

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

Webinar
January 25, 2022

Approved February 23, 2022

TABLE OF CONTENTS

Call to Order, Chair Jason McNamee 1

Approval of Agenda 1

Approval of Proceedings from October 18 and December 6, 2021 1

Public Comment 2

Consider Draft Addendum XXVII for Public Comment: Increasing Protection of Spawning Stock in the
Gulf of Maine/Georges Bank 2

Consider Terms of Reference for the Jonah Crab Benchmark Stock Assessment 13

Consider the Fishery Management Plan Reviews for American Lobster and Jonah Crab for the
2020 Fishing Year..... 16

Review and Populate the Advisory Panel Membership 21

Other Business
 Tracker Addendum..... 21

Adjournment 22

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve Proceedings of October 18 and December 6, 2021** by consent (Page 1).
3. **Move to approve Draft Addendum XXVII for Public Comment, as amended today** (Page 12). Motion by Dan McKiernan; second by Pat Keliher. Motion approved by consent (Page 13).
4. **Move to approve Terms of Reference and timeline for Jonah Crab Benchmark Stock Assessment** (Page 15). Motion by Dan McKiernan; second by Emerson Hasbrouck. Motion approved by consent (Page 16).
5. **Move to approve Fishery Management Plan Review, state compliance reports, and de minimis requests for DE, MD, and VA for American Lobster for the 2020 Fishing Year** (Page 18). Motion by Emerson Hasbrouck; second by Colleen Bouffard. Motion approved by consent (Page 19).
6. **Move the American Lobster Board recommend to the ISFMP Policy Board that the State of New York be found out of compliance for not fully and effectively implementing and enforcing Section 5.1. Commercial Fisheries Management Measures of the Fishery Management Plan for Jonah crab, and Sections 3.1 and 3.2 of Addendum I to the FMP. The State of New York must implement regulations to limit participation in the directed trap fishery to only those vessels and permit holders that already hold a lobster permit; or can prove prior participation in the crab fishery before the control date of June 2, 2015. The State of New York must also implement the incidental bycatch limit of 1,000 crabs per trip for non-trap gear and non-lobster trap gear. The implementation of these measures is necessary to achieve the goals and objectives of the FMP and ensure conservation of the species by preventing increased participation and landings in the fishery** (Page 19). Motion by Pat Keliher; second by David Borden. Motion postponed.
7. **Move to postpone until the August 2022 meeting** (Page 20). Motion by Pat Keliher; second by Cheri Patterson. Motion approved by consent (Page 21).
8. **Move to approve Fishery Management Plan Review, state compliance reports, and de minimis requests for DE, MD and VA for Jonah Crab for the 2020 Fishing Year** (Page 21). Motion by Cheri Patterson; second by Roy Miller. Motion approved by consent (Page 21).
9. **Move to approve American Lobster Advisory Panel nominations Eben Wilson and Jeff Putnam** (Page 21). Motion by Pat Keliher; second by Cheri Patterson. Motion approved by consent (Page 21).
10. **Move to adjourn** by consent (Page 22).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Emerson Hasbrouck, NY (GA)
Sen. David Miramant, ME (LA)	John McMurray, NY, proxy for Sen. Kaminsky (LA)
Cherie Patterson, NH (AA)	Joe Cimino, NJ (AA)
Ritchie White, NH (GA)	Peter Clarke, NJ, proxy for T. Fote (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Dan McKiernan, MA (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, Administrative proxy
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, Administrative proxy
Colleen Bouffard, CT, proxy for J. Davis (AA)	Bryan Plumlee, VA (GA)
Bill Hyatt, CT (GA)	Allison Murphy, NOAA
Jim Gilmore, NY (AA)	

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

Ex-Officio Members

Kathleen Reardon, Technical Committee Chair

Staff

Robert Beal	Kristen Anstead	Sarah Murray
Toni Kerns	James Boyle	Julie Defilippi Simpson
Maya Drzewicki	Emilie Franke	Caitlin Starks
Laura Leach	Jeff Kipp	Anna-Mai Svajdlenka
Tina Berger	Chris Jacobs	Deke Tompkins
Pat Campfield	Dustin Colson Leaning	Geoff White
Lisa Carty	Adam Lee	

Guests

Karen Abrams, NOAA	Barry Clifford, NOAA
Jeff Amorello	Heather Corbett, NJ DEP
Pat Augustine, Coram, NY	Nichole Lengyel Costa, RI DEM
Jason Avila, Avila Global	Greg Cudnick
Peter Benoit, Ofc. Sen. King, ME	Jesica Daher, NJ DEP
David Bethoney, CFR Foundation	Laura Deighan, NOAA
Alan Bianchi NC DENR	Aubrey Ellertson, CFR Foundation
Jeff Brust, NJ DEP	Catherine Fede, NYS DEC
Joshua Carloni, NH FGD	Lynn Fegley, MD DNR

Guests (continued)

Marianne Ferguson, NOAA	Derek Orner, NOAA
Cynthia Ferrio, NOAA	Willow Patten, NC DENR
Zachary Fyke, NOAA	Derek Perry MA DMF
Jon Hare, NOAA	Nicholas Popoff, US FWS
Amalia Harrington, Univ ME	Chad Power, NJ DEP
Brendon Harrison, NJ DEP	Tracy Pugh, MA DMF
Heidi Henninger, Offshore Lobster	Burton Shank, NOAA
Jay Hermsen, NOAA	Melissa Smith, ME DMR
Ashanti Jackson	Lauren Staples, NH FGD
Zack Klyver	Rachel Sysak, NYS DEC
Marguerite Koehler	Wes Townsend
John Maniscalco, NYS DEC	Scott Curatolo-Wagemann, Cornell
Patrice McCarron, MLA	Jesica Waller, Univ ME
Kim McKown, NYS DEC	Megan Ware, ME DMF
Conor McManus, RI DEM	Craig Weedon, MD DNR
Nichola Meserve, MA DMF	Angel Willey, MD DNR
Katherine Morfill, Ofc. Sen Markey	Chris Wright, NOAA
Brian Neilan, NJ DEP	Daniel Zapf, NC DENR
Jeff Nichols, ME DMR	Renee Zobel, NH FGD
Adam Nowalsky, Port Republic, NJ	

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, January 25, 2022, and was called to order at 10:00 a.m. by Chair Jason McNamee.

CALL TO ORDER

CHAIR JASON McNAMEE: Welcome everybody to the American Lobster Management Board meeting. We will call the meeting to order. I wanted to start off just saying a quick thanks to Commissioner Dan McKiernan for the stewardship of the Board over the past couple of years. Thank you very much, Dan, for a great job.

I sort of watched you keenly over the past couple of years, because this is my very first board meeting that I'm Chairing, and so I offer that comment so that the folks out there can have a little patience with me as I kind of get the hang of this. I've chaired a lot of technical groups, but never a board meeting before.

I'm sure it's a bit different. I just ask for a little patience. With that, why don't we get rolling here?

APPROVAL OF AGENDA

CHAIR McNAMEE: We have been issued an agenda; let's take that up as our first order of business here. To the Board, are there any modifications to the agenda as it was published? Please, raise your hand. Go ahead, Pat Keliher.

MR. PATRICK C. KELIHER: I will have an item under Other Business regarding the tracker addendum. It will only take a minute.

CHAIR McNAMEE: Thank you, Pat, and I have noted that. We'll take that up under Other Business. Any other modifications to the agenda? Please, raise your hand. Pat, I'm going to go ahead and put your hand down, just so I can keep track. Okay, seeing no other

modifications, are there any objections from the Board to approving the agenda as modified?

Please, raise your hand. Seeing no hands, we will call the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR McNAMEE: Let's move on to the minutes. We then issued minutes from our last meeting to the Board, are there any modifications to the minutes from our last meeting, any additions, edits, deletions, anything of that nature? Please, raise your hand.

MS. CAITLIN STARKS: Just one point of clarification, Mr. Chair. Today you have the minutes for both the October and December meetings.

CHAIR McNAMEE: Oh, sorry, I missed that there. Just to clarify, we have two sets of minutes. That's why the proceedings were so long. Any modifications from anyone for either October or December, those board meetings, please raise your hand. Seeing no hands, we will call the minutes from October and December, 2021, oh sorry, I should back up. I didn't see any modifications, so is there any objection to approving the minutes from October or December, 2021 from anyone on the Board? Seeing no hands, now we will call those minutes approved.

Thank you all very much, got through the first two things. Let's move on to the bulk of the agenda here. We are going to get into a discussion on Addendum XXVII. What we're doing with this agenda item is we are going over the draft. Caitlin will give us a presentation on the Draft Addendum.

We will then take some time for any questions that folks have. Then we will take any comments from the Board, or any modifications. But the goal with this agenda item is to approve the Draft Addendum for public comment. With that, Caitlin. Sorry, I'll be sure to make some time for, well actually, maybe I'll do that here, since it is on the agenda.

