

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

**The following are partial proceedings due to technical difficulty with
the audio equipment.**

**The Westin Alexandria
Alexandria, Virginia
February 2, 2016**

Approved May 2, 2016

TABLE OF CONTENTS

Consider Approval of Implementation Plans for the Jonah Crab FMP 8
Update on NEFMC Deep Sea Coral Habitat Amendment 9
Update on the State/Federal American Lobster Observer Programs..... 10
Election of Vice-Chair..... 10
Adjournment..... 11

INDEX OF MOTIONS

1. **Main Motion**

Motion to begin a new addendum to address the declining lobster stock conditions in SNE/MA. The PDT with input from the LCMTs is instructed to explore the following alternatives:

- a. **Analyzing the plans rebuilding targets & thresholds to account for current environmental conditions;**
- b. **work to stabilize and increase SSB through changes in biological measures and work towards uniform measures among LCMA's within SNE/MA;**
- c. **Improve permitting & accountability of SNE/MA lobster fisheries by requesting NMFS consider permit endorsement for Area 3 vessels fishing in SNE (west of 70 longitude);**
- d. **Improve current management & compliance with lowered trap limits of nearshore trap fisheries by proposing a uniform closed season & new trap tag deadlines;**
- e. **Accelerate trap allocation cuts that are already codified for the next 5 years in Areas 2 & 3;**
- f. **Recognize the SNE/MA trap fishery as a bona fide mixed crustacean fishery & develop strategies & policies that recognizes the multispecies nature of the catch.**

Motion by Dan McKiernan; second by Mark Gibson. Motion amended.

2. **Motion to Amend**

Motion to amend section b to read as follows:

- b. **Work to stabilize & increase SSB through changes in management measures**

Motion by David Simpson; second by Roy Miller. Motion carries.

3. **Main Motion as Amended**

Motion to begin a new addendum to address the declining lobster stock conditions in SNE/MA. The PDT with input from the LCMTs is instructed to explore the following alternatives:

- a. **Analyzing the plans rebuilding targets & thresholds to account for current environmental conditions;**
- b. **Work to stabilize & increase SSB through changes in management measures;**
- c. **Improve permitting & accountability of SNE/MA lobster fisheries by requesting NMFS consider permit endorsement for Area 3 vessels fishing in SNE (west of 70 longitude);**
- d. **Improve current management & compliance with lowered trap limits of nearshore trap fisheries by proposing a uniform closed season & new trap tag deadlines;**
- e. **Accelerate trap allocation cuts that are already codified for the next 5 years in Areas 2 & 3; and**
- f. **Recognize the SNE/MA trap fishery as a bona fide mixed crustacean fishery & develop strategies & policies that recognizes the multispecies nature of the catch.**

Motion by Dan McKiernan; second by Mark Gibson. Motion postponed.

4. **Motion to Postpone Main Motion as Amended**

Move to postpone the main motion until such time that the Technical Committee can finalize the analysis that was tasked at the last board meeting, to allow time for Rhode Island to bring information to the Technical Committee, and to ensure that the Board develop a goal associated with the main motion for the future. Motion by Pat Keliher; second by Eric Reid. Motion carries.

5. **Main Motion**

Move to approve Draft Addendum I to the Jonah Crab FMP for public comment as modified today. Motion by Terry Stockwell; second by Pat Augustine. Motion postponed until Section discusses additional draft addendum items.

6. **Motion to Postpone**

Move to postpone the motion to after the Board considers additional items in the Addendum. Motion by Doug Grout; second by Emerson Hasbrouck. Motion carries without objection.

7. **Move to include in Addendum I the option outlined in issue 2 Move to include in Addendum I the option outlined in issue 2 of PDT memo with the inclusion of option C that would be a 1,000 crab per trip limit.** Motion by Doug Grout; second by Emerson Hasbrouck. Motion carries.

8. **Main Motion**

Move to approve Draft Addendum I to the Jonah Crab FMP for public comment as modified today. Motion made by Terry Stockwell; second by Pat Augustine. Motion approved by consensus.

9. **Main Motion**

Move to initiate an addendum to create standards and management measures for a Jonah crab claw only fishery. Motion made by Jim Gilmore; second by Bill Adler. Motion tabled.

10. **Motion to Postpone**

Motion to postpone until the next meeting pending a General Counsel review by NOAA Fisheries. Motion made by Dan McKiernan; second by Pat Augustine. Motion passes.

11. **Move to nominate Stephen Train as Vice Chair to American Lobster Board.** Motion by Jim Gilmore; second by John Clark. Motion passes.

