIR McNAMEE: I think the answer to that is yes. Yes, seeing nodding heads around the table. Doug, go ahead.

MR. GROUT: Just one quick clarification for me. You know we've approved a range for the triggers, but what is the management measures that they are going to trigger in the document? What are we putting out there? Is it that a single gauge increase, by an eighth of an inch, or something else, or

including the maximum gauge reduction in Area 3, and the vent size changes? Is it just a single, we're going to do it at that time? Is that the way we've decided to craft this document?

CHAIR McNAMEE: I think that's right, I'll look to Caitlin to see if that is her understanding as well.

MS. STARKS: That was my understanding, so if there is a difference that needs to be made, we can change it.

CHAIR McNAMEE: Nobody is raising their hand, so we'll assume that that is correct. All right, I think Caitlin, are we done with that one?

MS. KERNS: If we need some additional work for the provision, the Mitchel Provision and Magnuson-Stevens, we'll work with the PDT on that. But again, I think we might have a workaround, where we don't need that. Staff will make sure we have what we need for February.

CHAIR McNAMEE: Great, thanks for that, Toni. That is the MSA provision, so thanks for that. We're way over, we're not way over, 15 minutes over time here. We still have a number of things to kind of get through on the agenda, so I guess we'll keep plugging along here, and maybe some of these more update-oriented things we can get done quickly.

**UPDATE FROM WORK GROUP ON
IMPLEMENTATION OF ADDENDUM XXIX ON
ELECTRONIC VESSEL TRACKING FOR
FEDERAL PERMIT HOLDERS**

CHAIR McNAMEE: Why don't we just go ahead and go to the next thing here. I'll go to Toni for the Addendum, what is that XXIX update, so Toni, whenever you're ready.

MS. KERNS: I'll be brief, and if anybody has questions or more details, I'm happy to chat anytime this week. This Addendum is dealing with the Trackos, the Tracking Work Group, and

subsets of the Tracking Work Group have been diligently working. We did receive five applications of trackers. There is only one tracker per application.

The Review Committee is in process of reviewing those. We are going to ask all five permittees to test their data with the API, and we have some additional follow up questions for those five companies. In terms of the work that ACCSP has been doing, the SAFIS API is complete, and it is ready for testing, hence why we were asking for the devices to be tested.

It includes data validations in new fields that support the Lobster Addendum requirements. In addition, there has been comprehensive requirements document that has been completed for the application, as well as the tracker viewer and compliance reports are in process of development. ACCSP and GARFO staff have been coordinating on the GARFO provisions of the lobster permit data, and the VTRs that are being submitted directly to GARFO, so that we can combine the landings reports with the trackers, so they can talk to each other. That's what I have.

CHAIR McNAMEE: Awesome, very concise, thanks, Toni. Any questions for Toni on this topic? Looking around the table. Okay no hands, any hands online? David Borden, go ahead.

MR. BORDEN: I guess a question for Toni, or possibly Bob. When is the funding going to be available to the state agencies to fund this?

EXECUTIVE DIRECTOR BEAL: It's like a trick question. Actually, the ASMFC has the money available to the Commission. However, we need to develop the state spend plans for specific state allocations for each jurisdiction will receive a subcomponent of the overall 14-million-dollar allocation.

We need to develop those spend plans. We've had some conversations with the four northern states, and we need to have more conversations with the states to the south. We're going to have that

conversation at the Executive Committee on Wednesday morning of this week. We should be able to get those spend plans pulled together pretty quickly after that conversation.

MR. BORDEN: Mr. Chairman, can I follow up on that?

CHAIR McNAMEE: You sure can, David, go ahead.

MR. BORDEN: Thank you very much for that response. One point that has come up in my discussions with the industry on whales, has been some individuals have talked about mechanisms, using techniques to reduce risk. It would require tracking sooner than what the Commission has proposed as an enforcement tool. You may want to at least consider that, and even if the Commission, if some group, one of these LMAs proposes something like that, is some mechanism to get access to the funding earlier than what has been proposed.

CHAIR McNAMEE: Okay, so with no additional questions, not seeing any other hands around the table. Let's move on to the next agenda item, which may also be quick. This was to Discuss the Trap Transfer Tax, was an item that Dan McKiernan asked to put on the agenda here. Dan, I'll kind of turn to you for this one.

MR. MCKIERNAN: Can I ask that this be postponed until the February meeting?

CHAIR McNAMEE: I think that would be perfectly fine.

MR. MCKIERNAN: Thank you.

**PROGRESS UPDATE ON JONAH CRAB
BENCHMARK STOCK ASSESSMENT**

CHAIR McNAMEE: We're going to pick this one back up at our next meeting. Moving on to the next agenda item, it's a progress item on the Jonah Crab Benchmark Stock Assessment, and I will look to you, Jeff, to take us into that one.