PUBLIC COMMENT

CHAIR McNAMEE: Any public comment before we get into the agenda? This would be for items not currently on the agenda. Any public wishing to offer anything to the Board before we begin our deliberations on Addendum XXVII? Please, raise your hand. I'll let the pause get a little bit more uncomfortable just to make sure.

Okay, I don't see any hands. I will offer the public opportunities to comment on the agenda at various times during the meeting, so rest assured you will have other opportunities. All right, so with that I am going to turn it over to you, Caitlin, to give us a presentation on Addendum XXVII.

MS. STARKS: I believe the presentation should be showing.

CHAIR McNAMEE: I see it.

CONSIDER DRAFT ADDENDUM XXVII FOR PUBLIC COMMENT: INCREASING PROTECTION OF SPAWNING STOCK IN THE GULF OF MAINE/GEORGES BANK

MS. STARKS: As our Chair indicated, I'll be presenting on Draft Addendum XXVII on Increasing Protection of the Spawning Stock in the Gulf of Maine and Georges Bank. In my presentation today I am going to cover the background on this action leading up to this meeting, the objective of the Addendum, the proposed timeline for the action, and then I'll go into the details of the proposed options, and then wrap up with the Board's action for consideration today and next steps.

The Board initiated Draft Addendum XXVII originally in August, 2017, in response to concerns about decreasing trends in Maine Larval Settlement Survey, and the potential that those trends would foreshadow future declines in recruitment and landings. At that time the Addendum objective was to increase the

resiliency of the Gulf of Maine and Georges Bank stock by standardizing management measures across the lobster conservation and management areas, or LCMAs within the stock.

However, Draft Addendum XXVII was put on hold for a few years, as the Board had to prioritize work related to Right Whale risk reduction efforts, and then in February, 2021, after reviewing the 2020 benchmark stock assessment, the Board reinitiated work on this addendum, with a new motion that changed the focus of the addendum to consider a trigger mechanism, such that upon reaching of the trigger, measures would be automatically implemented to improve the biological resiliency of the Gulf of Maine and Georges Bank stock. Then since this Addendum was originally initiated, we've seen a continuation of the concerns that were noted in the 2015 stock assessment.

The settlement surveys over the past five years have remained below the 75th percentile of their time series, and since the 2020 stock assessment we have also seen declines in recruit abundance in the ventless trap survey and trawl surveys for the Gulf of Maine and Georges Bank stock. Again, these declines could be indicative of future declines in recruitment and landings.

Given this information, the Board had tweaked the focus of the Addendum with some additional guidance that instructed the Plan Development Team to change the objective from increasing resiliency to increasing protection of spawning stock, to frame the action as responding to continued signs of reduced settlement and recruit indices, and to make the primary goal to increase the overall protection of SSB, while also considering management options that are more consistent than status quo.

All that considered, the revised objective that the Board agreed on is given persistent low settlement indices and recent decreases in recruit indices, the Addendum should consider a trigger mechanism, such that upon reaching of the trigger, measures would be automatically implemented to increase the overall protection of the spawning stock

biomass in the Gulf of Maine and Georges Bank stock.

This is our current timeline for Addendum XXVII. Again, it was reinitiated in February, 2021. The PDT, TC and Board then met multiple times over the course of the year to develop the Draft Addendum document, and today the Board is meeting to consider Draft Addendum XXVII for public comment.

If the document is approved for comment today, then hearings could be held in March, 2022, and the Board could take up the Addendum for final action as early as May. With that I'm going to move into the proposed options in the Addendum. To address the stated objective, Draft Addendum XXVII considers management options that aim to increase the spawning stock biomass through gauge modifications, as well as some options to increase the consistency of measures within and across LCMAs within the stock.

For increasing spawning stock biomass, the PDT recommended options that would modify the minimum and maximum gauge sizes, based on Lobster Technical Committee advice that gauge sizes are the most likely of the existing biological management measures to have biological impact on a stock.

The Technical Committee analysis evaluated the impacts of different minimum and maximum sizes for the LCMAs within the stock, and found that increasing the minimum legal gauge size in LCMA 1 is projected to result in the largest relative increase in spawning stock biomass, compared to other gauge modifications. This is mainly because the Area 1 fishery is a much larger magnitude, and because the current minimum legal size in Area 1 is significantly below the size at maturity. Meaning there is more growth overfishing relative to other areas. Growth overfishing refers to the harvest of lobsters at sizes smaller than the size where their collective biomass and their fishery yield

would be the greatest, and when they still have a large scope for additional growth.

While growth overfishing is also occurring to some degree in other areas of the stock, the current management minimum gauge sizes in Area 3 and Outer Cape Cod, are much closer to the size at maturity. Additionally, landings from those areas only account for a small fraction of the fishery. Therefore, increasing the minimum legal size in Area 1 is projected to result in the greatest benefit to the spawning stock biomass.

Decreases to the maximum gauge size are also projected to have some minor impact. Specifically, decreasing the maximum gauge size in Area 3 should have a larger effect relative to increasing the minimum size in Area 3, and also relative to decreasing maximum size for the other LCMAs.

But it's still much less of an impact than increasing that minimum gauge size in Area 1. The PDT also recommended options focused on increasing the consistency of management measures, considering that the current disparities between areas create challenges for a stock assessment, because the LCMAs are not perfectly aligned with the biological boundaries of the stock.

They also cause issues for law enforcement, and hinder interstate commerce when a minimum size is different across the states. For reference, before I go into the proposed changes to the measures, these are the current measures for the areas within the Gulf of Maine and Georges Bank stock. As you can see, there are differences between each of these areas for pretty much each of the measures.

The proposed options in the document are separated into two issues. Issue 1 addresses the standardization of a subset of management measures within LCMAs and across the stock, and Issue 2 considers applying either a trigger mechanism or a predetermined schedule, to implement biological management measures that are expected to provide increased protection of the spawning stock biomass.

Under Issue 1, the two main options are A, status quo, or B, implementing some standardized measures upon approval of the Addendum. Option B has four sub-options to define what those standardized measures include: B-1 includes standardizing measures only within an area where there are current discrepancies, B-2 includes standardizing the v-notch requirement across areas, B-3 is to standardize the v-notch possession definition, and B-4 is to standardize the regulations for issuing additional trap tags for trap losses.

It's important to note here that these sub-options for Option B are set up like a menu, and the Board could select multiple sub-options. For more detail on each of the sub-options, B-1 would implement standardized measures within an LCMA, so the most conservative measure where there are inconsistencies between state and federal regulations, and this would result in the maximum gauge being standardized to 6-3/4 of an inch for state and federal permit holders, and the v-notch possession definition being standardized to 1/8 of an inch with or without setal hairs in outer Cape Cod. That means harvest would be prohibited for a female lobster with a V-shaped notch greater than 1/8 of an inch deep. If Option B-2 is selected, that would mean a standard v-notch requirement would be implemented for mandatory v-notching for all eggery in Area 1, 3 and Outer Cape Cod.

If Sub-Option B-3 were chosen, then a standard v-notch possession definition of 1/8 of an inch with or out setal hairs would be implemented for all of the areas in the stock. As a note, any jurisdiction could implement more conservative regulations. Then finally, with Sub-Option B-4, it would be that upon final approval of the Addendum regulations would be standardized across the areas in the stock to limit the issuance of trap tags to equal the harvester trap tag allocation.

That means that surplus tags would not be automatically issued to harvesters, but rather

extra tags would only be issued once trap tag losses occur and are documented. That was Issue 1, and now we're moving on to Issue 2, which focuses on implementing management measures to increase the protection of the spawning stock.

The proposed options under Issue 2 consider changes to the minimum and maximum gauge sizes, along with corresponding vent sizes for the LCMAs within the stock, and the PDT proposed measures specifically that are expected to both increase SSB and result in the minimum gauge size increasing to meet or exceed the size at 50 percent maturity for each area.

The vent sizes would also change according to the final minimum gauge size that's implemented in each area. The proposed measures were based on that Technical Committee analysis and the recommendations that projected the impacts of various gauge size combinations on the total weight of lobster landed, number of lobsters landed, spawning stock biomass and exploitation, and all of that analysis is included in Appendix B of the Draft Addendum document for reference.

There are two proposed approaches for implementing management changes to increase the protection of spawning stock. The first approach is taken in Options A through D, and that is to establish a trigger mechanism that would result in predetermined management changes being triggered upon reaching a defined trigger level, based on changes in recruit abundance indices. The second approach, which is defined in Option E, is to establish a predetermined schedule for future changes to the management measures.

The PDT included this option in addition to the trigger mechanism, as a proactive approach that would address the issue of growth overfishing by increasing the minimum legal size while the stock conditions are the most favorable. For more detail on the trigger mechanism, the proposed mechanism establishes either one or two trigger levels, based on recruit conditions and served in three surveys that were used in the stock

assessment reference abundance model for the Gulf of Maine and Georges Bank stock.