12. **Move to adjourn** by consent (Page 11).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	James Gilmore, NY (AA)
Terry Stockwell, ME, Administrative proxy	Steve Heins, NY, Administrative proxy
Stephen Train, ME (GA)	Emerson Hasbrouck, NY (GA)
Sen. Brian Langley, ME (LA)	Pat Augustine, NY, proxy for Sen. Boyle (LA)
Douglas Grout, NH (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Tom Fote, NJ (GA)
G. Ritchie White, NH (GA)	Brandon Muffley, NJ, proxy for D. Chanda (AA)
William Adler, MA (GA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Mark Gibson, RI, proxy for J. Coit (AA)	Bill Goldsborough, MD (GA)
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Allison Murphy, NMFS
David Simpson, CT (AA)	
Lance Stewart, CT (GA)	

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

Ex-Officio Members

Mark Robson, LEC Representative	Bob Glenn, Technical Committee Chair
---------------------------------	--------------------------------------

Staff

Megan Ware	Robert Beal
Toni Kerns	Kirby Rootes-Murdy

Guests

Chip Lynch, NOAA	Rene Zobel, NH F&G
Michael Petony, NMFS GARFO	Marin Hawk, MSC
Peter Burns, NMFS	Grant Moore, AOLA
Mike Ruccio, NMFS	Michael Hall, Narragansett, RI
Derek Orner, NMFS	Arnold Leo, E. Hampton, NY
Jason McNamee, RI DEM	Raymond Kane, CHOIR

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 2, 2016, and was called to order at 9:01 o'clock a.m. by Chairman Dave Borden.

*Due to technical difficulties the initial proceedings for the American Lobster Management Board were never recorded. Due to staff resourcefulness the afternoon proceedings were recorded and are submitted into the record. **Beginning at Agenda Item 7; Review Catch Records from Jonah Crab Claw Fishermen and Discuss Action to Create a Standard for Claw Landings.***

MS. MEGAN WARE: Just as a background for how this issue came about; the FMP establishes a whole crab fishery with the exception of fishermen in New Jersey through Florida who can prove a history of claw landings. At the last board meeting we thought that there might be 46 claw fishermen, which was way more than we originally thought.

There were fishermen in New York, too, and they are currently not exempted. Our task was to investigate catch and landings records to more fully understand this portion of the fishery. What I did was I reached out to each of the states and I asked the following questions. How many fishermen are landing claws? What is the poundage being landed? Are there any practices we should know about? Where is this occurring?

The goal of all of these questions is to understand the size of the fishery so that we could set an appropriate harvest standard for claws. I am going to go through what each of the states sent me. I'm going to be fairly brief, given the time of day. Then I will go to some biological data that I was sent that I think will be useful.

Maine that is a new one here, Maine does have a claw fishery. The number is confidential and one of our concerns is that this is mostly a

personal consumption claw fishery. This is not going to be reflected in dealer reports. The numbers that you see here on the chart are likely a significant underestimate to what the claw fishery actually is in Maine.

Next we'll go on to New York. New York has claw fishermen who first land whole crabs, and then if they're not able to find a market for the whole crabs they'll sell their claws. They are using lobster pots and fish pots in both federal and state waters. The max landings here, these are not actual claw landings, these are total landings in pounds reported on VTRs for all New York fishermen who reported to have sold claws.

Since we know that all of their catch is not strictly claws, it is a combination of both whole crabs and claws. This is the max landings. This is a large overestimate of their claw landings but it is kind of the best we've got right now and it gives us an upper limit. Moving on to New Jersey; there are a significant number of unknowns in New Jersey, and that is mostly because their dealer reports don't differentiate between claws and whole crabs. We don't know the number of claw fishermen, we don't know claw poundage. We also don't know location of harvest, because the dealer reports from my understanding only give the port where that landing actually happened.

It is also possible for harvesters to fish and not report, and this happens if you don't have a federal permit and are fishing in state waters. The data is collected through VTRs, so that would be missed if you were in state waters. Given that here, what this table shows is the number of New Jersey vessels landing Jonah Crab.

What I want to point out is A, we don't know how many of these are landings claws, but also we have a variety of gears here and we also have some vessels that have lobster permits and some that don't. An issue for the board to decide is who can land claws. Do you have to have a

lobster permit? What kind of gear can you use? I'll go into that more in a second.