MR. JEFF J. KIPP: I'll be providing a quick progress update here in the next few slides on the ongoing 2023 Jonah Crab benchmark stock assessment. The review the TC and SAS have completed since we initiated the assessment at the beginning of the year were the Data Workshop and Methods Workshop. The Data Workshop was held virtually from June 13-15.

The Data Workshop built upon our Preassessment Workshop and report, to review the available datasets for their use in this first coastwide stock assessment. Major topics covered during the workshop included the stock structure, to assess the population, potential stock and fishery indicators from available datasets, and necessary data revisions based on determinations made from those two previous topics.

The Methods Workshop was held virtually from October 3rd through the 5th. The TC and SAS reviewed the results of those data revisions identified during the Data Workshop, continued development of potential stock indicators, and also discussed the assessment methods to pursue following this workshop with our available datasets.

I will note that we have experienced some whale work related data delays, but we are currently working through those to get all the completed datasets finalized for this assessment, and for the assessment methods and stock indicators covered at the workshop.

Looking forward to our many milestones include an Assessment Workshop to review and finalize assessment results in early 2023, an external peer review of the assessment in mid-2023, and delivery of assessment to the Board at the ASMFC Annual Meeting next year, to be considered for management. That's what I've got for my presentation, I can take any questions on the Jonah Crab Assessment.

CHAIR McNAMEE: Awesome, thank you, Jeff. Any questions for Jeff on the update about the Jonah

Crab Assessment? Looking around the table, not seeing any hands, any hands online? No hands online either, so thanks for that, Jeff. Nice and easy.

**CONSIDER FISHERY MANAGEMENT PLAN
REVIEWS AND STATE COMPLIANCE FOR
AMERICAN LOBSTER AND JONAH CRAB
FOR 2021**

CHAIR McNAMEE: We're on our last agenda item here, and that is to Consider Fishery Management Plan Reviews and State Compliance for American Lobster and Jonah Crab for 2021, and with that I will turn to you, Caitlin.

MS. STARKS: Given that we're over time at this point, I'm going to really abbreviate this. The Lobster FMP Review had no issues identified by the PRT in a comprised report, so if it's all right, I can send that out to the Board for approval by e-mail after this meeting. Then for Jonah Crab, we've discussed this over the last several years.

But the only issue that was noted by the PRT is related to the New York implementation of the required measures of the Jonah crab FMP, and that's just the regulations to limit the directed trap fishery to lobster permit holders only, and the 1,000-crab bycatch limit. I just want to give a quick update on this issue, which is that New York is now in the process of implementing those measures.

They have not been implemented because of the way New York's crab legislation had to be revised, in order to allow NYSDEC to put those regulations in place. But the legislature had to revise the law so that they can now put those in place in their rulemaking process. I just wanted to provide that quick update, and we can also send this one out to the Board for approval via e-mail.

CHAIR McNAMEE: All right, thanks, Caitlin. It sounds like the one kind of issue that was within the compliance report world is at least in

the process for being resolved. Any questions for Caitlin on this? Dan.

MR. McKIERNAN: Caitlin, I wanted to correct that one section about the lack of Massachusetts recreational landings. Is there an opportunity for me to do that? There will be?

MS. STARKS: If it's all right. I can get the correction from you, Dan, and just work it into the document before I send it out for approval by the Board.

CHAIR McNAMEE: The plan here then is to do e-mail vote on the management plan. Keep an eye out for additional information. I think that is the opportunity, Dan, for you to offer your correction, and we'll take it from there. Anything else on that, Caitlin?

**OTHER BUSINESS
TAKE REDUCTION TEAM, TRAP COMPONENT**

CHAIR McNAMEE: All right, so we are on our last agenda item which is any Other Business? Pat, go ahead.

MR. KELIHER: I'll be very quick. I think this can happen organically between the states that are dealing with this whale issue. The Take Reduction Team will be meeting in November, and two days in early December. There is a good chance that traps could become part of the currency with that conversation, so yet to be seen. I'm not sure what is being put on the table, but I think it's going to be imperative that this management board deals with the trap component, and we don't depend on the Take Reduction Team process.

I don't want to see that coming in that direction. I would urge us to, as we start to understand where the Take Reduction Team conversations, to come together as states to talk a little bit offline, and maybe be able to have something ready, and maybe some formal tasking of the TC at the winter meeting. I just wanted to put that stake in the ground.

CHAIR McNAMEE: Thanks, Pat. Just to summarize the idea of trap reductions in developing metrics, to kind of understand what those trap reductions are doing is kind of the idea. Thanks for kind of getting that out in front of the Board, Pat, something that we'll revisit here in the near future. All right, any other business from anyone else on the Board?

ADJOURNMENT

CHAIR McNAMEE: Are there any hands online, Caitlin? All right, so I think that does it. Thanks everybody for hanging in. Sorry it went a little long there. Actually, I guess I'm supposed to make that into a motion. Is there any objection from the Board to adjourning? No objections to adjourning, we are adjourned, thanks everybody.

(Whereupon the meeting adjourned at 11:55
a.m. on Monday, November 7, 2022)