These indices are the combined Maine, New Hampshire, and Massachusetts Spring Trawl Survey Index, combined Maine, New Hampshire, and Massachusetts Fall Trawl Survey Index, and the model-based ventless trap survey index. Each management trigger is defined by a certain level of decline in the indices from an established reference level, which is the 2016 to 2018 average, and the percent declines in these indices are expected to approximate comparable declines in overall abundance of the stock, and the established trigger levels are related to the abundance reference points that were established by the Board. This is what the trigger index looks like through 2020.

The upper left panel is the combined index used for the trigger mechanism, and the proposed trigger levels considered in the Addendum are represented by the horizontal lines. The index is scaled to the reference levels. On the Y axis 1 represents the reference level, which is again the 2016 to 2018 average, and then the 4 proposed trigger levels are 17 percent, 20 percent, 30 percent, and 32 percent decline from that reference level.

A 17 percent decline in the abundance is proportional to a decline in the stock abundance to the fishery industry target abundance reference points, and a 32 percent decline represents the proportional change from the reference abundance level to the boundary between the high and moderate abundance regime.

All three other panels show the other individual indices that make up that combined trigger index in the upper left. To show you the relationship to the reference abundance, here is that model abundance curve from the stock assessment, and the dotted line up at the top is the fishery industry target reference point.

The dashed horizontal line is the abundance limit. The trigger levels in the Addendum were established to approximate declines in abundance with the 17 percent trigger being related to an abundance at the fishery industry target level, and the 32 percent decline approximating the abundance at the point where the abundance regime changed from moderate to high abundance.

These are the five options under Issue 2. A is status quo, no additional changes to measures. B is that gauge size changes would be triggered by a 17 percent decline in the trigger index, and then additional changes triggered by 32 percent decline. C is that the gauge size changes would be triggered by a 20 percent decline, and then additional changes triggered by a 30 percent decline.

D is a 17 percent decline would trigger a series of gradual changes in gauge sizes over several years, and then finally Option E considers changes to the minimum gauge size in Area 1 only on a predetermined schedule, as opposed to being triggered by the index. In the next few slides, I'll just go over each of those in more detail.

Under Option B, two triggers would be established based on observed changes in the indices of recruit abundance. The first trigger level would be a change in the index greater than or equal to a 17 percent decline from the reference level. When that trigger level is reached, the minimum gauge size for Area 1 would increase by 1/16 of an inch from the current size to 3-5/16 of an inch for the following fishing year, and all other measures would remain status quo.

Then when the second trigger level is reached, which would be a decline greater than or equal to 32 percent from the reference level, the minimum gauge size for Area 1 would increase again by 1/16 of an inch to 3-3/8 of an inch for the following fishing year, and in addition the maximum gauge sizes in LCMA 3 and Outer Cape Cod would decrease to 6 inches. The vent size in LCMA 1 would be adjusted once associated with the second trigger level, so the new vent sizes would be 2 inches by 5-3/4 of an inch rectangular, and 2-5/8 of

an inch circular. These vent sizes were chosen to maintain similar retention rates of legal lobsters, and protection of sublegal lobsters, and are also consistent with the current vent size used in southern New England for the same minimum gauge size of 3-3/8 of an inch.

Just a note here, whenever there is a change to the measures, I'm going to show it in bold in the table, and that will be consistent for the next couple of slides as well. Option C is identical to Option B, with the exception of the trigger levels. Under this option the first trigger point would be a 20 percent decline in the trigger index, and then second trigger point would be a 30 percent decline, as opposed to 17 and 32 percent in Option B.

The measures that would be implemented when each of these trigger levels is reached are exactly the same as for the last option. Option D considers establishing a trigger level, which upon being reached would initiate a series of gradual changes in gauge sizes. The minimum gauge size for Area 1 would increase in increments of 1/16 of an inch, and the maximum gauge size for Areas 3 and Outer Cape Cod would decrease in increments of 1/4 of an inch.

The first gauge change would be triggered by a 17 percent decline in the index from the reference level, and then after that first set of changes, incremental changes to the gauge sizes would occur every other year, as shown in the table. The vent size in LCMA 1 would also be adjusted only once, to correspond with the final minimum gauge size that is implemented in Year 5, and those are the same vent sizes as proposed in Options B and C.

Then finally, Option E is our alternative approach that instead of using a trigger mechanism, would establish a schedule for changes to the minimum gauge size in Area 1 only. Under this option the first step increases the minimum gauge size in Area 1 by 1/16 of an

inch to 3-5/16 of an inch for the 2023 fishing year.

Then two years later, the final adjustments would be that the minimum gauge size in Area 1 would be increased to 3-3/8 of an inch, and the vent sizes would also be adjusted corresponding to that final gauge size for the 2025 fishing year. In this option all of the measures in Area 3 and Outer Cape Cod would stay status quo.

Under any of these proposed options under Issue 2, the measures that are implemented for LCMA 3 would apply to all Area 3 permit holders, including those that fish in the southern New England stock. The PDT recommended this, as opposed to applying the measures only to the Gulf of Maine or Georges Bank portion of the stock for a couple of reasons. First, dividing up LCMA 3 into stock-specific areas would create a significant administrative burden, and it would further complicate enforcement.

Additionally, when previous addenda for lobster implemented measures to address the southern New England stock decline, those measures were also applied throughout Area 3, including the Gulf of Maine and Georges Bank portion. The PDT felt this was consistent with previous management action. That concludes my review of the proposed options, and I'll quickly just go over the Board tasks for today and the next steps. Today the Board's considering Draft Addendum XXVII for public comment. First, the Board has the option to make any desired modifications to the management options, and then it may consider approving the document for comment.

If the Board approves the document for public comment today, the next steps are to finalize and publish the Addendum for public comment, and get a schedule of public hearings together in the next month or so. Then in March we could start conducting state public hearings, then convene the Advisory Panel for their feedback, and finally the Board could consider the Addendum for final approval at its May meeting. With that I am happy to take any questions.

CHAIR McNAMEE: All right, thank you so much Caitlin, great job summarizing a lot of complexity there. Thank you for that. Let's start off with questions for Caitlin on the Addendum. Just a couple of quick notes. As folks raise their virtual hands, if you would allow me, I'll put them down, just so I can keep track of who I called on and I think it will go a little smoother than way.

I will go ahead and put your hands down for you, and just a quick apology. My office window is about five feet from I-95, so there is a lot of custom exhaust out there, which is pretty cool, except not when you're trying to run a meeting. Apologies preemptively if you hear any traffic noise. Okay, with that, let's get some questions on the board here for Caitlin. Go ahead and raise your hand if you have any questions. Okay, go ahead, Mike Luisi.

MR. MICHAEL LUISI: Yes, thanks, Caitlin for your presentation. Can you go back just a couple slides to Option E for me, please? Okay, I just want to make sure I'm clear and I have a question. For Option E here, did you say that there is no trigger that would require these changes that these changes would happen just over the course of time as a mechanism for increasing the spawning stock without any trigger?

MS. STARKS: That's correct. There is no trigger mechanism for this one.

MR. LUISI: Okay, so what was the Plan Development Team's rationale, if you can enlighten me on maintaining status quo for LCMA 3 and the Outer Cape Code area? The reason I ask is that all the other options include some form of a maximum, or some change in those areas. Was there particular rationale in this option for why everything outside of LCMA 1 was just maintaining status quo?

CHAIR McNAMEE: Response, Caitlin?

MS. STARKS: Yes, I can take a stab at it. The Technical Committee's analysis that looked at the gauge size changes and impacts they would have on the stock, showed that the impacts of changing the minimum size in LCMA 1 was definitely the greatest relative change to SSB. With the changes to LCMA 3 and Outer Cape Cod, you see a much smaller impact on SSB.

The PDT felt that it would be appropriate to include an option where those don't change and LCMA 1 does. I think generally they wanted to kind of provide another alternative. There was some disagreement between PDT members about how much changing the maximum size in LCMA 3 and Outer Cape Cod would really do. Some folks wanted to include an option where there was not recommended changes for those areas.

MR. LUISI: Okay, that makes sense, thank you, Caitlin.

CHAIR McNAMEE: All right, thanks for that. Next up I have Dan McKiernan. Go ahead, Dan.

MR. DANIEL MCKIERNAN: Yes, thanks. If I could follow up to Caitlin's comments for Mike Luisi's edification, it would be that at least in my mind, one of the reasons that that was proposed, I think is that during the southern New England conservation measures over the last like, let's say 10 years, which included a gauge increase for Area 3, but also trap reductions.