Next would be Delaware. There are two claw fishermen in Delaware. Their pounding is confidential but they are fishing in federal waters. They are harvesting both claws and I was told that they have a preference to harvest crabs over four inches. Then finally Maryland, I'm going to spend a little more time on them because their trip level data was probably the most robust. But there are 18 fishermen in total between 2000 and 2015.

Total landings in 2014 were over 30,000 pounds. This is just claws. That dropped to over 20,000 pounds in 2015. All landings per trip are under 4,500 pounds. Again that number is large, because it was driven by one or two very high trips. But in general the vast majority of these trips are quite small. Fifty percent of fishermen average less than 50 pounds per trip.

Eighty percent of fishermen average less than 200 pounds per trip, and 60 percent of fishermen landed less than 500 pounds of claws yearly. Again this is generally very small landings, it is just driven by one or two large trips. Like New Jersey we have a bunch of different gears here; lobster pots, fish pots, gillnets. It is happening in state and federal waters and they are harvesting both claws.

This table here shows the claw landings for all gears combined. The number of fishermen has slightly increased, but I would say the number of trips has increased; 70 trips in 2015 and then that highest year of pounds landed was in 2014 with over 30,000 pounds of claws landed. Then I was able to split out the Maryland data by gear.

We can see that the vast majority is landed by lobster traps, but we also have a significant amount from gillnets and whelk pots. I just wanted to point that out that we do have multiple types of participants in the claw fishery. Next I'm going to go on to the biological data that

was given. This was submitted by Derek Perry from Massachusetts.

He is doing work as part of an SK grant to understand the biology of Jonah Crabs, and so he has been measuring Jonah Crabs and he is able to plot out the relationship between carapace width and claw height. The blue dots in this graph are measurements of crabs from southern New England, and the red dots are measurements from crabs in the Gulf of Maine and Georges Bank. He was able to do a linear regression on this. In general what we would expect is if a crab met that minimum size of four and three-quarter inches, which is the black lines, then we would expect a claw height of about 1.3 inches. They are a little over 35 millimeters. That is some of the biological data I was able to get. He was also able to look at the relationship between carapace width and claw length.

Again, the blue dots are measurements from southern New England; the red dots are measurements from Gulf of Maine, Georges Bank. If we had that minimum size claw of four and three-quarter inches, which is about the 120 millimeter length; then we would expect a claw length just over 60 millimeters, which is about 2.4 inches.

Something I want to point out with these is that these are only male crabs. If we go to the next slide, this data is from Craig from Maryland. I've included this here, because it shows the difference between male and female claws. He basically did the same exact thing, he measured the relationship between carapace width and claw length.

What he is showing here, is that to protect both male and females of that minimum size you would need a claw length just over 2.5 inches. All of these crabs are from Maryland, and the number is only 40 measured here, so it is a really small sample size. But I did want to show it, because it does differentiate between male and female.

Then we also had Josh from New Hampshire submit data. He is doing a study on claw mortality, so what happens if you remove Jonah Crab claws, what happens to the Jonah Crab. He has done five laboratory trials. Overall he's found that for just control crabs, so no claws removed, there is 19 percent mortality.

When one claw is removed it is 56 percent mortality and then when two claws are removed that is 74 percent mortality. Most of this mortality when claws are removed is occurring in the first six days, whereas the control mortality was after two weeks, I believe. Then he is also looking at how this affects the feeding of Jonah Crabs.

The long and short of this is just that when you remove claws they seem to eat less, and they prefer to eat things that are soft, such as an already shucked mollusk. But given the time, I'm just going to keep going and start the discussion on the claw fishery. Overall we're seeing we have claws harvested in six states with a variety of gears.

I think we have pretty poor trip level data, but biological data may prove more useful in management. Some of the questions for the board to consider today are does the board want a claw fishery? If yes, what standard would be best to manage the claw fishery, and who can land claws? Do you have to have a lobster permit or do you have to use a lobster trap? With that I will start the discussion.

MR. WILLIAM A. ADLER: Thank you for a very good report. I did have a question. Back on one of the slides it showed how many pounds, I guess it was that was brought in, in a particular area. Let's say 2015; 21,232. Is that the weight of pounds of just claws not counting the crab?

MS. WARE: That is my understanding from the data, yes.

MR. ADLER: All right so that would mean there is a lot more poundage if you were taking all the crabs.

MS. WARE: Correct.

MR. DANIEL MCKIERNAN: And the source of that data is dealer data or trip level reports from fishermen?

MS. WARE: Trip level reports from fishermen.