Those were applied to all vessels in Area 3, regardless if they were fishing primarily in the Georges Bank/Gulf of Maine stock or southern New England. I think that was part of the rationale for leaving Area 3 slightly harmless, in terms of some of the conservation measures.

MR. LUISI: Okay, thanks, Dan. I appreciate that.

CHAIR McNAMEE: Yes, thank you for that, Dan. All right, any other questions for Caitlin, before we move into Board discussion? Dave Borden, go ahead, Dave.

MR. DAVID V. BORDEN: I guess my question is on the organization of the options, and how we can mix and match these options after the hearings. I can envision a couple of scenarios, and I can give you examples if needed, where when we come back from public hearing, elements of the industry either Area 1 or possibly Area 3 or the Outer Cape are going to recommend a different arrangement of options.

I want to make sure that we all have the same interpretation of the options and flexibility that we have to rearrange these things. Just so I'm clear. For instance, I can see a scenario where we come back and some elements of the industry want to pick Option 3, which is the 20 percent trigger and 30 percent trigger, but then combine that with a portion of Option D, which doesn't recommend those triggers, it's only talking about 17 percent. The same thing also would apply.

A second example would be, I think we may have differences of opinion after the hearings on a maximum size. To me there is a range of maximum sizes in the document that goes from status quo to 6-1/2 down to 6-1/4 and 6 inches. I just want to make sure that all of us have the same interpretation that I do, that we can resort these options, as long as it's an option that's been analyzed, and put them into a package at the end of time. If somebody disagrees with that, I would hope they would speak up, and then we can discuss it further.

CHAIR McNAMEE: Thanks for bringing that issue up. First, I'll look to Caitlin to see if you agree with how David sort of proposed that, that these things can be mixed and matched to some degree. Then if other Board members have comments after Caitlin speaks, I would be interested to hear from you as well, so Caitlin, any response to what David offered?

MS. STARKS: Yes, thanks, Mr. Chair. I believe that David is correct. There could be some mixing and matching of these options after public hearings. Just to kind of outline the

boundaries, I guess, as I see them. For Option B, you have a 17 percent decline. That's the lowest level of decline that is used as a trigger level, so I think that would be your most conservative trigger level, and then your opposite of that would be your 32 percent decline that is the greatest.

Those are, I believe, the boundaries on trigger levels. Then for the minimum and maximum gauge size changes, I think what David said is also correct that the minimum gauge size, the most change that you would see in any of these options would be 3-3/8 of an inch for Area 1, and then for maximum gauge size I think 6 is the lowest maximum gauge size.

That would be as low as you could go for maximum size when you're mixing and matching. Then, I think to respond to the question about changing the trigger level for this type of setup with the incremental changes. Yes, I think as long as that trigger level is within what was analyzed, so 17 percent to 32 percent, then I think it's appropriate.

CHAIR McNAMEE: Awesome, thank you, Caitlin. I see Dan McKiernan has his hand raised. Go ahead, Dan.

MR. McKIERNAN: Caitlin, if I could ask for clarification. It seems to me that Option E is actually the most extreme measure, in terms of triggers, because there is no trigger at all. Option E actually kicks in those changes without any trigger being met. Then next in the degree, or on the spectrum, would be 17 and then it would be 20 et cetera.

I'm glad David Borden brought this up, because I think it's important for us as a Board to be comfortable with some kind of hybridization of final motions coming out of the public hearings come May, when we try to settle this. I know that in a related issue, this is kind of being debated at the Executive Committee about some black sea bass issues concerning appeals.

I think one of the issues that was raised by some of the members of the Executive Committee is to

whether or not it's appropriate for the Board to create these kind of hybrid outcomes, either before or after an appeal. I'm comfortable with, as David has described, having an outcome this May, where we could mix and match these, because all of these to some degree have a conservation basis. It's just there is different bins here or different mechanisms that we're looking at enacting. I'll stop there.

CHAIR McNAMEE: Super important point, so maybe just to kind of call it out overtly, and maybe look to Caitlin or Toni to offer comment. Between David and Dan's comments, I think what they're both implying is, you could end up in the end with a motion come May, that kind of mixes these things so the motion wouldn't have been explicitly one of these options, but might contain different elements of various options within them.

So far David and Dan have expressed comfort with that potential outcome. Dan raised the notion that this is sort of a larger discussion going on at the Commission. I wonder if Caitlin or Toni, are you comfortable with that interpretation, given these other things that are kind of going on at the higher Commission level?

MS. STARKS: Mr. Chair, I'm going to go ahead and defer to Toni on this one.

MS. TONI KERNS: Thanks, Caitlin. As long as there is a comfort level at the Board, there hasn't been any decisions made by the Commission that would impact how you have laid this out. It works for me, I'll let Bob speak up if he feels any differently. I will say that Pat Keliher also raised his hand while I was talking, so he may have an interpretation as well.

CHAIR McNAMEE: Okay, quick to Bob, if you wanted to offer anything first, and then I'll go to Pat.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Thanks, Jason. Yes, not a lot to add. I think the practice

at the Commission has been to allow any option to be selected in the final decision on an Addendum or Amendment or a new FMP that is within the range, that's the term we've been using, within the range of alternatives that have been taken out for public hearings.

There have been multiple instances where we've kind of mixed and matched, you know pick one trigger level from Column A, and the management measures from Column B, and you merge those together maybe in this example. I think it is within the bounds of what we've been doing historically, and relative to Dan's comments and your comments regarding the appeals discussion, and what's fair and what's not to be appealed, and what should be used there.

I think that is a discussion that is still unfolding, it will take place tomorrow morning. But you know I think part of that has to do with really not changing our process, as far as approving documents. It may impact down the road. You know if we take something out that following an appeal if something needs to be modified, then what happens.

You know is it more public comment, or are additional hybrid options fair game for resolving an appeal, and those sorts of questions. I think in this instance if the Board is comfortable with it, and I think we can make mention of that during public hearings, that there may be hybridization of these different options, then I think we're all set.

CHAIR McNAMEE: Okay, thank you so much, Bob, I appreciate that and I'll pass it over to you, Pat, go ahead.

MR. PATRICK C. KELIHER: Bob touched on it right at the very end regarding making sure that we're clear with the public during public hearings, that the potential of a hybridization approach could be made. I think that is going to be really important within the presentation. I also just want to flag.

I'm looking at Option E on the screen now, which would be the 2023 fishing year, and I'm not sure if

the PDT and staff have considered this, but if you're going to need new gauges, the idea that they are going to potentially be ready for a January 1, 2023 fishing year, if we're just going to go on a calendar year. It may be very difficult to actually have gauges ready and made by that time. We've talked to one of the manufacturers, and the lead time is fairly significant. I just do want to flag that. Not to mention that some states, including Maine right now, would have to go through the legislature to have any final changes to the minimum and the maximum. Again, want to flag that as well.

MS. STARKS: If I could respond, Mr. Chair.

CHAIR McNAMEE: Go ahead, Caitlin, thank you.

MS. STARKS: Thanks, Pat, for bringing that up. I think the timeline on this is definitely something the Board could modify, either now or at final action. This is kind of a template that the PDT put forward, in terms of the soonest they thought it could be put into place, but recognizing that the Board might have some preferences for changing those implementation years.

MR. KELIHER: Thank you.

MS. KERNS: Jason, just to follow up, and this is a question to Caitlin, I guess. Caitlin, it would be for the fishing year in 2023, correct, and so that doesn't start until early summer.

MS. STARKS: Correct.

MS. KERNS: It would be May 1, not January 1.

CHAIR McNAMEE: Is that right, Caitlin?

MS. STARKS: Sorry, yes, that is correct, it is meant for the fishing year.

CHAIR McNAMEE: Okay, that buys a couple of extra months there, okay. It's an important consideration, the sort of logistical elements, and we can, you know if somebody feels

comfortable enough thinking through that now, they can make comment on that during our deliberations here, or we could hold off and make adjustments when we're taking final action, so thanks for that, Pat. Dan McKiernan, go ahead, Dan.

MR. McKIERNAN: Yes, Caitlin, would it be valuable for the Board to hear from you about a forecast of when the Technical Committee turns the crank and sort of reveals the level of the index's relative reduction? I think that is kind of embedded in some of these proposals is that the TC is going to get together.

I believe late this summer, and are going to probably announce kind of like the Maryland, you know young of the year index comes out and everybody gets all jiggled up. The Technical Committee is going to combine all those datasets, and they are going to reveal a number. I think if a plan like this gets enacted, then that gives you sort of a lead time. Could you reveal that or talk about that in a little bit of detail?

MS. STARKS: Sure, thanks, Dan. My understanding is that this index could be updated by August each year. There is a chance that it could be earlier, depending on if states are able to get those data finalized from their surveys for the previous year. I do believe that the intention is to have that data available by August.

CHAIR McNAMEE: Thanks, Caitlin, sound okay, Dan?

MR. McKIERNAN: Yes, thank you.

MS. STARKS: I'll add that if Kathleen, our TC Chair feels differently, to please speak up. But I think that is what I recall from our discussion.

CHAIR McNAMEE: Yes, go ahead, Kathleen.

MS. KATHLEEN M. REARDON: I think that we actually talked that this could be available sooner than that, but it depends on when data can be checked. Each state agency has a different schedule

for that. But I thought that the conversation was more March/April, and it is really landings that is the problem that pushes it out to August. For these indices, I think that this data could be available sooner, but we have not talked about a specific deadline within the Technical Committee.

CHAIR McNAMEE: Okay, thanks for that, Kathleen. Any remaining questions from the Board before we start to move into comments and deliberation? All right, seeing no hands, we'll move into comments now, so now would be the time to offer any adjustments, any modifications, anything of that nature, which we could then vote on to modify the Addendum. Anyone with comments on the Addendum from the Board? David Borden, go ahead.

MR. BORDEN: I would just make the quick suggestion that all of these management options, we've got two different sections where we've got management options, and there should be a sentence that is very clear in each one of them that says something like, under any of these options that follow, state jurisdictions have the right to adopt more conservative regulations.

I know that is the intent, but we want the public to understand that they have that right to be more conservative. I would just point out the Maine maximum size is more conservative, and there is probably is going to be industry representatives that want to maintain that. Add a few sentences, please.

CHAIR McNAMEE: Okay, thanks for that, David. Looking to add sort of a caveat about the ability for a jurisdiction to be more conservative than set up in the FMP. Caitlin, I'll just ask the question. Is the comment okay to stand on its own, or do we need a motion to codify that?

MS. STARKS: I don't believe we need a motion, Mr. Chair, but I am, I guess want some clarification, because the way that these

options are set up, we recommended LCMA specific changes for the gauge sizes, and so I don't think it's the intention, please just clarify this if I'm not reading your question correctly. But I don't think it was the intention to implement something outside of what was recommended for each of these LCMA specific gauge sizes.

CHAIR McNAMEE: David, care to respond to that?

MR. BORDEN: Sure, Mr. Chairman. I'm just think this doesn't apply, well actually it does apply to Area 3, but it probably is more appropriate to Area 1. You've got a maximum size at 5 inches. Area 3 has regulations that are more conservative. You know if there are jurisdictions on the Board that want to have more conservative regulations, they should have the right to do it. That is all I'm saying.

MS. STARKS: Okay, I think I'm clear on that. We can add a sentence. But I believe that unless you state otherwise, that is the way our FMPs usually work, so we can make that clear.

CHAIR McNAMEE: Right, yes, I think it makes sense to sort of offer it explicitly, and then particularly as the public is looking at the information, they kind of understand that as well. Thanks for that.

MR. KERNS: Jason, I just want to clarify really quick, it's that a state would do that, it wouldn't be something that is applied to an entire LCMA, it would be applied via the state. It would then be a landing provision, because it wouldn't be a provision of the Commission.

CHAIR McNAMEE: Good point, I was assuming David meant state as well, but maybe that doesn't make sense for some of the areas, so David, does that make sense to you?

MR. BORDEN: That was exactly the context I was thinking of. A state would have the right to be more restrictive.

CHAIR McNAMEE: Great, thank you. Okay, other hands for comments on the Addendum. I am not, oh there we go, thank you, Dan, go ahead.

MR. MCKIERNAN: I just want to say that I tracked the progress of this document by listening in to both the Technical Committee discussions and the Plan Development Team. I want to commend them for the work, an especially how this is laid out in the final analysis. I think it's really clear. **I would move to approve Addendum XXVII for public comment, as drafted.**

CHAIR McNAMEE: Okay, let's give a minute to get that up on the board. Thanks for the motion, Dan.

MR. MCKIERNAN: We just decided we don't need to do anything with David's recommended language, except it will be inserted by consensus. **Maybe we can say as modified today or as drafted. It's up to you, Jay.**

CHAIR McNAMEE: Yes, just to make sure, to be a little perhaps persnickety here, maybe let's have that added, if it's okay with you, the motion as amended today.

MR. MCKIERNAN: That works for me, thank you.

CHAIR McNAMEE: Great, so we have a motion on the board, Dan McKiernan, is there a second? I see Pat Keliher is second. Actually, I should check. Pat, was your hand up to second the motion?

MR. KELIHER: Yes, I second the motion.

CHAIR McNAMEE: Great, thank you for that. All right, we have a motion on the board, it's been seconded. I'll go to you first, Dan. Anything in addition you would like to offer on behalf of your motion?

MR. MCKIERNAN: No, I think I stated it pretty clearly. I was really pleased with the efforts by both of those teams to produce the document we have in front of us today.

CHAIR McNAMEE: Awesome, thank you, Dan, and over to Pat. Anything to add to what Dan offered?

MR. KELIHER: I just want to mirror Dan's comments. Great job by staff, PDT and Technical Committee.

CHAIR McNAMEE: Excellent, very good. Let me go to the rest of the Board now. Are there any comments from other Board members? I've got one hand up. I'll call on Patrice McCarron. Go ahead, Patrice.

MS. PATRICE McCARRON: Thank you, Mr. Chairman, I wasn't sure if you were taking comments from the public. I just wanted to weigh in as an industry member, and I'm sure the Board is well aware of this. But this Addendum is going to come as a huge shock to the lobster industry, the Maine lobster industry in particular.

I think as everybody knows, we're coping with massive amounts of changes, big cuts due to the whale regulations. My question to the Board is, have you considered potentially waiting to see what the next round of whale regulations and cuts associated with those are going to be? I would assume we're going to see some significant effort reductions, which could actually contribute significantly to the goals of this Addendum.

Curious about that, and then if this does move forward, I would just say, in terms of the public hearing schedule. You are going to need to do a lot. Holding a couple of online webinars is not going to cut it. People are going to be really shocked, really upset. Fishermen are going to want to weigh in, and it's going to be very difficult in this COVID environment. That would be really important to consider. Thank you.

CHAIR McNAMEE: Thank you, Patrice, I appreciate your comments. Maybe to venture a response to your initial question, and Caitlin can help me out if I'm off on this. But I think certainly all of the Board members are aware of all of the things going on with this fishery, with this industry right now. I think the intent at this point is to move the

Addendum forward, so that the public gets a chance to weigh in on it. Kind of synthesizing this document in amongst all of the other things going on in the fishery can occur. You know nothing would be finalized at the earliest until May, as laid out in Caitlin's timeline. I think there is time to sort of process what interactions there may be between this document and anything else going on. But the intent here today, I think, is to finalize this document and move it out to the public to get a crack at it. Caitlin, does that sound right to you?

MS. STARKS: Yes, I am in agreement with everything you said.

CHAIR McNAMEE: Great, thanks for that. Thank you, Patrice. There weren't other hands from the Board, so any of the public wishing to make a comment, please raise your virtual hand and I'll call on you. All right, not seeing, hopefully I've given enough time. It felt like enough time for folks to find their hand and raise it. I'm not seeing any hands.

We have a motion on the board, it's been seconded. One more chance for the Board to offer any remaining comments. Please, raise your hand. Not seeing any, why don't we take two minutes here to caucus, and then we'll go ahead and call the vote. Are you able to, Maya, put that little timer up, or whoever does that, so we can kind of keep track? That will be for two minutes. All right, two minutes to caucus, and then we'll come back to the Board.

Okay, our two minutes are up. Does anybody need any additional time? Please, raise your hand. Not seeing any hands. Why don't we go ahead and call the vote? Actually, first of all check with Toni or Caitlin. I'm feeling that there wouldn't be, it seems like folks are pretty much onboard with this. I was wondering if I can just call for objections, or is this one we need to do a full vote on?

MS. KERNS: You can just call for objections, if you would like to, Mr. Chair, it's fine.

CHAIR McNAMEE: Okay, thanks for that. All right, with that, are there any objections to the motion on the board? **Seeing no hands, we will consider the motion approved by consent.** Thanks everybody. Go ahead, Pat, I see your hand.

MR. KELIHER: You know Patrice brought up a really critical point, and I just want to make sure it is clear on the record. We know, from the Department perspective what kind of response we're likely to get from this, considering everything else that is going on within the whale world, not understanding if there is going to be any potential court intervention as we get into the early summer.

The Department is planning on holding extensive outreach on this particular addendum. Obviously, Coronavirus and its impacts are going to weigh heavily on in-person versus webinars, but we're going to do our best, depending on the status of the virus, to be able to try to at least have some in-person webinars, and then I think at least from my perspective.

I'm certainly not going to speak for the rest of the Board. If we were to see major changes coming forward from a whale perspective, as you say on effort or other things that would have an impact, directly related to what the intent of this Addendum is. I for one would want to make sure that this Board make sure we address that before we make any major changes, or make further changes in the future. Just want to make sure that was clear on the record from the state of Maine's perspective.