CHAIRMAN DAVID V. BORDEN: Other comments, questions? Okay we basically have to decide how to proceed here. Obviously the importance of this is the main management measure in the Crab plan is minimum size. If you allow claws to come in you have under the current format and plan, you have no assurance they're going to come from legal crabs. What is the preference of the board on how to deal with this?

MR. STEPHEN TRAIN: I guess I would like to hear from enforcement on how enforceable these crab claw sizes possibilities are, if they can tell. I mean I've been very opposed to landing the claws since we started this. But 74 percent mortality is still better than 100 percent mortality when you land the whole crab. I might be open if it is an enforceable rule to considering these things.

MR. MARK ROBSON: The Law Enforcement Committee commented when we commented on the original amendment. We of course specified that we preferred that crabs be landed whole. We did not really favor having a claw provision in the amendment. I think we would have to go back and revisit specific standards of claw measurements. The comments that were made at the time were that in addition to having the problem of potentially undersized crabs being used and then just having the claws harvested, which sort of defeats your minimum size requirement.

That obviously having to go out then and measure claws along with minimum size carapaces, just adds a much more complicated issue for enforcement; either on the water or on the docks to measure claws. But if there are specific types of claw measurement, height or length or specific ranges of claw measurements, then we may want to look at that again.

CHAIRMAN BORDEN: All right anyone else?

MR. PATRICK AUGUSTINE: Great report, Megan. Clarification, did you mention that there is a relationship to the size of the claw and the age of the animal? I didn't hear that. When you get this old you don't hear a lot of things, but can you help me with that?

MS. WARE: I didn't mention that. One of the, I guess complicating factors I'll say, is that if you remove the claw then obviously your claw length will be much smaller for a higher aged crab. All of the measurements that were presented in the first graphs I showed were regenerated claws were removed from that analysis. But I don't know the age of that crab.

MR. AUGUSTINE: Just a follow up, Mr. Chairman. Is there a relationship where you could compare the growth of these animals to blue crab growth? I guess I'm looking for, with blue crab there is a size, a minimum size. I'm wondering if there is a direct relationship between claw growth, claw size and the animal and whether that may be a measure. I understand what enforcement is saying, and it appears it is another layer of difficulty for enforcement people to go through, based on the number of animals that are being caught.

CHAIRMAN BORDEN: Anyone to that point?

MR. BOB GLENN: I can answer to that. Based on the work that we're doing at Mass DMF that Megan presented, there is a strong positive relationship between carapace width and claw length, and also claw height. I would caution the

board on the use of claw height, because of the subjectivity in measuring it.

You could measure the height of a claw at several different places, and depending on where you measure that you're going to get its maximum height. It would be difficult to define that in regulations, so I would suggest that if the board were entertaining a claw standard I would strongly advise on the claw length, because I think it is easier to comply with and easier to enforce probably.

MR. AUGUSTINE: One following, Mr. Chairman. Would it really make sense to be concerned to setting that in our regulation now, or is the status of the stock such that we shouldn't be looking at this and maybe an addendum two or three years from now; that it would be appropriate for us to bring that back up.

In other words I guess the question is, are we making it too complicated now as we're just going into this new approach; that we're going to make it difficult for the fishermen and enforcement to really do their job. I don't know if you can answer that question or not, Bob or Megan.

CHAIRMAN BORDEN: Well, I just provide my own insight and it's one of my concerns about this. I would simply point out that Dan McKiernan has done yeoman's duty on this particular issue by working with the staff. It is amazing how much time has been consumed on some of these crab issues. I would just note this is not a very big fishery. It is not a major fishery.

It is not like people are making a huge amount of money. It is a fishery of convenience. You have some fishermen bring them in for personal consumption, which I don't view is a problem, as long as it's small quantities. You have other fishermen in New York in particular that bring it in; they want to sell it whole. Then if the market won't accept the whole crabs, they snap the claws off and just sell the claws.

I guess my concern is we're going to an enormous amount of work to try to get this done for a very small group of individuals. I personally, or at least in my own mind I'm questioning why we're doing this. If it is going to be a huge burden on enforcement, you are probably not going to have a lot of enforcement officers who are going to willingly want to get down there and start measuring thousands of claws to see what the compliance rate is.

It might be simpler. I understand that this might be unpalatable to some people and states, but it might be simpler just to leave the requirement, you have to land the crab whole at the time of landing and then if in fact somebody wants to sell claws, they have to butcher them at the dock. But that is just a personal observation.