CHAIR McNAMEE: Thank you for that, Pat, appreciate it. Thanks everybody, that went pretty smoothly, so I appreciate that.

CONSIDER TERMS OF REFERENCE FOR THE JONAH CRAB BENCHMARK STOCK ASSESSMENT

CHAIR McNAMEE: With that I think we can move on to our next agenda item. This one is to Consider

Terms of Reference for the Jonah Crab Benchmark Stock Assessment. With that, Jeff, if you are out there in radio land, I'll turn it over to you.

MR. JEFF J. KIPP: Good morning, everyone, I'm Jeff Kipp, the Commission's Science staff working on Jonah crab. As the Chairman mentioned, I'll be going over terms of reference and a timeline for the 2023 Jonah crab stock assessment. A memo for this agenda item was included with meeting materials, and the memo included three components.

The first component is the Terms of Reference for the Jonah crab assessment. These are the TORs to be addressed by the TC and SAS during the stock assessment, which I'll present here in a slightly abbreviated format. The second component is the Terms of Reference for the Jonah crab peer review.

These are TORs to be addressed by the Peer Review Panel that reviews the stock assessment upon completion by the TC and SAS. These are essentially the same as stock assessment TORs, but directing the Review Panel to evaluate the TC and SASs fulfilment of the stock assessment TORs. For the sake of time, I won't cover these in the presentation.

Then the final component in the memo is the timeline of the assessment. I'll present this timeline with select milestones of interest to the Board following the stock assessment TORs. The objective of this agenda item is to consider the TORs and timeline for approval, so the TC and SAS can initiate the stock assessment.

For the first stock assessment TOR, TOR 1 is to characterize precision and accuracy of fishery dependent and fishery independent data used in the assessment. TOR 2 is to discuss the effects of data strengths and weaknesses on model inputs and outputs. TOR 3 is to develop simple empirical indicators of stock abundance, stock characteristics and fishery characteristics

that can be monitored annually between stock assessments.

TOR 4 is to develop models used to estimate population parameters and biological reference points, and analyze model performance. TOR 5 is to state assumptions made for all models, and explain the likely effects of assumption violations on synthesis of input data and model outputs. TOR 6 is to characterize uncertainty of model estimates and biological or empirical reference points.

TOR 7 is to recommend stock status as related to reference points. TOR 8 deals with other potential scientific issues to be explored in the assessment. These include compare reference points derived in this assessment with what is known about the general life history of the exploited stock, explain any inconsistencies, and a second sub-bullet of this TOR is to explore, identify, describe and if possible, quantify environmental climatic drivers. TOR 9 is dealing with minority reports. If a minority report has been filed, explain majority reasoning against adopting approach suggested in that report. TOR 10 is to developed detailed short and long term prioritized lists of recommendations for future research, data collection, and assessment methodology. Highlight improvements to be made by next benchmark review. Our last TOR for the stock assessment is to recommend timing of next benchmark assessment, and intermediate updates if necessary.

For the assessment timeline, we will be requesting data by the end of April of this year, and we will have a 2021 terminal year for the stock assessment. We'll have four workshops throughout the process. A data workshop focused on continued evaluation of the available datasets, a methods workshop focused on analyses and modeling approaches, to be pursued during the stock assessment. An assessment workshop, where the SAS will convene to review results of the assessment analyses, and then a peer review workshop to have the assessment reviewed by an external Peer Review Panel.

We will provide updates on the stock assessment progress at each ASMFC quarterly meeting throughout the assessment process, and then we anticipate presenting the assessment and peer review for management consideration at the 2023 ASMFC annual meeting. That concludes my presentation. I can answer any questions the Board has about the Jonah crab assessment.

CHAIR McNAMEE: Awesome, thank you so much, Jeff. Questions for Jeff on the Terms of Reference or the timeline for the Jonah crab assessment, please, raise your hand. I'll give folks a minute to think, and if you don't mind, Jeff, can you flip back to TOR 4? I was wondering as I was reading this one. You have, develop models used to estimate population parameters and biological reference points. I'm kind of wondering about that in the context of, you know what likely will be some data limited modeling approaches for this stock. Do you think the analysis team has enough flexibility here? Like, you might not be able to produce a biological reference point with some data limited techniques, more geared towards producing catch advice. Do you think you have enough flexibility in here for that situation?

MR. KIPP: I think we kind of left it open in a later TOR, when we mentioned characterizing uncertainty about biological or empirical reference points. Still to be determined whether we'll be able to come up with biological reference points, and whether it will be appropriate for Jonah crab, which is an issue we've run into for lobster in lobster assessments. But if we do find that we need to come up with empirical ad hoc type reference points, I think we will default to those type reference points, in place of biological reference points.

CHAIR McNAMEE: Okay, good, and I suppose the team could always just sort of answer the TOR by saying we couldn't, using this approach, and that's a fair response why it's justified. I appreciate that. Great, looking up at the board,

any Board members with questions, comments on the timeline or any of the Terms of Reference? Not seeing any, is there any members of the public? Sorry, give me one more minute, I'll come back to the public, Go ahead, Dan McKiernan.

MR. MCKIERNAN: No, I'm sorry, Mr. Chairman, I was going to make a motion, but I'll let you go to the public.

CHAIR McNAMEE: Okay, yes, give me one more minute. I'll know to go right to you, Dan. Anyone from the public wishing to make comments on the Terms of Reference of the timeline? Okay, not seeing any hands, back to you, Dan. Would you like to get a motion on the table?

MR. MCKIERNAN: Yes, I would. I would like to move to approve the Terms of Reference and the timeline for the Jonah crab benchmark stock assessment.

CHAIR McNAMEE: Okay, thank you for that, Dan. Got a motion on the board, do I have a second? I saw Emerson Hasbrouck's hand first, so Emerson, you get the second, assuming that's why you were raising your hand.

MR. EMERSON C. HASBROUCK: Yes, Mr. Chairman, I'll second that motion.

CHAIR McNAMEE: Excellent, thank you, Emerson. All right, so we've got a motion on the board to approve the Terms of Reference for the Jonah crab benchmark stock assessment. I think implicit, and that is comfort with the timeline as well, unless Jeff, you think you need something explicit for the timeline.

MR. KIPP: No, Mr. Chairman, I think that does it.

CHAIR McNAMEE: All right, so why don't we go ahead and do another, I think this will be another short caucus, but let's do a caucus nonetheless. I'll give everyone two minutes to caucus, and then we'll come back and take the vote. Two minutes please, Maya, thank you. Okay, I hope everyone had enough time to caucus.

Does anybody need a little more time, please raise your hand? With this one, again, I think we can just look for any objection, rather than going through a full vote. Are there any objections to approving the motion? Please, raise your hand.

Okay, seeing no hands, we will consider the motion approved by consent. Thank you all very much for that, and thank you, Jeff.

Pretty excited to see the Jonah crab assessment get underway. I think the team on that one is really strong, and I think it's such a unique species, and an important fishery, so it will be great to see that assessment get underway. Thanks for that, Jeff.

CONSIDER THE FISHERY MANAGEMENT PLAN REVIEWS FOR AMERICAN LOBSTER AND JONAH CRAB FOR THE 2020 FISHING YEAR

CHAIR McNAMEE: Okay, moving on, we will now go to Considering the Fishery Management Plan Reviews for American Lobster and Jonah Crab for the 2020 Fishing Year. Caitlin, I will pass it over to you for a presentation.

MS. STARKS: I was planning to start off with lobster and then go directly into Jonah crab, and take questions at the end if that's all right with you.

CHAIR McNAMEE: That sounds perfect, Caitlin. Thank you.

MS. STARKS: All right, great, so starting off with lobster. For a quick refresher on stock status this is the reference abundance curve for the Gulf of Maine and Georges Bank stock from the 2020 assessment. The stock status was determined based on the 2016 to 2018 average abundance, which is represented by that black dot at the top, and based on the recommended reference points, the Gulf of Maine and Georges Bank stock is not depleted, and overfishing is not occurring. Then for SNE we have a bit of a different picture from the 2020

assessment. The stock status for Southern New England is significantly depleted with abundance near all-time lows. However, according to the exploitation reference points, the Southern New England stock is not experiencing overfishing.

For commercial landings for lobster, we've seen a substantial increase over the last 40 years, with an all-time high occurring in 2016, near 160 million pounds, and landings have decreased a bit since then, and in 2020 the coastwide commercial landings were 121.9 million pounds, which is a 4 percent decrease from 2019 landings of 127.4 million pounds, and the largest contributors to the 2020 fishery were Maine, which is shown by the red line, and Massachusetts, shown by the yellow line with 80 percent and 14 percent of the coastwide landings respectively.