MR. AUGUSTINE: With that clarification and what Dan has brought to the table in terms of hours of effort having reviewed this. **I would move that we remain status quo on this issue and go by the recommendation of the Enforcement Committee that we have approved early on in this meeting.**

MS. WARE: Just for clarification; status quo means that it is a whole crab fishery but those who have a history of landing some claws from New Jersey through Virginia are able to land claws.

MR. AUGUSTINE: I am going to refer to Mr. Gilmore to explain why this doesn't work.

CHAIRMAN BORDEN: Can I just point out while the two of you are going back and forth that unless we take action to allow this practice it is not allowed. It is not allowed consistent with the current regulations.

MR. JAMES J. GILMORE: Well that was my question. I was going to say, I agree with you Dave. I don't think we need to deal with this and just leave that there be a claw fishery. However, how do we unravel the fact that we gave exemptions at the summer meeting? I'm not sure how to fix that right now, because New York

clearly has a claw fishery. I think other states do. I'm looking for a suggestion on how we fix that.

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

MS. WARE: I think my understanding, and Toni you can correct me. I think if you guys want to make it just strictly a whole crab fishery this would require an addendum to remove those exemptions. There would be an option for status quo, which would be a whole crab fishery with the exemption for the New Jersey through Virginia fishermen, and then a possibility for Option 2 would be strictly a whole crab fishery coast wide.

CHAIRMAN BORDEN: All right, David Simpson.

MR. DAVID G. SIMPSON: Yes I guess I don't have a strong feeling one way or the other, but I am thinking about the burden of measuring individual claws, and I wonder if there is data available on weight per hundred count or something like that to set a guideline. I remember scallop count days, so I know how it will quickly get gamed. But I just can't imagine law enforcement going through and as you said, measuring hundreds of individual crabs. I wonder if there is any data on weight per count.

CHAIRMAN BORDEN: I don't believe that information exists.

MR. PATRICK C. KELIHER: Could we add those options as Megan just laid them out to the current addendum and bring these out for public comment, and then be able to wrestle this after the fact?

MS. WARE: None of that language is currently drafted. I can work to draft that quickly if the board is interested in that. But the board wouldn't be able to see that language. If the board was interested in seeing that drafted language before public comment, we would have to do that somehow electronically. That language has not currently been drafted, but if

that is the boards will we will quickly work to do that.

MR. JOHN CLARK: I'm just a little confused, because the plan does allow for the retention of claws only, and the new addendum doesn't have anything about that so status quo to my understanding would be that we would continue to allow claw retention, correct?

MS. WARE: Yes so this would be I guess Issue 3, we'll call it in the addendum. The addendum would address both incidental bycatch and claws. Under the claw issue there would be, I'm not trying to put words into the board's mouth, but two options could be status quo, which would be the whole crab fishery with the exemptions for New Jersey through Virginia and Option 2 could be a strictly whole crab fishery coast wide.

CHAIRMAN BORDEN: One of the things that I would put out here is that one of the concerns; well I think a number of individuals are rightly worried about an expansion of the fishery. When we originally discussed this, and I think I was one of the ones that spoke in favor of the claw fishery because of the Mid-Atlantic situation. If we could figure out a way to cap it, for instance at the existing landings, then I could see that working in a conceptual manner in support of the concept.

MR. MICHAEL LUISI: Maybe this is a question for Megan. How does the addendum that we just approved for public comment, how do the trip limits in that addendum apply to the majority of landings under the claw fishery that we're currently discussing, such that what I'm thinking about is if through the Addendum 1 process we establish some form of a trip limit on the number of crabs that are effectively handled and dealt with on these bycatch trips.

If those bycatch trips make up 90 percent of the reported landings of these claws that we're talking about right now, then we could essentially use those trip limits as a mechanism

for establishing claw limits that would go hand in hand, perhaps in some way like that. I am confused about the idea of adding something to the document that we just approved for public comment. Before lunch we just approved Addendum 1 to go to the public and to add something in now I think is a little last minute, if not already past the time.

CHAIRMAN BORDEN: Yes since there has been no action on that my suggestion would be let Addendum 1 move forward the way it is currently cast, and if we want to do another addendum we simply do it. We work out, I think your advice is well put that we simply start the process. We draft an addendum, circulate the language, let everybody look at it and put it on an agenda for the next meeting.

MS. WARE: Just to get to your point, Mike. That is one of the questions we do need to solve is who can land claws. If someone is now going to be using a non-lobster trap and they're catching claws that is something that the board needs to decide; who can land claws.

MR. LUISI: Okay yes, I understand the two points. I just want to be clear that I wasn't suggesting in my comment that we initiate a new addendum. I was simply saying maybe we should let this other addendum play itself out, and then have an opportunity to see how this claw issue and the limits that we establish in that addendum can be viewed together. Maybe that would be the guidance we would need to start something if need be.

CHAIRMAN BORDEN: All right comments on that suggestion? What is the preference? I've got a couple of hands up. Eric Reid.

MR. ERIC REID: I'm good with what Mike said, let Addendum 1 take its course, and I would look forward to having a conversation about a whole crab only fishery and a limit for personal use, whether it's a pound, a peck or a pen worth of claws after that.

MS. ALLISON MURPHY: Back in August we commented that we thought it would be hard to justify a claw only fishery without better mortality information. At that time we supported a claw only fishery. It is good to see that a lot of work has been done on this issue in the last few months.

But at this stage I think we would still support a claw only fishery, given the high level of mortality to crabs with one or both claws removed. That being said, I think we would be supportive of the process playing out, whether it be through an addendum initiated at this meeting or in the future.

MR. GILMORE: I am kind of lost so I have a couple of questions. If we let the addendum play out, there are four states that have an exemption. Then New York being one of the states that don't have an exemption, we wouldn't have a claw fishery until we started a new addendum to add that in, which is not making me particularly happy.

Here is a suggestion, and hear me out, and Bob and Toni pay attention, because I'm not sure if we can do this or not. That motion that was passed that gave the exemption, and I hope everyone will agree was based on no data. We essentially did that seat of the pants. We didn't have the data and we essentially gave those exemptions.

If we head back to that point and I was sitting here, I would have added my state in and probably other states would. Is there a possibility in a cleaner way to revisit that motion and just take that exemption away and then not deal with the claw fishery so we don't have to do another addendum?

MS. KERNS: Typically once we approve an FMP you have approved that FMP. In order to make a change in one of the regulations that has been codified you would need to do an addendum to remove that regulation.

CHAIRMAN BORDEN: What is the preference here? Does anyone want to speak to that?

MR. AUGUSTINE: I think Jim had his hand up. He wants some clarification.

MR. GILMORE: If that's the case, I did not want to initiate an addendum on a claw only fishery, but I'm going to be forced to do it because I have to include New York in the fishery. I can give you that motion now or what is your preference, Mr. Chairman?

CHAIRMAN BORDEN: Go ahead. Do the motion now.

MR. GILMORE: All right, initiate an addendum to create standards and management measures for a Jonah Crab claw only fishery.

CHAIRMAN BORDEN: Second anyone? Motion dies due to lack of, Pat? No, you're in the same delegation. Bill Adler. Motion by Jim Gilmore, seconded by Bill Adler, motion is on the table, discussion.

MR. MCKIERNAN: Whatever we do in the end on this, we have to ask the National Marine Fishery Service to adopt rules in the federal zone that they're going to be comfortable with, in terms of the equal protection issues and treating states fairly. I just want us to be realistic, and maybe each of us ought to be talking to NMFS if we want to have an EEZ fishery for Jonah Crabs with rules that pertain to landing in certain states.

I think that would be unprecedented and I just want us to really think that through. I just can't imagine that being the case. I would rather see some kind of a uniform standard applied to the entire fishery, whether it be some nominal amounts, whether it be a prohibition on parts, whether it be parts have to be accompanied by totes of clawless crab bodies. Something has to be consistent. We can't have the motion that was passed in August live on; because it won't be enacted I don't believe by NMFS in a final rule.

CHAIRMAN BORDEN: One option here would be to not proceed with this strategy in terms of the motion and simply ask NOAA General Counsel to provide us with some written guidance on that for the next meeting. What is the preference? I mean we have a motion on the table that we should vote on in deference to Jim and Bill, but if they prefer to withdraw the motion I would be happy to entertain that and we could seek some legal advice between now and the next meeting on the legal issue that Dan. Jim, have you got a preference? We'll vote on it if you want.

MR. GILMORE: That's okay with me, Mr. Chairman. I would withdraw the motion under that.

CHAIRMAN BORDEN: Okay Pat Augustine, oh no it was Bill Adler, excuse me. Bill, are you comfortable with withdrawing the motion? Okay the motion has been withdrawn then; any further action on this? A letter is going to be sent then to the National Marine Fisheries Service asking them the specific question that Dan raised.

MR. DENNIS ABBOTT: Yes point of order. You can't withdraw the motion; the motion belongs to the board.