The ex-vessel value for all lobster landings in 2020 was 529 million. For recent management actions affecting state requirements, Addendum XXVI required harvest data to be reported at the 10-minute square level, and that went into effect January 1, 2021, and the states are required to implement 100 percent harvester reporting by 2023.

Then Addendum XVIII, which was approved in 2012, established a series of trap reductions in LCMA 2 and 3, with the intent of scaling the size of the SNE fishery to the size of the resource, and these trap reductions included a 25 percent reduction in Year 1, followed by a series of 5 percent reductions for 5 years for LCMA 2.

Then for LCMA 3, a series of 5 percent reductions over 5 years. I just wanted to note that the fifth and final year of reductions for LCMA 3 took place at the end of the 2019 fishing year, and affected the trap allocations for the 2020 fishery, and the last year of reductions for LCMA 2 took place at the end of the 2020 fishing year, and affects the trap allocations for 2021.

COVID-19 affected several of our regular surveys for lobster in 2020, so instead of presenting on the trends, I just want to quickly highlight those surveys

that were impacted by COVID. Four surveys were not completed due to COVID-19, including the Spring Maine/New Hampshire Trawl Survey, the Spring and Fall Massachusetts Trawl Surveys, the Spring and Fall Long Island Sound Trawl Surveys, and the New Jersey Ocean Trawl Surveys.

The Plan Review Team noted a few minor issues in their review of the state compliance reports for lobster. In particular, in 2020, Rhode Island, New Jersey and Connecticut did not complete the required 10 fishery dependent monitoring sea report sampling trips. Rhode Island completed 9 out of 10 sampling trips and no sea sampling trips. Then at-sea observer trips were suspended in New Jersey for 2020, due to the COVID-19 pandemic.

No fishery dependent sampling has been conducted by Connecticut since 2014 due to reductions in funding and staffing levels. Other than this, all states appear to be in compliance with the requirements of the FMP. For de minimis requests, Delaware, Maryland and Virginia have requested continued de minimis status, and all three states qualify with their most recent two-year average of commercial landings being under 40,000 pounds.

This final slide summarizes the PRTs additional recommendations. First, the PRT recommends that the Board review the monitoring requirements for the Southern New England stock, given that stock status is depleted, and the difficulty of obtaining sea sampling trips, as well as a need for sampling in federal waters. The PRT also recommends the TC discuss how to present the state index information and the annual compliance reports to give a more detailed resolution of adult and juvenile abundance, and size composition of the stock.

Lastly, the recommendation is that the Board engage with the Committee on Economic and Social Sciences, to consider what socioeconomic data are available to develop metrics that could be used to characterize changes in the fishery.

Next, I'll go into the Jonah crab FMP review for 2020 fishing year.

In 2020, landings for Jonah crab along the Atlantic Coast totaled approximately 13.5 million pounds, which is about a 15 percent decrease from the 2019 total of 16 million pounds, and the ex-vessel value of Jonah crab landings in 2020 was 11.2 million, which is about a 14 percent decrease from 2019.

The states of Massachusetts and Rhode Island were the largest contributors to landings once again, it's 61 percent and 24 percent respectively. The status of the stock for Jonah crab, as we just discussed, is unknown, and there is not a coastwide stock assessment. However, today the Board approved those TORs, so we will have that assessment underway, and it should be completed in the fall of 2023.

Jonah crab are surveyed using many of the same surveys as lobsters, so those surveys that I listed for lobster that were impacted by COVID-19 were also impacted for Jonah crab. Then in addition there is the Spring and Fall Northeast Fishery Science Center Bottom Trawl Survey, which was not conducted in 2020.

For state compliance, the PRT noted that New York has not implemented all of the required measures in the FMP. To date New York has not implemented regulations to limit the directed trap fishery to lobster permit holders only, and the 1,000-crab bycatch limit for non-lobster trap and non-trap gear.

This has been brought up for several years. New York has previously indicated that they are unsure how long it will take to get this legislation revised to implement the provision, but in practice the fishery is already operating with these conditions. Then just another note, the PRT has noted that Massachusetts has been unable to meet the compliance report deadline for the past three years, and I apologize for the street noise.

Delaware, Maryland and Virginia have also requested de minimis status for Jonah crab, and

they meet the requirements with their average commercial landings constituting less than 1 percent of the average coastwide commercial catch for the last three years. The PRT recommends approving these requests.

With those de minimis status, these states are exempt from fishery independent and dependent sampling requirements. These are the PRTs additional recommendations for the FMP review for Jonah crab. First, they once again noted the concern about the lack of Jonah crab regulations in New York. They also recommended that jurisdictions with crab only harvesters should report on the number and collective effort of those participants. Finally, they would like the Law Enforcement Committee to review compliance in the Jonah crab fishery, given it is relatively new, and there might be some things to learn there.

For lobster and Jonah crab FMP reviews today, the Board can consider approval of each document, along with the state compliance reports and the de minimis request for Delaware, Maryland, and Virginia. That is all I have, and I can take any questions.

CHAIR McNAMEE: Excellent, thank you, Caitlin. Let's start off with questions, and then I think we'll sort of address the two fisheries separately with the motions, if that's okay. First, questions for Caitlin, please raise your hand. These questions could be for either Jonah crab or lobster. Okay, not seeing any hands, let's move to taking comments or any motions. Let's start with the lobster FMP compliance. Any comments or motions for lobster? I see Dan McKiernan, you had your hand up first, go ahead, Dan.

MR. MCKIERNAN: Just to clarify Massachusetts failure to provide compliance reports on time. I'll confess that for the last three years, actually the last two years, suffering from the combination of COVID related, you know people out, Cares related work, where we tasked our statistics program staff to devise

some pretty intense analyses about permit holders' eligibility, in order to give out the CARES funds. Then finally, the litigation that we were involved in went to trial over the summer, of us last year did take priority. But I do expect those reports will be more timely in the future.

CHAIR McNAMEE: Thanks for that, Dan, appreciate it. Next up I have Emerson Hasbrouck. Go ahead, Emerson.

MR. HASBROUCK: I was ready to make a motion for lobsters, does staff have a motion prepared, the lobster FMP review, yes, fishery management plan reviews?

CHAIR McNAMEE: It looks like they do.

MR. HASBROUCK: I move to approve fishery management plan reviews, state compliance reports and de minimis requests for American lobster for the 2020 fishing year.

CHAIR McNAMEE: Okay, thank you for that, Emerson. Motion made by Emerson, is there a second? Colleen, I see your hand is up, is that to make a second?

MS. COLLEEN BOUFFARD: Yes, Mr. Chair, I am happy to second the motion.

CHAIR McNAMEE: Great, thank you, Colleen. Seconded by Coleen Bouffard, thank you. We've got a motion on the board, a second. Emerson, do you wish to speak to your motion?

MR. HASBROUCK: No, I don't have anything to add, in addition to what was in the review. I think we're pretty well set on this.

CHAIR McNAMEE: Thank you, Emerson, Colleen, anything to add?

MS. BOUFFARD: No, I just thank the Plan Review Team for their work. I know it's a lot of information to sift through, and great job with the meeting this morning, Mr. Chair.

CHAIR McNAMEE: Thank you. Great, I had a hand up for a minute there, there it is. Cheri, please go ahead.

MS. CHERI PATTERSON: Yes, thank you, Mr. Chair. I have a question, maybe Caitlin can help me with this. Is the state of New York's noncompliance, would that be with this motion, or would that be with the Jonah crab motion?

MS. STARKS: I believe this motion is specific to lobster, so I think a separate motion would need to be made regarding Jonah crab.

CHAIR McNAMEE: That's why I split them up, Cheri.

MS. PATTERSON: Okay, thank you.

MS. KERNS: Jason, can I just ask Caitlin to read the states that are de minimis and have Maya include those states in the motion themselves, and then before you vote read it, if we have those states on record.

CHAIR McNAMEE: No, that sounds perfect, as long as it is okay with Emerson and Colleen.

MS. STARKS: Those states are Delaware, Maryland, and Virginia.

MR. HASBROUCK: That's fine with me.

MS. BOUFFARD: Me as well.

CHAIR McNAMEE: Great, thank you all for that, good modification there. Okay, so we have a motion on the floor that approves the fishery management plan review and approves the de minimis requests for American lobster. Why don't we just take a real quick moment to caucus, so let's just do one minute, but I want to make sure, just in case people have time to connect with their team mates, so one minute please, for a caucus.

Okay, minute is up. Hopefully you've had enough time to caucus. With that let's call the question, and maybe I'll try one more time,

unless Toni jumps in. Are there any objections to the motion that's on the board? Please, raise your hand. **Okay, seeing no hands, we will accept this motion as approved by consent.** All right, let's move on now to Jonah crab. Anyone wishing to make a motion or comments on Jonah crab. I see Pat Keliher, please, go ahead.