CHAIRMAN BORDEN: Okay. Well the one thing you can do is somebody can make a motion to table it. Dan.

MR. McKIERNAN: Motion to table Mr. Gilmore's motion until the next meeting pending a General Counsel review from NOAA.

CHAIRMAN BORDEN: Seconded by Pat Augustine. Discussion of the motion to table, there is no discussion. Are you ready for the question, need a caucus? No one needs a caucus. All those in favor raise your right hand. Eleven in favor, opposed, no opposition, any abstentions, null votes? **Okay motion passes, motion has been tabled.**

MR. AUGUSTINE: Mr. Chairman, point of information. I don't think Mr. Abbott seconded that unless he did and I didn't know it.

CHAIRMAN BORDEN: Okay so, Pat.

MR. AUGUSTINE: Did Mr. Abbott second that before I did? Up there, I think I seconded it, if Mr. Abbott wants it he can have it.

MR. ABBOTT: Excuse me; I think if Mr. Gilmore made the motion Mr. Augustine is not supposed to second it. That's why I jumped in.

CONSIDER APPROVAL OF IMPLEMENTATION PLANS FOR THE JONAH CRAB FMP

CHAIRMAN BORDEN: The next issue is the implementation plans, and I hope this will go easier than the last issue. Megan.

MS. WARE: All right so implementation plans for the Jonah Crab FMP were due January 1st. I received plans from all states. I've contacted all the states that had state specific issues or the PDT was recommending some sort of change, so I am not going to discuss those today. If a state has a question or concern you could talk to me and we'll work it out. What I would like to talk about today is how to move forward with implementation, given that we have an addendum right now for public comment to potentially alter the incidental bycatch limit.

What I would like to hear from the board is how we would want to proceed with that. Is the board interested in implementing the incidental bycatch as is now, which again is a 200 crab per day, 500 crabs per trip incidental bycatch limit for non-trap gear, or would the board like to hold off on implementing anything in regards to that specific issue and wait for final action on Addendum 1?

CHAIRMAN BORDEN: Comments?

MR. GILMORE: Well, first I would like to hold off on taking Option 2 for a number of reasons. First

off this thing became extremely messy. We've got so many pieces to it. I think we have a June 1st implementation date. I don't even have my rulemaking yet done, and now I will have to put one in to try to make June 1st, which typically takes me six months. I'm going to miss that and I'll have to put a second one in to do this, and it is going to be logistically very difficult to get both those through, so I would prefer to wait.

CHAIRMAN BORDEN: Other comments? Any objections to waiting, how long are we going to wait?

MS. WARE: That is something we can discuss in May when we do final action on the addenda. We could discuss implementation of the bycatch limit at that point if people are okay with that. If each state could come with a date by which they could implement that; that would be great.

CHAIRMAN BORDEN: Any objections to handling it in that manner? Okay no objections, so we'll do that.

UPDATE ON NEFMC DEEP SEA CORAL HABITAT AMENDMENT

CHAIRMAN BORDEN: Next item is the deep sea corals, and I'm going to recognize Doug Grout and possibly Terry.

MR. DOUGLAS E. GROUT: The New England Fisheries Management Council a number of years ago initiated an amendment on deep sea coral habitat. We did set it aside while we were doing the Omnibus Habitat Amendment. We've now picked it up. During this period of time one of the things that has been good about delaying is that we have a lot more information about where deep sea corals actually occur, based on surveys compared to what we were basing our original amendment on, which was based essentially on habitat. Now we have empirical evidence of it. One of the issues that the council has asked us to help out with is apparently there is some offshore lobster fishing that is occurring out near some of the deep sea canyons out there

where some of the deep sea corals have been documented. But we don't have specific BTR data that outlines exactly where that fishing effort is.

They've asked the commission if we have some other information that may be able to help out with this. Furthermore, because we are potentially going to contemplate applying any measures to a lobster trap fishery out there, we wanted to have a member of the board here participate in the Habitat Committee.

Our Chairman of the Lobster Board here has graciously agreed to be the commission's representative on the Habitat Committee for now. That is basically where we're going with this. We're going to have a meeting here, I believe in March. Megan, do you have anything else you would like to bring up about it?

MS. WARE: As Doug was saying, we were asked to provide information on the distribution of lobster fishing effort in the canyons, so that the council can look at the potential economic impact if they were to limit lobster fishing in these deep sea coral areas. I am currently working now with a group to draft a survey on that; since we don't actually have that sort of detailed information. That will be being sent out to Area 3 fishermen. Our goal is to be able to present that data to the council in April. I can give more updates as we go, but that is where we are right now.