MR. KELIHER: I had a chance to talk to Jim Gilmore in New York this morning regarding the compliance issue with Jonah crab. It's clear that the state of New York has done their very best to make changes through their legislative process. But in this case the legislature, even though they've got through their committee work, they were not able to get a final vote.

In discussing this with Jim, he indicated that it may be beneficial to have the weight of the Commission behind him. I have a motion prepared, and staff has that if they would like to put it up. Before I read this lengthy motion into the record, I would just say that my plan is, if we get a second on this, is to actually table this motion to the August meeting, so New York has the ability to point towards this potential action later in the summer.

With that I would move that the American Lobster Board recommends to the ISFMP Policy Board, the state of New York be found out of compliance for not fully and effectively implementing and enforcing Section 5.1 Commercial Fisheries Management Measures of the Fisheries Management Plan for Jonah crab in Sections 3.1, and 3.2 of Addendum I to the FMP.

The state of New York must implement regulations to limit participation in the directed trap fishery to only those vessels and permit holders that already hold a lobster permit, or can prove prior participation in the crab fishery before the control date of June 2, 2015.

The state of New York must also implement the incidental bycatch limit of 1,000 crabs per trip for the non-trap gear and non-lobster trap gear. The implementation of these measures is necessary to achieve the goals and objectives of the FMP, and

ensure that the conservation of the species by preventing increased participation and landings in the fishery.

CHAIR McNAMEE: Thank you for that, Pat. We've got a motion by Pat; do I have a second? I saw David Borden's hand first. David, was that hand up for a second?

MR. BORDEN: Yes.

CHAIR McNAMEE: Great, thank you, David. We've got a motion on the board with a second. Pat, you already gave a pretty good lead in there. Did you want to add anything else?

MR. KELIHER: I don't want to add anything else, but it might be good to hear from the state of New York so it's clear on the record.

CHAIR McNAMEE: Yes, I see Jim's hand up as well, Jim hang on one second, I just want to check in with Dave Borden. David, anything on the motion before I go to Jim?

MR. BORDEN: Nothing, Mr. Chairman, thank you.

CHAIR McNAMEE: Thank you, David, and so Jim, you are free to make any comments.

MR. JAMES J. GILMORE: Okay, thanks very much, Mr. Chairman, and Pat. Just what I'll add is just simply an update on where we are and what we've done. Pat explained it pretty well. We did last year, and several years prior to this. The last year before the Legislature in New York for the 2021 session did bring it up. Senator Kaminsky did bring a bill forward that passed in the Senate. But for reasons unknown to us, the Assembly failed to adopt it. We did notify the Legislature again at the beginning of the '22 session a couple of weeks ago, and the Senate will take it up again, and the Assembly leadership we have talked with them, and they understand it a little bit better now. They've agreed to implement it this year, but again, through this we believe it would be completed,

if they follow through on this, by the summer of 2022.

At this point they completely understand the noncompliance motion, because we've been trying to get the Legislature to work on it. Again, they have committed to it, but I think it will be probably helpful to hear from the Commission's full body on it, so thank you.

CHAIR McNAMEE: Thank you for that, Jim, appreciate that. Hopefully this helps you move that case. We've got a motion on the board, it's been seconded. I'll give one more shot to the Board. Go ahead, Pat.

MR. KELIHER: If there are no more comments on the motion, Mr. Chairman, I would move to table until our August, 2022 meeting.

CHAIR McNAMEE: Okay, I did not see any other hands, so there is a motion to table this until the August meeting. Assuming I need a second there, Toni.

MS. KERNS: Correct, Jason.

CHAIR McNAMEE: Okay, looking for a second to the motion to table. Cheri, I see your hand raised, is that for a second?

MS. PATTERSON: Yes, it is.

CHAIR McNAMEE: Thank you, Cheri, so now we have a motion to table until the August, 2022 meeting. Motion made by Pat Kelisher, seconded by Cheri Patterson. Toni, am I okay to look for objection to the motion to table or do I need to call a vote?

MS. KERNS: I think you're okay with looking for an objection. I think that when you're going to a meeting that is not within this meeting, the correct Robert's Rule word would be move to postpone though, if that is okay with Pat and Cheri.

MR. KELIHER: It certainly would be all right with me, yes, that is a good correction. Thank you.

MS. PATTERSON: Yes, that is fine, thank you.

CHAIR McNAMEE: Okay, quick modification. Move to postpone until the August, 2022 meeting. Motion made by Mr. Keliher, seconded by Ms. Patterson. I'm going to go ahead, we're starting to get past our time here, so I'm going to go ahead and ask for any objections to the motion to postpone until August, 2022. **Seeing no hands, we will call this motion approved by consent.** Thanks for that. I think we still need a full motion for Jonah crab, is that correct, Caitlin?

MS. STARKS: Correct, to approve the FMP Review and compliance reports and de minimis requests.

CHAIR McNAMEE: **Okay, so we're looking for a final motion here to approve the Jonah crab FMP and the de minimis requests. Does anybody wish to make that motion? Cheri, thank you for that, Cheri.** Put that up on the board. Do we want to add the states in again here for the de minimis requests?

MS. STARKS: Yes, they're the same states, Delaware, Maryland, and Virginia.

CHAIR McNAMEE: Motion made by Cheri Patterson; do I have a second? Still not seeing a second, there we go, Roy Miller for the second, thank you, Roy. Any discussion from the Board on this motion, please raise your hand. Okay, seeing no hands, I'm going to be bold here and go right to the question.

Does anybody object to the motion that is on the board, please, raise your hand. Seeing no hands, we will call that motion approved by consent. Kind of clipping along here, and I see there is a question from a Board member, so Tom, I'm not sure if it's like a technical question or related to Jonah crab.

But if you want to raise that now, please feel free to jump in, Tom Fote. Okay, maybe it was something in the chat, wasn't a question for us.

REVIEW AND POPULATE THE ADVISORY PANEL MEMBERSHIP

Great, all right, thank you all for that and let's move on to our second to the last agenda item, which is to review and populate the Advisory Panel membership, and I will turn it over to you, Tina.

MS. TINA L. BERGER: Thank you, Mr. Chair. I have two nominations for your consideration and approval, Eben Wilson and Jeff Putnam, both commercial trap fishermen from Maine. Their nominations were provided in the original materials, and it is supported by the full Maine delegation.

CHAIR McNAMEE: Excellent, thank you, Tina. Does anyone want to offer a motion for the Advisory Panel? Pat Keliher, go ahead.

MR. KELIHER: I would move that we add Eben Wilson and Jeff Putnam to the Lobster Advisory Panel.

CHAIR McNAMEE: Okay, thank you, Pat, wait for that to get up. While that is put up on the board is there a second? Cheri, I saw your hand first. Was that for the second, Cheri?

MS. PATTERSON: Yes, thank you.

CHAIR McNAMEE: We've got a motion to approve the two Advisory Panel nominations. Moved by Pat Keliher, seconded by Cheri Patterson. Any discussion on this before I call the question, please raise your hand. Seeing none, I will call the question. Are there any objections to the motion on the board? **Seeing none, we will consider this motion approved by consent.**

OTHER BUSINESS

CHAIR McNAMEE: Thanks for that, and finally to, Pat had requested an item be added under Other Business, so Pat, whenever you are ready, please feel free to make your case.

MR. KELIHER: I will be brief, knowing that I'm standing in the way of lunch. The public hearings that I was able to listen into regarding the tracker addendum, I would say moderately well attended. But of those attending several good questions were raised regarding the technical nature of trackers, the need for staying at the dock or not staying at the dock if a tracker is not using. But in general, there are a lot of trackers. Then I had another follow up conversation with Ritchie White of New Hampshire about, does there need to be a delay.

(Whereupon the meeting adjourned at 11:47 a.m. on January 25, 2022.)

My feeling was, and we talked this through, is that we don't need the delay, but what might be very beneficial is if states would be willing to take any questions that were not well answered through the public hearing process, and send those into Caitlin, so the PDT could pull together answers prior to the special board meeting that is going to be scheduled for later this winter. That would be my suggestion, Mr. Chairman, that we all put together those questions and submit them to staff.

CHAIR McNAMEE: Awesome, thanks, Pat. The suggestion is, if questions are coming up on the tracker action, please get those in early so that we can try our best to keep this on track. I think that is good advice. Does anybody wish to make a comment on that? Okay, seeing no hands, it sounds like people liked your advice, Pat, I do as well, so thanks for that.

ADJOURNMENT

CHAIR McNAMEE: With that, I think we have come to the end of the agenda. Sorry about running a little long. My stomach is grumbling, so I think we should wrap up here, so is there a motion to adjourn? Motion made by Pat Keliher, is there a second? Seconded by Cheri. Any objections to ending this meeting and going to lunch? Seeing no hands, we will adjourn the meeting. Thank you all very much, really appreciated your help on that. See you at the next one. Thanks everyone.