CHAIRMAN BORDEN: Any questions for Doug or Megan? I would just add to this. I mean one of the issues here is that not all of the boats that are fishing the canyons have to do complete logbooks, and so there is a lack of information from certain areas along the shelf. As was stated by a number of the offshore representatives, I mean that entire edge, you can go from the Canadian line all the way down off of New Jersey. That edge, all those canyons are being fished by fishermen up and down.

They are either being fished for lobsters, there is a red crab fishery that takes place outside in the really deep water and then there is a Jonah Crab fishery that takes place in the shallower extent. Unfortunately that information is not well detailed in the database, with the result that when the council staff does their examination of the issue, they end up with this patchy exposure. It is really critical to get that information as we move forward; any further action? Dan.

MR. McKIERNAN: Yes, David, can I recommend for the next meeting you prepare a report or consult the National Marine Fisheries Service about the potential for requiring VTRs of all federal lobster permit holders?

CHAIRMAN BORDEN: You actually raise an interesting question. I would have no objections to doing that. But that is one of the issues that the Technical Committee specifically identified as one of the flaws in the existing plan. My expectation would be that as we get into fleshing out the details of the next amendment, we should look at those recommendations and then include provisions that address some of those data deficiencies. I think it is appropriate. I have no objections. If Peter, for instance would like to go back to the agency and discuss that internally and then come forward with some advice to the board. I think that is useful. But you've already got a recommendation to do that from the Technical people.

MR. McKIERNAN: To follow up. Could you write a letter specifically to NOAA Fisheries on this matter and ask for a response?

CHAIRMAN BORDEN: Sure. Any objection to that? No objection, okay. We have a short, oh excuse me. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a real quick procedural thing. Usually if the commission is going to send a letter to NOAA Fisheries you run that by the Policy Board, just essentially inform all the states that we're requesting some feedback from NOAA Fisheries.

UPDATE ON THE STATE/FEDERAL AMERICAN LOBSTER OBSERVER PROGRAMS

CHAIRMAN BORDEN: All right we'll follow that procedure. Okay the next item on the agenda is update on the observer program and we'll go into the election and hopefully adjourn after that.

MS. WARE: I'll keep this really short. One of the issues with the federal observer program was that the sampling frame was quite small. It only looked at VTR fishermen. I am happy to report that that has been changed, it now looks at all lobstermen that fish in federal waters, whether you report on a VTR or not. I think that is a really big improvement for the observer program, and that went into effect January 1st. Our next task is to try and create uniform codes, so codes for egg status or shell disease and we'll be working on that.

CHAIRMAN BORDEN: Any questions for Megan?

ELECTION OF VICE-CHAIR

CHAIRMAN BORDEN: Okay next item is election of a Vice-Chairman, the floor is open.

MR. GILMORE: **I nominate Steve Train from the state of Maine as the next Vice Chairman for the Lobster Board.**

CHAIRMAN BORDEN: Is there a second? Seconded by John. Any other nominations? Pat Augustine.

MR. AUGUSTINE: **I move that you close the nominations and cast one vote on behalf of the board for our new Vice Chairman.**

CHAIRMAN BORDEN: Any objections to that course of action? If not, there are no objections, congratulations, Steve! I am going to be on vacation for the next board meeting. Okay other business? Is there any other business to come before the committee? If not, I would just like to remind everybody; what you agreed to do today is basically we've got a schedule of public hearing

on Jonah Crabs, Lobster PDT has to meet and redefine a number of those answers on those questions that they're still working on.

Rhode Island has to submit their analysis to the PDT. We're going to need the PDT was basically charged to formulate recommendations on goals and management measures that will be considered by the board at the next meeting. We're also going to have a separate discussion on the Gulf of Maine and the overfishing standard. Did I miss anything? If not, any objection to – Ritchie.

MR. RITCHIE WHITE: Wasn't the agenda going to include kind of a discussion of goals?

CHAIRMAN BORDEN: Yes. That was going to be part of it too. We'll get a recommendation from the PDT on that.

MR. GILMORE: Not on that just, Mike it is Vice Chairman. I was trying to help Dave out and get them knocked out quicker, but it didn't work.

ADJOURNMENT

CHAIRMAN BORDEN: All right, any objection to adjourning? If not, meeting is concluded. Thank you.

(Whereupon, the meeting was adjourned at 1:31 o'clock p.m., February 2, 2016.)